

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session
March 22, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:32 a.m., on Thursday, March 22, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Kirkpatrick, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblyman Harvey J. Munford
Assemblywoman Bonnie Parnell
Assemblyman James Settlemeyer
Assemblyman Lynn D. Stewart
Assemblywoman RoseMary Womack

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Rachelle Myrick, Committee Secretary



OTHERS PRESENT:

Nancy Samon, Private Citizen, Washoe Valley, Nevada

Gary Houk, Private Citizen, Washoe Valley, Nevada

Erik Holland, Private Citizen, Reno, Nevada

Carol Christensen, Private Citizen, Washoe Valley, Nevada

Robbin Palmer, Private Citizen, Washoe Valley, Nevada

Bill Naylor, Private Citizen, Washoe Valley, Nevada

Monika Frank, Private Citizen, Washoe Valley, Nevada

David Harrison, Private Citizen, Washoe Valley, Nevada

Susan Juetten, Private Citizen, Washoe Valley, Nevada

Cliff Low, Private Citizen, Washoe Valley, Nevada

Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning
Agency, Reno, Nevada

Nick Anthony, Legislative Relations Program Manager, Office of the City
Manager, City of Reno

John Hester, Community Development Director, City of Reno:

Rob Joiner, Government Affairs Manager, City of Sparks

Margaret Powell, City Planner, City of Sparks

David Howard, National Association of Industrial and Office
Properties, Northern Nevada Chapter, Reno, Nevada

John Slaughter, Private Citizen, Washoe Valley, Nevada

Adrian Freund, Community Development Director, Washoe County
Community Development, Reno, Nevada

Mike Alonso, Locnavar, LLC, Reno, Nevada

Arlo Stockham, Project Manager, Locnavar, LLC, Reno, Nevada

Mary Walker, Incline Village General Improvement District

Tina Nappe, Private Citizen, Washoe County, Nevada

Jim McGill, Citizens for Sensible Growth and the Rancho Haven Property
Owners Association, Red Rock, Nevada

David von Seggern, Private Citizen, Reno, Nevada

Marjorie Sill, Friends of Nevada Wilderness

Sandy McGill, Rancho Haven Residents for Sensible Planning, Red Rock,
Nevada

Craig Smyres, Private Citizen, Washoe County, Nevada

Pat Phillips, Private Citizen, Washoe County, Nevada

Sabra Smith-Newby, Director of Intergovernmental Affairs, Clark
County, Nevada

Chair Kirkpatrick:

[Called meeting to order at 8:32 a.m.]

Assembly Bill 160: Revises provisions relating to annexation by cities in certain counties. (BDR 21-848)

I invite Assemblywoman Parnell to come up and present her bill.

Assemblywoman Parnell, Assembly District 40, Portions of Carson City and Washoe County:

It is important to note that Assembly District 40 includes the Eastlake portion of Washoe Valley. I am pleased this morning to present Assembly Bill 160. This is a bill on behalf of my constituents. This bill is based on a simple concept. We all have the right to have a voice with regards to what happens in our own backyards, our neighborhoods.

Visualize your home. You have an open area behind it. This bill is about whether or not you have the right to have a say in what happens to a land area that abuts your property. I share the belief that people should have the opportunity to voice their opinions, concerns and support for proposed changes to their neighborhood.

As a former school teacher and as an elected official, I have encouraged students and members of the public to become involved in the political process. I am sure when you speak to groups of people every one of you carries that message with you.

Sections 1 through 4 of A.B. 160 delete the authority of local governments to transfer responsibilities of annexation from the Annexation Commission to the Regional Planning Commission. State law says there will be an Annexation Commission, but it also gives the authority for that Annexation Commission to form an interlocal agreement and transfer their responsibilities to the Regional Planning Commission. This bill would delete the ability to transfer the authority of annexation decisions to that commission.

The bill revises the membership of the Annexation Commission. It allows for more transparency in matters of annexation. Annexation is far too important to have it bundled with other major issues facing a community.

My proposal also adds a public member to the Annexation Commission.

In sections 5 through 8, which references voluntary annexation, it expands the noticing requirement for proposed annexation and the ability to protest of persons outside of the area of annexation. Outside the area of annexation would be those properties that abut that area.

Section 9 in the bill references voluntary annexation. It adds notice to owners of real property outside of the area, and allows for public hearings. This bill encourages responsible sustainable growth with input presented on such things as quality of life, infrastructure needs, and flooding problems.

Who knows an area better than the people who live in it? Who knows what areas are vulnerable to flooding or other concerns? Who knows about traffic issues or infrastructure needs? The people who live there do, but too many times they are shut out of the discussion. This bill intends to insure we have input from the people who know that particular area the best.

I have presented amendments on behalf of the City of Reno ([Exhibit C](#)). The amendments reduce the noticing area to 750 feet or 30 separately owned parcels. The City of Reno has a concern about such a large area of certified mail being sent out. The amendment reference is changing it to first class mail, which greatly reduces the fiscal impact of the bill.

Bodies making decisions on annexations have a great flexibility in how they approach the annexation of land as there are very few specific requirements regarding how they annex. This bill will not take away the ability of local governments to annex land. This bill gives a stronger voice to the owners of real property located near but not within the annexation area. The bill has been revised from its original form to reduce the notification area and to make it more amenable to local jurisdictions.

The notice requirements prior to an annexation hearing in front of the governing board are increased. This increases the openness of annexation proceedings. It needs to be clear to every one in this room that this bill is in support of an individual's right to have a say in the process. It is not meant to be an anti-city, an anti-county, or an anti-development bill.

Nancy Samon, Private Citizen, Washoe Valley, Nevada:
[Spoke from prepared statement ([Exhibit D](#)).]

Gary Houk, Private Citizen, Washoe Valley, Nevada:

I am here today to ask for your support for A.B. 160.

We have found that voluntary annexations are usually for the purpose of the property owner to gain greater densities. The forum for voluntary annexation exists within the city councils. The unincorporated area residents are discounted in this process because they are supposedly unaffected, even when annexation causes an impact of regional significance.

Notification provided for A.B. 160 would join more citizens in the process and give them an equal voice.

Nancy Samon:

I have a map of Southern Washoe County ([Exhibit E](#)). It will give you a picture of how annexation has occurred, especially under the voluntary process within Washoe County.

Chair Kirkpatrick:

Is it possible to get more copies of the map so we can distribute it to the Committee and have time to discuss it?

We are going to start with those in favor of A.B. 160.

Erik Holland, Private Citizen, Reno, Nevada:

It is music to my ears to hear Assemblywoman Parnell talking about a process in which the people that know the land best have a bigger voice. We have had some interesting scenarios with annexation in the Reno area in the past few years. I have a map that illustrates one of these in the Cold Springs area ([Exhibit F](#)).

It concerns me that with the current annexation law it seems that a developer buys a property and finagles a way to get it annexed into the city to have higher density. While higher density is an important goal for infill and for saving more open space, there needs to be more of a public process.

I fully support A.B. 160 and appreciate the fact that Assemblywoman Parnell has moved it forward.

Carol Christensen, Private Citizen, Washoe Valley, Nevada:

[Spoke from prepared statement ([Exhibit G](#)).]

Robbin Palmer, Private Citizen, Washoe Valley, Nevada:

I support A.B. 160 for the reasons that have already been stated. It is important for the people that live on the land to have a voice.

There is such cynicism about people who feel they do not have a voice in what happens to their communities and to their land. I support this bill to let the people have more of a voice in what happens.

Chair Kirkpatrick:

Do any of the Committee Members have questions?

Bill Naylor, Private Citizen, Washoe Valley, Nevada:

I agree with the comments that have been made. I thank Assemblywoman Parnell for clearly stating the issue.

The citizens were very much opposed to the annexation of Verdi and Cold Springs. The citizens of Cold Springs went to court to try to stop it, but they were told by the Court they had no standing. We are here today to get the *Nevada Revised Statutes* (NRS) changed to give the citizens some standing in the matter of annexation that happens next door to them.

I understand the need to, from a fiscal point of view, limit the amount of notification. Seven hundred fifty feet out in a rural area probably is not far enough to involve an adequate number of citizens. Maybe that should be looked at and expanded. When you get into the rural areas where you are on 5, or 10, or 40 acre parcels, 750 feet does not get very many citizens involved.

I adamantly support A.B. 160. It is a change that is needed to get the citizens involved.

Monika Frank, Private Citizen, Washoe Valley, Nevada:

I grew up in Carson City and have been a resident of Washoe Valley for over 20 years. I support the bill that Bonnie Parnell has presented. I do not want to lose my lifestyle.

David Harrison, Private Citizen, Washoe County, Nevada:

I would like to support A.B. 160 and thank Assemblywoman Parnell for introducing it.

Our founding father's paraphrased definition of freedom is you can do pretty much what you want as long as you do not interfere with the rights of others. The only problem with our current situation is that freedom flows only one way when there is not true representation or a citizens' ability to protest.

Chair Kirkpatrick:

Does anyone have any questions?

Ms. Parnell, did you want to clarify your amendment on the 750 feet or the 30 parcels?

Assemblywoman Parnell:

Note that it was 750 feet or 30 separate properties. It is not just if it was 750 feet, and no one was in that area. There is an "or" in this that protects the closest homeowners to the area of annexation.

Assemblyman Goicoechea:

In some portions of rural Washoe County, which I represent, 30 adjacent property owners could be out 100 miles.

Assemblywoman Parnell:

We took that terminology, 750 feet or 30 properties, from existing language currently used by the City of Reno.

Assemblyman Goicoechea:

In the northernmost reaches it could be a lot of parcels.

Chair Kirkpatrick:

Does anyone else have questions?

Susan Juetten, Private Citizen, Washoe County, Nevada:

I live in unincorporated Washoe County.

When it became clear to me, as a rural property owner, what the implications of not having the protections this bill proposes, I became more grateful since voluntary annexation is becoming common in our county.

I live in a perimeter area of the county and am concerned that without representation, large land owners, with whom I share a border, could conceivably go before the Reno City Council and develop city-type density in rural areas.

I read of an international study on the effect of urban encroachment on wild lands. I will quickly read the impacts that previously never occurred to me. They include fragmentation of habitat, water pollution, poor water quality, air pollution, waste disposal impacts of many sorts, human and wildlife conflicts, invasive species, increased fire regimes from natural, accidental, and intentional causes, criminal activity, and human predation on animal and plant life. I was

amazed to read that this is an international issue, and we are confronting it in our own backyards.

Chair Kirkpatrick:

Does anyone have any questions?

I have people that are signed in but do not want to speak. If you are in support of A.B. 160 and you want your voice to be heard you may now come up to the table.

Is there anyone who is neutral on A.B. 160?

Cliff Low, Private Citizen, Washoe County, Nevada:

I am in favor of A.B. 160 but I wanted to speak in a neutral sense. The provisions for notice refer to the property owners that are within 750 feet and the owners of the 30 required parcels, but in section 6, which talks about those that may file a written protest, it says "in the territory proposed to be annexed, or each owner within 750 feet, or the owners of the 30 separate parcels". It seems inconsistent that all people should be noticed. It says "or" for the other parts.

Chair Kirkpatrick:

We are going to have Legal clarify that issue.

Scott McKenna, Committee Counsel:

The reason that we use the conjunctive "and" in the first instance and the disjunctive "or" in the second instance is the first instance is for notice. The notice has to be given to the 750 feet band and the 30 closest parcels. The reason the next instance is "or" is that does not relate to notice. It relates to the ability to protest. Either can protest but both must get notice.

Chair Kirkpatrick:

I am not seeing anyone else in support or neutral on this. We are going to start with opposition of A.B. 160.

Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency:

I am speaking in opposition to A.B. 160. I represent the Regional Planning Governing Board that has actually taken action to be in opposition of the bill. I would like to give you some insight into why they have taken that position.

The first reason is they feel the existing system is working. There are provisions in there for notification, and they feel that the use of the Regional

Planning Commission as the Annexation Commission provides the most expedient fashion in which the issues of annexation can be addressed. They do not feel that there is a need to establish a new system to do something that is already in place.

The second thing that the board asked me to do on their behalf was to meet with Assemblywoman Parnell about the core issues that are necessitating her to bring forward this particular bill. One of the questions to the Assemblywoman was who is making development decisions in these rural areas, and what are those decisions? The response that I received was it is not a matter of who is making the decision, it is more of a concern of what type of development was being approved in these rural areas. The mere fact of annexation changes who makes the decisions, not what decisions are made in terms of the type of development that can be approved.

In terms of how our regional plan addresses what happens on the ground, and what would actually happen if annexation occurred, it also applies to the voluntary annexations that you have heard about. The regional plan, which is a result of NRS Chapter 278, requires the governing board of the Regional Planning Commission to establish land use at the regional level. The local governments must abide by that when they prepare their master plans.

The regional plan has a concept called the service area. If you are in the service area, you can do certain kinds of development. If you are outside the service area, your decisions are limited. It does not matter which jurisdiction that applies to. It is across the board. Washoe Valley is outside of the service area. There are policies in the regional plan which limit the type of development that can occur ([Exhibit H](#)). It states that a local government may not allow the division of property to create parcels less than five acres. That means that you cannot have what would be classified as urban-type development in the rural areas. That applies to the county, it applies to Washoe Valley, and it applies to all of the other rural development areas in the regional plan in Washoe County.

If one of the cities chooses to annex property through voluntary annexation outside the service area, it does not allow the city to intensify that property. The rural development area policies in the regional plan still apply. The mere fact of annexation does not change what happens on the ground. If an area is outside annexation areas, the regional plan still applies. Developments in the county outside the cities are still required to be rural type developments. That is in the regional plan.

There was recent litigation and a settlement agreement over Reno's annexation program ([Exhibit I](#)). In documents that were agreed to by all three jurisdictions,

there are explanatory notes included that indicate the county will abide by the rural development provisions in the regional plan.

In east Washoe Valley there are very few parcels that can be further subdivided and if they are further subdivided they must be subdivided to a level that only allows one unit per five acres or larger.

Our position, again, is in opposition of A.B. 160.

Nick Anthony, Legislative Relations Program Manager, Office of the City Manager, City of Reno, Nevada:

The City of Reno stands in strong opposition to this bill as currently written. We have met with the primary sponsor on multiple occasions and I thank her for taking the time to meet with me and my staff. It has been represented that there were amendments submitted by the City of Reno. Those might have been submitted by the City of Sparks, just for clarification. Reno submitted several pages of concerns to Assemblywoman Parnell on the bill itself, but we did not submit formal amendments that I have seen.

The city is concerned about annexation. It has been a long-standing controversial and emotional issue. We appreciate the opportunity today to delve into some of the details and hopefully clarify some of those misunderstandings.

John Hester, Community Development Director, City of Reno, Nevada:

There are two types of annexation. On page 2 of the handout, the first type of annexation, NRS 268.636, is the type initiated by a majority but not necessarily all of the property owners or the city ([Exhibit J](#)).

It must be in our sphere of influence, which is in the regional plan Ms. Coombes talked about. It must be in our annexation program, which must be certified by the Regional Planning Commission. If the Regional Planning Commission disapproves, it cannot occur. It cannot occur over protest of 50 percent of property owners or 50 percent of the valuation. There is an ambiguity in State law on whether it needs to be contiguous or not. That is a subject in A.B. 287 later.

The City of Reno has not, since 1999, initiated an annexation under this process. Nor have we had any property owners use this process. We have not since 1999, annexed any existing residence in the unincorporated area.

The second process on page 3 is what is called NRS 268.670 annexations. In the statutes it is outlined or listed as an alternative to the NRS 268.636

process. It can be initiated only if 100 percent of the property owners want to do it and if they are contiguous to the city.

An important point that Ms. Coombes made is neither one of these annexation processes changes the development entitlement. You have heard a lot of concern about wildlife habitat, flood areas, and what development happens next to me. Neither of these annexations processes changes what development entitlement happens. That happens through a separate and very lengthy process with a number of public hearings, starting with a regional plan amendment on the service area, facility plans, and in the case of a city or a county, a master plan amendment, in case the city's zoning changes in that actual process. None of that is addressed and changed by this proposed bill.

In Washoe County we have had extensive experience in court with settlement agreements on this subject. In the early part of this decade there was a case on NRS 268.670. The District Court upheld our ability to annex using the alternative procedure, the NRS 268.670 procedure, even though it was not in our sphere of influence or in our annexation program.

In the 2002 Regional Plan Update the plan was taken to District Court and ended up with a settlement meeting. We held a number of meetings under now Supreme Court Justice Hardesty, then District Court Judge Hardesty. It recognized the NRS 268.670 process. That was one of the key things to the cities in settling. It also included guidelines for annexation programs.

When the City of Reno prepared its annexation program, the county used those guidelines to protest our annexation program. We then went back before District Court and had another series of settlement meetings. The City of Reno withdrew its annexation program.

We came up with a formula to determine how much land area each of the jurisdictions, the county and the two cities, would get in their sphere of influence or service area. It required us to amend the regional plan to reflect those changes.

Page 6 lists some of the amendments that were adopted as a result of that settlement agreement.

Our sphere of influence and service area were adopted into the plan. We agreed that Reno would grow north toward Winnemucca Ranch and not south to Washoe Valley even though we had significant public land to the north. It was a concession we made that was strongly pushed by the Washoe County Commission. Sparks agreed to predominately grow to the north and east. We

allowed the county to have higher densities if they wanted to through their planning process. We would collaborate on the lands bill.

Most importantly, we agreed to come to you to get clarification on noncontiguous annexation, A.B. 287. I want to make it clear that it applies only in areas where there is regional plan jurisdiction. It would not apply anywhere except in parts of Washoe County subject to regional planning.

Turning to page 7, it is important you understand all of the thought and analysis that went into developing these numbers and these areas that have been included in our annexation, our sphere of influence, and our service area.

These numbers are for Reno. Our historic population growth is shown. From 1980 to 2000 it was 4,000 per year. For the first four years of this decade it was 5,000. Our current population is 200,000. If you put 4,000 on top of 200,000, that is a 2 percent growth rate. When people talk about significant growth, 2 percent is not like the growth southern Nevada has seen.

Our forecast shows us growing at 4,800 per year, which is between 2 and 2.5 percent. It is clear that we are not talking about the significant growth numbers you have seen in the southern part of the State.

We then try to figure out how much land we need. To do that we have to determine the density or how many people per acre there are. We benchmarked ourselves against other jurisdictions that happen to be developing with a lot of infill and rapid transit.

On page 8 you will see a comparison of Reno and Sparks to a number of jurisdictions around the country that have light rail, bus, rapid transit, those kinds of things. You can see that Sparks and Reno fit into that category. The density or the amounts of people per acre we are talking about are in a low density sprawl. It is a level of density adequate to do infill and rapid transit, which is in our regional plan.

Turning to page 9, you can see how we took Reno's population projection, used the four people per acre, and figured out the land area needed, 15,600 acres. We took how much land was in the city, the city's sphere of influence, and how much we needed based on that population projection. That is how we came up with our need.

Listed on page 10 are the actual properties we added as a result of that settlement agreement regional plan amendment. The areas we added get us 55 percent of what we need over the next 25 years. One of the reasons is

Truckee Meadows, Reno, Sparks, and Washoe County have significant public lands forest serviced on the west and the east sides. To the north we have Bureau of Land Management (BLM) lands. We run into public lands. We run into land constraints much like southern Nevada does. In our case what happens is people leapfrog development and go to Fernley, Storey County, Dayton, Fallon, and places like that. We think, in the more global perspective, it makes sense to look at having some of those lands disposed of so that we can grow closer to home.

The map on page 11 shows the areas where we are planning to grow. You can see in our adopted plans, 35 percent of our growth is targeted for infill areas. Sixty-five percent is in the sphere of influence. I would like to point out the crosshatched area in the top-middle of that map is future service areas. That is all public lands. That is the majority of our growth area and will require public lands disposal for the City of Reno to grow. We are planning on that happening post 2030. Those are the kind of constraints we have and that is why we are looking at the lands we have selected.

The cities and the county are cooperating after two court cases, two settlement agreements, and these jointly-adopted regional plan amendments. Our cooperation is based on all of us having the opportunity to expand an agreement on which areas cities will and will not grow into. We have agreed not to grow into Washoe Valley using the existing regional planning and annexation processes.

Making annexation more difficult will provide developers an incentive not to annex or to go to one of those areas further out. From the perspective of those of us who have been in the middle of these negotiations and settlement agreements, it will undo the balance and the settlement.

We oppose removing the option for the three local governments to enter into an interlocal agreement and ask our Regional Planning Commission to review annexations. Annexation is an integral part of the regional plan. The sphere of influence is determined in the regional plan, and we think separating that out does not make any sense. That is an interlocal agreement option that should be available to the cities and the county. Assemblywoman Parnell's proposal gives the county two votes for every one for the city in our case and we do not see why that voting membership needs to be tilted in that way.

A property owner, who is not either the city or the property owner applying, can stop the process by protest. We oppose the process of property owners, other than those who want to voluntarily annex, being able to stop someone

from voluntarily annexing. We oppose the process of voluntary annexation being referred into contiguous annexation if there is opposition.

We already do the 750 feet notification and support that being added to the statute. Development is a separate process from annexation. In most cases within Washoe County, Reno, or Sparks, the first thing you have to do is amend the Truckee Meadows Regional Plan Service Area. That involves a public hearing before the Regional Planning Commission and a public hearing before the Regional Planning Governing Board. You then have to do facility plans. Those are for public hearings before the City or County Planning Commissions, Regional Planning Commission, and for performance review. You then either amend, in Washoe County's case, the south valley's area plan, or the City of Reno's master plan, or the Sparks Master Plan, with public hearings before planning commissions, city councils, or county commissions. You then change the zoning if you are in the city, which again means Planning Commission and City Council public hearings. Then you may actually get to development with public hearings, and in the case of Washoe County, a citizen advisory board. In Reno, you get comments from our neighborhood advisory boards before going to the Planning Commission and City Council.

There are probably 20 public hearings before a development can happen. I can assure you that our City Council pays very careful attention to people when they show up and speak at a public hearing.

Assemblyman Beers:

In the first part of your presentation you mentioned settlement agreements. Do they have an expiration date, and if so, what happens afterwards?

John Hester:

Both settlement agreements expire when the regional plan is updated. The reason they called for regional plan amendments is the provisions in the settlement agreements were put into the regional plan. Once they were put into the regional plan, the settlement agreement would go away. The regional plan is scheduled for adoption in March or April.

Assemblyman Beers:

What happens after that?

John Hester:

Under state law, in Washoe County, every master plan amendment, development action, or capital improvements program, has to be consistent with our master plans, which have to be in conformance with the regional plan. This is in NRS 278.029. It is called a consistency doctrine. If there is a policy in the

regional plan that came from a settlement agreement, we cannot do anything at the local level that is in contravention of that or we have broken the law.

Assemblywoman Pierce:

You talk about two mechanisms for annexation. Which one of those was used for these annexations that I am hearing about?

John Hester:

The NRS 268.670 process was used for both Verdi and Cold Springs. The Verdi one went to the District Court and was challenged. The court said that the property owner who is contiguous can voluntarily annex.

Assemblywoman Pierce:

After you annex something, how are the citizens notified that they have been annexed?

John Hester:

The property owners have to apply to us to annex so they already know. The property owners around the property wanting to annex are sent a 750 notice, and then we have a public hearing. Once they are annexed, we go into a public planning process with a number of community meetings. The actual development entitlement does not change at all until we have gone through the planning process.

Assemblywoman Pierce:

So you have a public hearing after you have decided that you are going to annex?

John Hester:

We get an application from a property owner, and then we send out notices to 750 feet or 30 property owners and say this annexation is scheduled for consideration at this public meeting.

Assemblywoman Pierce:

Do they have a right to protest?

John Hester:

Absolutely.

Assemblyman Bobzien:

I want to talk a little bit about the Annexation Commission and why it does not operate as a separate body. One comment that I heard is that it is the

expedient way to do it. That does not come across as very comforting in terms of a public process.

Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency:

The way I would characterize my phrase of expediency is not to imply that there is less of a process. You can appreciate that there are a number of committees and commissions that are established, whether it is at the local planning level, regional, state, or any other form of government that has certain jurisdiction in areas.

There is always the question of there being a need to establish another group to do something that an existing group is already doing. Currently, with the Regional Planning Commission working as the Annexation Commission, if there is a case that comes before the commissions that they need to hear, we schedule a meeting, and each commission uses half of the time. They would sit first as the Regional Planning Commission and take care of any business that they have as the Regional Planning Commission. They adjourn, then re-adjourn as the Annexation Commission, which means savings to taxpayers and expenses.

You have one secretary taking minutes, you have one posting of agendas that go out. If there needs to be separate agendas, then they go out at the same time to our mailing list, so there is one mailing cost. You have existing staff members who are already dealing with the issues. You do not have to employ additional staff to deal with issues this separate commission or body might need to deal with. You already have an infrastructure in place.

In terms of needing to duplicate that again in using the interlocal agreement process, the jurisdictions came together and said there is a body dealing with these issues; add this to its portfolio instead of creating a new structure to do similar things. My comment of expediency is not about diminishing the process, but about efficiency in terms of the expenditure of taxpayer dollars. Why set up a new system and pay for it?

Assemblyman Bobzien:

How often or how recently have these split meetings been held where you have been the Planning Commission and then you become the Annexation Commission to do your business?

Rosanna Coombes:

I have been with regional planning for seven years and there have been two or three.

Assemblyman Bobzien:

The objection you have to A.B. 160 is because of the altered structure to the Annexation Commission by adding a public member. Is that correct? I should probably rephrase that. Not that you are adding a public member, but because you would have to deviate from what you perceive as the efficient way to do meetings. It does not make it as efficient as it was before. Would that be your view?

Rosanna Coombes:

The Regional Planning Commission is actually made up of nine citizen planners. They are not elected officials. They are citizens drawn from the community. By changing it to the Annexation Commission proposed in statute, and adding one citizen to a group of elected officials, one would argue that you are actually moving more citizens that are not elected officials out of the equation. By using the Planning Commission you have nine citizen planners there. The Annexation Commission appears more structured by using elected officials and adding one citizen to that equation. That is the difference you will be making by changing this.

Assemblyman Settlemeyer:

A lot of people in my community feel that if decisions are being made in a public meeting, then there will be a sub-meeting at which they do not have a voice. I feel that this bill is trying to give people a voice and ears in those decisions.

This will not change your ability to get anything done, as you mentioned. You will still have the same ability. Is it not adding another person's voice at that table?

John Hester:

It does change the process. For example, on NRS 268.670, the voluntary annexations, that is done at a public hearing with the City Council. If there is a protest, it goes to the Annexation Commission, and that adds two or three months to the process. By the time it goes through that and comes back to the City Council, it is enough for a developer to make a decision to go somewhere else. That affects both cities in that instance.

Assemblywoman Parnell:

I want to clarify something for the record, Mr. Anthony. When you said that you did not ask me to submit these amendments I want it clear that we discussed using the 750 feet because that is what the city does. Your fiscal note was based on the cost of the mailing as it was in the original language.

John Hester:

That was part of our discussion. We did indicate that we currently use 750 feet. We also discussed the fact that a large part of our fiscal note is due to hiring extra staff and an extra attorney to sit through the annexation commission meetings. That is where the bulk of our concerns were on the fiscal note.

The postage was not much of a concern. We would agree with 750 feet if you wanted to put that in the statute.

Assemblywoman Parnell:

I did want it to be on record that I did do that, even though maybe not formally, but on your behalf, to try to show that I was working in good faith with you.

If you look, I believe your original fiscal note was \$48,000. If you look at the cost savings going from certified mail to first class mail, that eliminates the majority of the fiscal note.

Chair Kirkpatrick:

I am trying to figure out what part of the bill you do not like. Is it that you do not want another person on the bill?

The settlement agreement says that local government should work with the State Legislature to benefit the public as well as both cities. I have read that six times in the settlement agreement. I realize that the settlement agreement expires July 1st. I realize this bill would not take effect until July 1st. I also realize that the residents have spoken that they want to have a say. Where is the State Legislature? Where is local government? Do we work together to put a process in place whereby everyone feels a part of the process? If there are specific parts of this bill that you do not like, I am more than willing to hear them and understand why.

How far would people have to drive? As Mr. Goicoechea pointed out, they may live 100 miles away. Where would they go for that public meeting? How is that public process done? We are trying to get constructive growth and let the people have a say.

What I have heard today is that the folks that live in this area want to stay. What I have also heard is that you want to give them a say, but I do not know which parts you do not want to change in the process that you currently have.

If someone has those answers, I think that we are all in here trying to get to the bottom of this. How do we give constructive growth? How do we notify the

public, make it transparent, and yet be efficient? If there are specific parts, I am willing to listen. We need to address specific parts of the bill.

John Hester:

From the City of Reno's perspective we would like to maintain the option for the Regional Planning Commission to serve as the Annexation Commission. That is Sections 1 through 4 of your bill.

One-half mile, we would like that to be 750 feet. I believe that is in Sections 5 through 7.

We question the ability of the process to be stopped by a property owner whose property is not in the city that is annexing. We do not have a problem with protesting but we do not think there should be—

Chair Kirkpatrick:

Currently you can go and speak to any public body and protest. So what difference is it if they do? Quite honestly, from Clark County I could oppose this bill if I wanted to or I could support it. What part of that is different? Are you thinking they are all going to come together, then the local politicians are going to say "We cannot do it now because everybody is mad," or are you thinking that there are going to be other arguments with it?

John Hester:

A number of people opposed the Cold Springs annexation. Our Council instructed us to work with the people wanting to annex, the property owners, and the county staff. We held a number of meetings in the planning process both before and after the annexation. That particular case is still at the Supreme Court. The Annexation Commission did listen and they were very open to the public being involved. They heard a lot of the concerns similar to what you heard today that are not annexation issues but are issues about flood plains, wildlife habitat, and et cetera. Our Council was made acutely aware of the concerns the surrounding people had. They got a better planning process out of that from the information brought up at the annexation hearing.

Chair Kirkpatrick:

Not all residents understand the big picture because we are all passionate; we have invested in our homes. As long as they are educated on the bigger picture, most residents are okay with it. I think that what I heard today are these folks want to know what the bigger picture is—not that you are going to annex it and be done with it. I hate to take the public process out of it. The public might be more on your side once they have heard it rather than opposing it. People are okay once you educate them and make them part of the process.

It benefits the city as well as the residents to know what is coming. People can come into the meeting opposed to a change and leave thinking it is not so bad.

John Hester:

I think there is a lot of public process, and our regional plan provides a good big picture.

The other part is Section 9 that takes the voluntary annexations and moves them into the involuntary process. We feel strongly about that, and went to court over keeping that voluntary process, so if a property owner next to the city limits wants to annex he or she can do that. It cannot be sent over into another process whereby if over 50 percent of the people do not like the idea of your annexing, it stops the process. We have an issue with that. We would like to see that part dropped.

Assemblyman Settlemeyer:

I understand the concept of someone without a direct interest in a property stops a project. If that portion were removed, would you have any objection to allowing the people to have a seat at the table? Would the rest of the bill be okay if that portion were removed?

John Hester:

I tried to get it into four points. We still like the other commission option, the Regional Planning Commission, 750 feet. We do not have a problem with people protesting and being able to come and speak about the issue, but having them be able to stop it and then the NRS 268.670 process...

Assemblyman Settlemeyer:

I am not asking what you want. I am asking what you can live with. What are you willing to accept? Anyone can file a protest or an injunction at any time. That already exists. That is not the meat of the issue. The issue is giving the people a place at the table. That is what I am really going after because a protest does not mean much. Anyone can go down to any court and get an injunction on any matter for any reason if he is willing to pay an attorney. What does not exist is the people's right to be a little more involved in the process.

Nick Anthony:

At this point, we would have to take it back to our Council for an official petition and ask that we continue to work with the sponsor of the bill to see if we can come up with some language.

Assemblyman Beers:

During some of the support testimony, an individual mentioned that there was a protest regarding annexation in two properties: Verdi and Cold Springs. Apparently a statement by a court said the protesters had no standing. That concerns me greatly. I would like to see something like that never happening again.

Chair Kirkpatrick:

Anyone else have any questions? [There were none.]

Rob Joiner, Government Affairs Manager, City of Sparks, Nevada:

I would like to introduce the City of Sparks City Planner, Margaret Powell.

Margaret Powell, City Planner, City of Sparks, Nevada:

There has been quite a bit of work done through all local jurisdictions on the annexation settlements ([Exhibit K](#)). One of the things paramount in those discussions was what is it that people are concerned about? What came out of those discussions was that it is the actual development that occurs on the property next door. That can occur whether it is annexed to a city or not. It can occur in the county or in the cities through settlement agreement processes, and now it has been incorporated into the regional plan.

A series of events have to occur before development could ever be seen on a piece of property. One of the things that needs to be pointed out is definite additive steps were added through this settlement process. Now in the regional plan, a development or project has to have facilities plans in place and a funding stream for those facilities so that there will not be an extra burden on the communities when development occurs next to them.

You could have development and density in the county that is just as urban or as intense as you can in the cities. The issue realistically is what type of development occurs and not necessarily where that annexation or incorporation line is. The settlement agreements are what we focused on: the things that came out of what we are calling concurrency or facilities planning, facilities funding, and the provision of those facilities along with the public hearing processes that we do with development. I understand the concern of an annexation line changing, but again, it is the development that will occur inside or outside a city.

In Spanish Springs, which is partly in the City of Sparks and partly outside the City of Sparks, the density on either side of the corporate line is the same. There are very few cues to identify whether you are inside or outside the city limit based on density or intensity. Those are some of the things we tried to

address, the impacts of development rather than inside or outside a corporate line.

The concept that property owners who are not part of the annexation can stop it does not necessarily mean that it will stop development. What it may mean is that the fiscal balance between county and city becomes more askew. It may put cities in a financial risk or fiscal inequity. It does not benefit the citizens within the community.

I provided some information on the 750 feet noticing, which is something that was agreed to through the settlement agreement. We have already agreed and initiated that process for the 750 feet. We already notice the 30 property owners, so including that in the bill would be fine.

Assemblywoman Parnell:

When we reference things like the settlement agreement, or the sphere of influence, or the planning that is not in state law, which can be changed, many of these cover about a five-year period. Homeowners do not know what is going to happen at the end of that five year period. That is why they want something in law that says, whenever this comes to my backyard, I will have a voice in the process. That is important to note.

Assemblyman Goicoechea:

I want to make sure we get right to the bottom line. The City of Reno does not like the board the way it is comprised because they feel that it weighs more heavily toward the county and the public. The other thing is the fact that these people who are 750 feet out or are a property owner can, by a majority of those people banding together, stop the annexation.

The bottom line is 750 feet or 30 property owners is not a lot if you are talking about annexing the portion next to them. They should have the right to say yes or no.

Margaret Powell:

Part of the reason both Reno and Sparks agreed to do noticing is to make sure that there is awareness of what is happening. We notice from the perimeter of the property, whether the property is within incorporated limits or outside incorporated limits, and all should be able to have the same voice then. We do not focus just on those folks that are in the unincorporated county.

Assemblyman Goicoechea:

The only people that could provide a majority are those people that are noticed. Is that correct as far as the majority of the people outside of the proposed annexation?

Margaret Powell:

I would have to have a legal opinion on that.

Assemblyman Goicoechea:

That is the way I read the language. It would not do any good to say we want to annex this portion of Spanish Springs but let everyone in the county say that they do not want that to happen. We are talking only about this number of people that are noticed. If we are talking about an area next to Gerlach, which is not an incorporated town, and if we notified the 30 parcels, we are clear across the Black Rock Desert. The bottom line is that would be a little different.

We could look at some language that would include both the people that want to annex and the proposed people in the sphere of influence. If you can still maintain a piece of legislation that says over 50 percent of the people that are being proposed for annexation, and those in the sphere of influence, need to have the ability to participate. I do not know how to get to a point were it is said this parcel will be annexed but there are people in the 750 feet radius or 30 property owners abutting the annexed property that are opposed. It is going to be difficult but I think the people abutting the annexed property have a right to be involved.

Chair Kirkpatrick:

Is there anyone that would like to oppose A.B. 160?

David Howard, National Association of Industrial and Office Properties, Northern Nevada Chapter:

Our concern with this bill is it is going to stop all development. It is a veiled attempt to stop all growth. We are concerned with it on an economic basis. Current tax structure in this State requires that the cities be able to grow in order to pay for the escalating cost of doing business in service to the people. This body is also in charge of that part of the city under NRS 268. Cities must have the capability to expand in order to pay for the ongoing cost of doing government.

As a former Reno City Councilman, all voluntary annexations are not always for profit and gain. In my experience, some voluntary annexations were to save someone's home from loss of water and sewer. It happened often in the Stead area of northern Reno. We are in opposition to this bill.

Chair Kirkpatrick:

Does anyone else have questions?

Assemblyman Bobzien:

Mr. Hester, could you come back up to the table?

Are we talking about NRS 268.670 when we say voluntary annexation?

John Hester:

Yes.

Assemblyman Bobzien:

You would characterize contiguous as a landowner next to the City of Reno who wants to be annexed. Is that what we are to understand? That is the scenario that we are talking about under NRS 268.670.

John Hester:

Contiguous is defined in that part of statute as either adjacent, or touching upon a public subdivision of the State. A street, a river, or something like that. It does not include federal land. We could not jump over Bureau of Land Management (BLM) or Forest Service land.

Scott McKenna, Committee Counsel:

In NRS 268.670 the term contiguous is defined in part as either abutting directly on the boundary of the annexing municipality or separated by lands owned by the annexing municipality by some other political subdivision of the State or by the State of Nevada. Under the definition of contiguous in NRS 268.670, if lands are separated by those of another political subdivision, say the county or a different city, they are still deemed to be contiguous for the purpose of the section.

Chair Kirkpatrick:

I am closing the public hearing on A.B. 160.

We will recess until 10:20 a.m.

Chair Kirkpatrick:

[Called meeting to order at 10:20 a.m.]

We are going to open the public hearing on A.B. 287.

Assembly Bill 287: Revises provisions relating to the annexation of certain territory by certain cities. (BDR 21-361)

John Slaughter, Private Citizen, Washoe County, Nevada:

In July of 2006, and as a part of the 2005 settlement agreement regarding programs of annexation, the City of Reno, the City of Sparks, Washoe County, and the Truckee Meadows Regional Planning Agency agreed to propose changes to Nevada Revised Statutes to allow annexation of noncontiguous territory of the cities of Reno and Sparks if that territory is included in the sphere of influence of that city. As a result of that agreement, we are here before you today.

Washoe County has agreed to sponsor the introduction of A.B. 287, which specifically authorizes the two cities in Washoe County to initiate a voluntary annexation of noncontiguous land that is in the sphere of influence of the city and is included in the city's required program of annexation.

I would like to note that because of the specific section of NRS that A.B. 287 amends, the proposed legislation applies only to Washoe County. In Washoe County it does not apply to the areas within the jurisdiction of the Tahoe Regional Planning Agency or Incline Village.

I will now defer to Rosanna Coombes from the Truckee Meadows Regional Planning Agency who can answer any questions regarding regional planning in Washoe County. You may want to get into a discussion about the 2005 settlement agreement. I will also defer to the representatives from the City of Reno and the City of Sparks who can discuss the need for the legislation as related to the annexation agreement.

Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency, Reno, Nevada:

The Regional Planning Governing Board is a party to the Reno annexation settlement agreement. One of the important links that I would like to provide to you is the settlement agreement does not have language that requires the parties to bring this particular bill, however there was a requirement from the court that the parties come together and prepare an implementation plan that included a series of regional plan amendments that would enforce or implement the settlement agreement.

There is also a staff report being circulated to you that was the joint agreement of Reno, Sparks, and Washoe County in terms of the specific regional plan amendments that would be required to implement the settlement agreement ([Exhibit L](#)).

You will note in that staff report, if you have the opportunity to review page 101 of that document, that the three local governments proposed a regional plan amendment that would require the three jurisdictions plus the regional planning agency to collaborate on the proposition of these changes. That particular policy was embedded in the regional plan last July to begin the implementation phase of the settlement agreement. We are here jointly in that proposition of this particular bill.

Prior to this meeting, I was approached by the Incline Village General Improvement District with an amendment they would like to propose to the bill.

Adrian Freund, Community Development Director, Washoe County Community Development, Reno, Nevada:

I am available for questions.

Chair Kirkpatrick:

Are there any questions? [There were none.]

Nick Anthony:

The City of Reno along with the City of Sparks, Washoe County, and the Regional Planning Governing Board are in support of this bill.

John Hester:

This is following through and implementing our settlement agreement and the cooperation we have developed through a long process ([Exhibit M](#)). It is important to clarify that this was in the original regional planning legislation in 1989 and amended in 1991. It is ambiguous, and some parts of the law say you can have noncontiguous annexation included in your program, and some parts do not specifically allow it and, according to which attorney you talk to, there are different interpretations of how that works.

It is something we all four agreed on. We want to make it clear from our perspective this does not affect anything except the properties in the jurisdiction of the Truckee Meadows Regional Planning Agency or NRS 278.026 to NRS 278.029. Incline Village is not affected.

For the City of Reno, this allows us to expand and obtain the revenues and provide the services we need in accordance with the settlement agreement, the population projections, and land use forecast we have all agreed to.

We support A.B. 287.

Margaret Powell, City Planner, City of Sparks:

I want to concur with Mr. Hester's comments. We are in support of the bill. I will also point out that because there is ambiguity currently in the language of the law, the City of Sparks has had noncontiguous annexation and it has been successful.

Wingfield Springs in the Spanish Springs area was noncontiguous to the city when we annexed it. It is a 2,200 house development with 36 holes of golf. Most folks in Sparks and in Spanish Springs Valley would say that it has been an asset to our community. We would like to have clarification language in the State law so it is no longer ambiguous.

Chair Kirkpatrick:

Are there any questions? [There were none.]

Is there anyone else who would like to speak in favor of A.B. 287?

Mike Alonso, Locnavar, LLC, Reno, Nevada:

Locnavar, LLC, owns the Winnemucca Ranch, which is approximately 8,700 acres and is to the north of Reno.

Arlo Stockham, Locnavar, LLC, Reno, Nevada:

I am the Project Manager for the Locnavar project at Winnemucca Ranch, and I am available to answer any questions.

Mike Alonso:

We are here speaking in support of A.B. 287 or a reasonable alternative. We sat through the hearing on A.B. 160 and understand that this is a very controversial issue.

We view this as being about taxation and not necessarily development. Winnemucca Ranch was included in the Truckee Meadows Service Area last year by unanimous vote of the Regional Planning Governing Board. We had remained neutral on the jurisdiction between the local governments throughout the process and worked with Washoe County for approximately a year on a proposed development when they could not accommodate that development because of service area issues. Jurisdiction through that process with the settlement agreement shifted to the City of Reno. We have been neutral on what jurisdiction we are in.

Under A.B. 287, allowing the noncontiguous annexation would raise tax rates for Winnemucca Ranch to ensure that the project has the financing necessary to provide services. Through that settlement agreement and the process that built

up to it, the local governments agreed to the fair share split of projected growth.

If Reno cannot grow to Winnemucca Ranch, it is going to end up growing south, which is part of what Assemblywoman Parnell is trying to deal with in A.B. 160. The parties got together and put this settlement agreement and these regional plan amendments in place, and we ended up within the City of Reno in their sphere of influence.

We understand the concerns and we understand that this bill is probably going to be a very controversial bill going through this process. We are willing to support any reasonable alternative that allows the City of Reno to deal with the fiscal issues that it needs to deal with in Winnemucca Ranch and allows us to develop our property.

We are willing to work with the county, the City of Reno and the City of Sparks as an alternative. Counties can already sponsor General Improvement Districts and as an alternative, the city would look at allowing the city to sponsor a General Improvement District to handle Winnemucca Ranch.

We are willing to work with the Committee and all interested parties to accomplish something. I guess that makes us neutral on this bill if we can help to get some alternative that works for everyone.

Assemblyman Goicoechea:

What services is the City of Reno going to be able to provide for you other than money?

Arlo Stockham:

Whichever jurisdiction we are in, the City of Reno would provide all of the typical municipal services; police, fire protection, park maintenance, public works, etcetera. That requires a tax structure to fund it. Annexation could provide such a tax structure. A General Improvement District appears to be able to do the same.

Assemblyman Goicoechea:

Why are we not looking at a General Improvement District?

Arlo Stockham:

We are completely open to that option. We anticipate self-contained services. We are currently preparing a fiscal impact analysis, and we understand that new public service facilities are going to be needed—presumably a police and fire station, new parks, and things of that nature. We are committed to being a

fiscal benefit to the community and not a drain and are open to different ways to get there.

Assemblyman Goicoechea:

You would be completely separate? I assume there would be no tie as far as wastewater treatment and municipal water?

Arlo Stockham:

We are planning our own wastewater treatment facilities with effluent reuse to maintain the agricultural meadows.

Assemblyman Goicoechea:

What about the municipal water supply?

Arlo Stockham:

We intend to bring in our own municipal water supply and finance that.

Assemblyman Goicoechea:

There is no benefit to being in the City of Reno other than the fact that you are going to use their taxing structure to provide the funding?

Arlo Stockham:

Our main interest is, whichever government is decided to be over us, we need them to have the tools to provide those services.

Chair Kirkpatrick:

Are there any more questions? [There were none.]

Is there anyone else who would like to speak in favor of A.B. 287?

Is there anyone who would like to be neutral on A.B. 287?

Assemblyman Goicoechea:

I would like to ask someone where we are in the tax gap. If they went with the GID, clearly they could assume the city's rate or something very similar to the city's rate. It could be a GID under the county entity.

Chair Kirkpatrick:

We will address that to the City of Reno.

John Hester:

We would create a city-sponsored GID. It would not have the city tax rate on top of the county tax. That would have to fit under the cap. The city rate is approximately \$1 now, so that is what the GID rate would be capped at.

Assemblyman Goicoechea:

I assume the combined tax rate in Washoe County is probably very close to the cap.

John Hester:

It is. Our intent, whether it is a GID or annexation, is that when the city grows out that far, we could absorb it into the city, making it part of the regular city tax structure.

Chair Kirkpatrick:

Are there any other questions? [There were none?]

Ms. Walker, I believe you have an amendment, and you are neutral.

Mary Walker, Incline Village General Improvement District:

We have an amendment ([Exhibit N](#)). It is an affirmation and clarification of the intent of the law, which states that territories subject to regional plans adopted by the Tahoe Regional Planning Agency would not be subject to annexation.

Our concern is that ten years from now if you have new plans, if you have new people, and if you have new judges who are perhaps overseeing these types of agreements, we would like the long-term assurance that it would not include properties subject to the Tahoe Regional Planning Agency's territories.

Chair Kirkpatrick:

Does anyone have any questions regarding her amendment? [There were none.]

Is there anyone else who would like to speak as neutral on A.B. 287?

We are going to move to the opposition.

Tina Nappe, Private Citizen, Washoe County, Nevada:

I am speaking as an individual, a volunteer, and an observer to the process that the two cities and the county have gone through over the last two years. I am here to express my concern and my opposition to A.B. 287.

My opposition relies on several aspects of this. I would like to say that I have the utmost respect for the staff of the Truckee Meadows Regional Planning

Agency, the planners of all three entities, and all of the people that were involved. They worked extraordinarily hard on this process, and I do not fault them although I do not always agree with them.

The first thing I observed was what I consider the misuse of the public process. There has been some talk that we need to rely on the Regional Planning Commission to make decisions. We testified many times before the Regional Planning Commission and when they voted to postpone and refer the amendments that you have heard more than once today to the 2007 update, it is amazing how quickly some of them were replaced.

I would like to bring out that they are political appointees and subsequently they enthusiastically endorsed a plan that had already been improved for all intents and purposes in January when the three governments agreed to it.

Many of us attended a number of meetings that were without merit. We were encouraged to attend the 2007 planning update process, but it was disheartening. We have also learned that the regional plan is a guide, it is not a law. We have learned that it is easily subject to amendments. You may think that there has been some assurance with the amendments given before you. Those of us who have been through the process would not be surprised to have further amendments to the sphere of influence or any other aspect of this plan to come about next year. This has made us extraordinarily cynical about the whole process, with no fault to all of the Regional Planning Commission Members who attended many meetings.

Our concern is about flexibility, including all of the concurrency guidelines. There is very little protection in them for those of us in the process. On this basis I would like to support A.B. 160. It provides some further protection for the citizens who do not truly feel involved in this process.

We are concerned about the cost of development in a noncontiguous community. Although there is talk about making this development separate and independent, we suspect that the City of Reno or even Washoe County would be bearing some costs. That means us because we are the big pot. We are the taxpayers, and we are the big pot of money that is going in here.

As a long time City of Reno resident I have to express my concern that Washoe County, of which we are all members, is constantly considered a minority on all of these boards and is not given due credit for representing all of us, but is given credit for representing those who are not in the City of Reno or the City of Sparks.

Through this process, are we going to be limiting the opportunity for new communities that are fairly independent? I am concerned about that in conjunction with the ability of the two cities to annex properties however they want.

There is a huge cost in spheres of influence and annexation. I do not think that has been brought up today.

Once the decision is made, then the ability to do other things with a piece of land, such as maintain it for open space, are somewhat limited. The desire to be included in the annexation or sphere of influence is such that all of the people who were ignored and not part of hearing this annexation proposal rushed to come within that sphere of influence as soon as they could. We have some real concerns.

However, all cities have to grow. We are all beneficiaries of the values of cities. I do not want to sell the City of Reno short for its tremendous efforts. We would prefer that you look at a definition of contiguous. It is being at least 20 percent contiguous to an existing community so those who are contiguous will not bear the cost of these properties and are not faced with a tremendous uncertainty when a landowner wants to develop his property.

Under NRS 268.580 there may be a way to redefine contiguous so that it is not based on a road or a river, that it is based on 20 percent of adjoining properties.

Jim McGill, Citizens for Sensible Growth, Reno, Nevada and the Rancho Haven Property Owners Association, Reno, Nevada:

We have very serious concerns with A.B. 287 specifically because it threatens to unambiguously open the Pandora's box of noncontiguous annexation.

Rancho Haven is a community of 403 mostly ten-acre parcels located about 25 miles north of Reno. You would think being that far out we would not have concerns about Reno's growth.

I am here to express our concerns with what we know is the driving force behind A.B. 287 which is the desire of the City of Reno to annex the 8,700 acres 30 miles north of the heart of the city known as the Winnemucca Ranch. This proposed development frightens us.

I do not need to belabor the usual concerns of a rural community when it is faced with the encroachment of a community the proposed size of the Winnemucca Ranch. By close, I mean five, or six, or seven miles as the crow

flies. I have seen estimates of up to 8,000 homes on those 8,700 acres housing something like 20,000 people.

There are all kinds of concerns raised, such as the eventual impact on our water since we are all on wells that far out, the quality of our air, our peace and quiet, our wildlife, et cetera.

I want to take my couple of minutes this morning to focus on one specific issue for Rancho Haven that scares us. That issue is the potential for rush hour traffic that could easily be generated along Red Rock Road. Red Rock Road runs from U.S. Highway 395 just past Stead northward for about 25 miles through the heart of Rancho Haven and then a couple of miles through a very pleasant canyon where it rejoins U.S. Highway 395, which proceeds northward on its way to Susanville, California.

There is very little traffic on Red Rock Road right now. It is a winding country road with one lane in each direction and hardly any traffic at all. On U.S. Highway 395 that far north there is hardly any traffic. The road, which lies in the State of California, by the way, is also very lightly traveled. It is actually a connector between Reno and Susanville.

The Winnemucca Ranch developers have already publicly stated their intention to punch a road through to U.S. Highway 395 from Winnemucca Ranch to provide an access into Reno. Eight thousand homes, how should we estimate? Two vehicles per home is a conservative estimate. Fifteen thousand to 20,000 vehicles showing up in a region which is wilderness right now and there are no vehicles except maybe a couple of ranch trucks.

Suddenly a percentage of those vehicles will be commuting in the mornings and the evenings to and from Reno, pouring out onto U.S. Highway 395, one lane going southward. It is not hard at all to imagine the impact that could have. I have not gotten to the frightening part yet.

Only a couple of miles south on U.S. Highway 395, the commuters will come to their first opportunity to get off Highway 395, exiting at Red Rock Road. Red Rock Road gives them an alternative, a very alluring alternative to going southward into Reno.

It takes no stretch of the imagination to see many hundreds of cars in the mornings and the evenings passing through the very heart of our community, paying no attention whatsoever to our 40 mile-per-hour speed limits. Heading southward through other neighboring communities such as Sierra Ranchos,

Red Rock Estates, all the way down south until they rejoin U.S. Highway 395 and make their way into Reno.

Right now Red Rock Road has very little traffic. Our children routinely cross that road to get to bus stops, mailboxes, and friend's houses. Our citizens ride their horses along the shoulders of that road and do so in absolute safety. How long will it be, if this bill passes and opens up the possibility of that kind of development in Winnemucca Ranch, before tragedy occurs? It is, I fear, inevitable.

Nor is the Winnemucca Ranch a unique one-of-a-kind situation. The Marshall Ranch, a 1,000 acre spread out in the same area as the Winnemucca Ranch has already applied to be a part of the Reno Annexation Plan. Do you see what is happening? The dominoes are lining up even as we speak. They are ready to topple one after another if you allow this bill to become law.

My wife and I made a choice. We could have lived in the urban core. We could have lived in the suburbs close to the urban core, which has its advantages. We made a choice. We moved 25 miles away from the city so that we could have the kind of peace and quiet, fresh air, and fresh well water that goes with rural living.

If you allow this bill to pass, it could do damage to that choice. It could end up taking that choice away from us. What business does a 20,000-person community have all the way out there? It would be a Reno satellite city.

We strongly oppose this bill. We urge you to kill it, drive a stake through its heart so that it will not soon rise again to plague us. We turn to you because our local representatives have turned their backs on us. You have heard the city representatives trumpeting how Washoe County has joined with them in cooperation to support the settlement agreement. They did not cooperate, they surrendered. They turned their backs on all of the people like me that have been begging them for the last year to protect our properties and protect our lifestyles. We have no representation on the subject.

We turn to you Madam Chair and your Committee to protect our properties, our lifestyles, and quite possibly the lives of our citizens by killing this bill. We turn to you because we firmly believe that our lifestyle with its horses, cattle, fresh air, fresh water, coyotes, cotton tails, magpies, and night skies is a legacy worth protecting in this beautiful State.

Erik Holland, Private Citizen, Reno, Nevada:

I agree with everything the previous speakers have said.

The City of Reno states that the public processes quit working. As a concerned citizen who lives in the urban core I would feel bulldozed by the alleged public process in the City of Reno as it occurs right now.

Reno claims a need for territory. In this map they are using a figure of four persons per acre ([Exhibit J](#)). That was right after the settlement agreement. That number is too low. An average neighborhood like the one here in Carson City is perhaps ten people per acre. Los Angeles, hardly the poster child of smart growth, has 12 people per acre. The point is that we can grow at a higher density closer in.

The Truckee Meadows Regional Planning Agency had a workshop and brought all of the participants together. I sat at the table with a developer and a number of other people. Every table at that workshop agreed on concentric development, which does not mean flying all the way out to the Winnemucca Ranch. That is how they listen to us in our current public process, which is why A.B. 160 is music to my ears.

This bill is in the Legislature right now because a developer bought that ranch. That does not feel like the public process to me.

Chair Kirkpatrick:

In the settlement agreement it says they have to come back to the Legislature.

David von Seggern, Private Citizen, Reno, Nevada:

[Read from prepared statement ([Exhibit O](#)).]

Marjorie Sill, Friends of Nevada Wilderness, Nevada:

I am testifying on behalf of the Friends of Nevada Wilderness, which is a Nevada non-profit group dedicated to the wild and beautiful areas of our public lands.

I hope that all of you received the brochure I asked the secretary to hand out ([Exhibit P](#)). There are pictures of the Virginia Mountains. There is a map on the back. You will notice the Virginia Mountains lie just north of Winnemucca Ranch. To climb the highest peak in the Virginia Mountains you have to access it from the Winnemucca Ranch road. It used to be all ranching country and that was wonderful. There was a place there for the antelope, for everything that means Nevada to many of us.

I oppose A.B. 287 because the next step is going to be to take away public lands to use them for the growth of Reno. I feel A.B. 287 is the first step in this process. Many of us came to Reno because we love the wide open spaces, the public lands, the wildlife, everything that we have that means Nevada to us.

Bill Naylor, Private Citizen, Washoe Valley, Nevada:

The reason we are getting up to Winnemucca Ranch is the flawed planning process that was done behind doors as part of a court settlement. The citizens were not involved in it until the very end. I went to one of the updates with the court, and the lawyers for the cities were arguing that it should not be open to the public despite the fact they agree on everything except dotting some i's and crossing some t's.

My understanding is that the NRS requires a planning cycle of 20 years for the municipalities with a five-year update. These people went out 100 years behind closed doors. Why? I have no idea. In one of the Regional Planning Commission meetings, it was pointed out that the Regional Planning Technical Advisory Committee stated there were 45,000 approved but unbuilt homes inside the Reno city limits at that point. There is only 12 years' worth of water, and we know how those figures can be manipulated. We are dealing with a pretty scarce resource, yet we have grabbed 100 years of land as a part of this settlement agreement. I do not think we should be up there. As a professor from the University of California, Davis, pointed out at one of the Regional Planning Commission meetings: when you know you have a finite limit of resources, you ought to be looking at pulling in the borders and doing the best you can with what you know you are going to have for the future, rather than jumping way out into the county and establishing something that may be very difficult to support.

A gentleman from Winnemucca Ranch talked about establishing a GID. This is new to me. In all the meetings I have been to, the developers were going to provide the infrastructure. Concurrency was part of the settlement agreement whereby developers would provide infrastructure. Judge Hardesty said the concurrency will be included in the settlement agreement. To this point it has not been. It would help to mitigate some of the cost to the taxpayers. Now the developers say they are going to have a GID and are going to make the taxpayers pay for it. We know the motives there.

It was stated by Ms. Coombes that the process works. It does not work. The combined cities out-vote Washoe County every time. Washoe County has no voice. The citizens have no representation. That is wrong. That is why in A.B. 160 we wanted the membership on the committee changed to even it out so that Sparks has a vote, Reno has a vote, the County has a vote, and the

citizens have a vote. The present process is not working. She alleged also that the Regional Planning Commission made some very good decisions for smart planning, such as referring the settlement agreement into the 2007 plan. Why adopt a totally separate amendment instead of incorporating it into the normal process? It did not make any sense.

The Regional Planning Governing Board overrode them, sent it back, told them they could not behave that way and replaced some of the members on the Regional Planning Commission. It was approved handily after that.

To give the people that abuse their power additional power to annex non-contiguously in Washoe County is going to be a bad thing for the citizens.

Chair Kirkpatrick:

Does anyone have any questions?

I have asked local government as well as the sponsor of Winnemucca Ranch to come together with an agreement. I would much rather see a development agreement. Lincoln County created its own pocket of services rather than let local government bring the infrastructure all the way there because that would have a larger detrimental impact. I am the one that asked them to sit down at the table and see if there was any room for discussion. I believe the public process is a big part of constructive growth.

Sandy McGill, Rancho Haven Residents for Sensible Planning:

[Read from prepared statement ([Exhibit Q](#)).]

Craig Smyres, Private Citizen, Washoe County, Nevada:

[Read from prepared statement ([Exhibit R](#)).]

Cliff Low, Private Citizen, Washoe County, Nevada:

I have no direct or indirect financial interest in A.B. 287.

I would like to emphasize that this is not just about Winnemucca Ranch. I do not believe your time and efforts are to be taken up by one parcel of land. The testimony from the people in favor of this say there were some contradictions in state law about whether noncontiguous annexation is allowed. I would ask, if there is a law that allows noncontiguous annexation, that one of you introduce into legislation a bill to do away with the part that has made A.B. 287 contradictory. Make the law uniform, but do not allow noncontiguous annexation.

At the risk of putting words in someone's mouth, if you review the testimony from A.B. 160 and the testimony that was given earlier by Mr. Hester, you will find that he downplayed the growth factor when he talked about there not being a need for A.B. 160. It is only 2 percent growth. Yet, I believe I heard Mr. Hester say in relation to A.B. 287 that we need this bill to accommodate all of the growth that Reno is going to be having. I am not sure which one it is. You cannot have it both ways.

There is rampant uncontrolled growth, and there is smart growth. If you were to ask me what smart growth is I would have to paraphrase and say I cannot define it, but I know it when I see it. Noncontiguous growth is not smart growth.

Assemblyman Bobzien:

I want to provide some comments to summarize what my observations of the morning's proceedings have left me with. I will speak primarily to A.B. 287 and then talk more generally about the planning statute and the annexation statute that we have.

I tried to figure out the history of this law. You cannot have noncontiguous annexation in your program if you are a county with a population of less than 400,000. I asked Ms. Joiner to put together some research to figure out the legislative intent and how we got here. I believe all of the members have a copy of that ([Exhibit S](#)). The answer came back that it is very hard to figure out what previous sessions of the Legislature intended when it came to this law, so here we are trying to figure out where to go next.

What we are hearing and what everyone here would agree on is that something is not right with this law. The difficulty that we have in the Legislature is that these local planning decisions are local and they should be local. All the Legislature is doing is trying to provide the appropriate framework. That local planning process does need to take the public into account. We have pretty clear evidence this morning that this is not what is happening despite the best efforts of all the local governments involved.

My dealings with local government over the years have always been very productive, and I think they do a great job. Here we are in the Legislature facing a \$3.8 billion shortfall with highway construction statewide. Washoe County School District tells us it is \$600 million short for school capital improvement projects and also needs additional money to take care of public safety concerns. I do not know where we go next. As the settlement agreement winds down and we go into the next phase of the regional plan, I look forward to working with the local governments to make sure that they can

plan for the future and they can plan for their needs. We are going to grow, and that is not going to stop. This is not about Winnemucca Ranch or any specific project. It is about making sure we have an understandable plan in annexation law that provides the appropriate balance of all the goals that we are looking for. We are talking economy, quality of life, and public input. I would like to throw this out as a challenge to my colleagues to work together on trying to figure out a way to do this better.

Pat Phillips, Private Citizen, Washoe County, Nevada:

I would like to speak on the aspects of this bill. I believe the bottom line is representation of the public and the citizen. That is all they want. We all think of smart growth.

I would like to address the economic development aspect of this. The history is that in northern Nevada, specifically the Reno area, citizens and businesses have been attracted to the area because of the rural area where you can live with your families and lead the outdoor life that we so much want and at the same time we are close to where we can work in the urban area and provide the best businesses. In the future, northern Nevada is going to have to attract quality businesses and workforce. Part of that is built into the fact that we need the quality of life that is important with smart growth.

I would like to say that there is no one that represents the county alone. Among the different boards and commissions there are the City of Reno, the City of Sparks, the GIDs, there are members of the Board of Commissioners, but they represent both city and county. Therefore, it lessens the amount of voice for the county.

Part of the danger is the combination of bills. There are bills to conserve water and limit the use of water. The reason is the expected 1.2 million people in that area. This bill is being brought forth because they are trying to contain growth. You cannot have it both ways.

Why are they so afraid of hearing the people voicing their opinions?

Chair Kirkpatrick:

Are there any questions? [There were none.]

Is there anyone else that would like to be heard opposing A.B. 287?
[There were none.]

We are closing the hearing on A.B. 287.

There needs to be some clarification. A.B. 287 does not address voluntary annexations. It addresses non-voluntary annexations.

[Meeting recessed at 11:23 a.m.]

Chair Kirkpatrick:

[Meeting reconvened at 12:51 p.m.]

We will now introduce BDRs.

BDR 23-1379 – Clarifying that certain judicial employees are local government employees who have the right to join or refrain from joining an employee organization. ([Assembly Bill 515](#).)

ASSEMBLYMAN BOBZIEN MOVED TO INTRODUCE BDR 23-1379.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

BDR S-1381 – Makes various changes to the Charter of the City of Las Vegas. ([Assembly Bill 514](#).)

ASSEMBLYMAN BEERS MOVED TO INTRODUCE BDR S-1381.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

BDR 25-1380 – Revises provisions relating to general improvement districts. ([Assembly Bill 513](#).)

ASSEMBLYMAN GOICOECHEA MOVED TO INTRODUCE
BDR 25-1380.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

[Moved into work session.]

Assembly Bill 91 – Makes various changes to provisions governing explosives.
(BDR 14-805)

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
ASSEMBLY BILL 91 AS AMENDED.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner, Committee Analyst:

Assembly Bill 91 establishes a definition of the term "explosive", provides for the proper labeling of containers in which explosives are stored, requires a person to make a report to a local law enforcement agency if the person has knowledge of unusual circumstances involving explosives, requires persons who conduct certain transactions involving explosives to create and maintain written records, requires that local law enforcement agencies be notified of any public hearing involving a conditional use permit that includes a statement regarding the magazine to be used, and it expands existing law allowing for the inspection of facilities where explosives are manufactured, used, processed, handled, moved on site, or stored. It was sponsored by Assemblywoman Gerhardt. It was heard on March 8, 2007.

There were three amendments proposed ([Exhibit T](#)). The first was Assemblywoman Gerhardt's amendment which is the first mock-up in the work session document. It is the same mock-up and has not been changed since the hearing. In the interest of time I will not go over all of the changes it makes.

The second amendment was one that Assemblywoman Gerhardt requested verbally during the hearing. There is a one page mock-up that changes the words "taxpayer identification number" to the words "driver's license".

The third amendment exempts the mining industry from the provisions requiring reporting and record keeping in sections 4 and 5. A special note on this one is that the fiscal note is no longer relevant if proposed amendment number one is adopted.

Chair Kirkpatrick:

Is there any discussion on this measure?

Assemblywoman Parnell:

Could Scott McKenna identify some of the language such as "any unusual manner" or terms like "excessive amount"? I want to make sure that we have a definition for those because that is vague language.

Scott McKenna:

I cannot speak to the "unusual amount" part but I can explain the definition of "unusual": "does not regularly occur in the ordinary course of business." The common law understanding of the "ordinary course of business" is how things are typically done, how things are typically carried out. I do not know if I can add much more to it than that.

Assemblyman Goicoechea:

I think it is a case of someone whom you do not know comes into your store and asking for 50 pounds of black powder. I think that would be unusual. If someone comes in that regularly visits your store, and you know he is a reloader, this would be usual. I think it is a common sense approach.

Scott McKenna:

For the purpose of the definition of "unusual", I wanted to make sure that everyone understands that, as written, provided that thefts were commonplace, they would not need to be reported as this definition is written. If providing thefts were a usual thing it would not be considered unusual.

Chair Kirkpatrick:

Is there any further discussion? [There was none.]

At this time I will entertain a motion.

Assemblyman Goicoechea:

I believe most of us on this committee are comfortable with this. Technically the federal registry lays all of it out. We are already under that law. We are not putting in any requirements beyond the federal list.

Chair Kirkpatrick:

May we make the motion and then have more discussion?

Assemblywoman Pierce:

Assemblywoman Gerhardt's second amendment, on page 8, says the "driver's license number", and then page 8 of Chair Kirkpatrick's amendment says "taxpayer identification number".

Assemblyman Goicoechea:

The second amendment takes care of the first, correct?

Chair Kirkpatrick:

We will have Ms. Joiner clarify that.

Amber Joiner:

I was specifically asked to present all three amendments separately. In Chair Kirkpatrick's amendment it still says "tax identification number" because it is from the original mock-up that Assemblywoman Gerhardt presented, but that would be changed to "driver's license" if Assemblyman Goicoechea's motion went through.

Assemblyman Goicoechea:

Motion to Amend and Do Pass amendment one, amendment two, and amendment three.

Chair Kirkpatrick:

We have a motion on the floor to have an Amend and Do Pass with all three amendments.

Assemblyman Claborn:

I understand there was to be an amendment that would not affect the people that buy powder for reloading. Was that question brought up?

Chair Kirkpatrick:

That question was not brought up. I will clarify that my staff and I sent out letters to about 160 different organizations that were concerned about smokeless gunpowder, which has been stricken from the original amendment, so they are all OK with that.

Assemblyman Claborn:

The reason I bring this question up is we spent millions of dollars pursuing a shooting range, which we now have. I would hate to see all of these people that are going to use this shooting range unable to reload their own special bullets, use bobtails, sierra bullets, and powder.

Chair Kirkpatrick:

For clarification, Section 2 took out all of those sections, and along with the federal guidelines, it has to be less than 50 pounds at one time. That is currently in the federal guidelines. In my understanding this bill only mirrors the federal guidelines.

Assemblyman Beers:

To alleviate Assemblyman Claborn's concern, page 2 of the original amendment, line 17, item number 22 strikes out black powder-based explosive mixtures.

Chair Kirkpatrick:

Are there any other questions?

Assemblyman Claborn:

There are powders other than black powder.

I have no problem with the bill as long as we have an understanding and we have the intent that the reloaders and the people that buy special powder for their ammunition to reload, such as primers, and so on, would be recognized in this bill and they would realize that it has been duly recorded that they would be eliminated. I will support the bill as long as it is in the intent we all agree on today.

Chair Kirkpatrick:

I spoke with the National Rifle Association, I spoke with the Gun Owners Association, I spoke with the wildlife people, I spoke with mining concerning the dynamite part of the amendment, and all of their concerns have been addressed, so they are sure that we will be able to keep Nevada as Nevada has been.

Are there any more questions?

Assemblyman Goicoechea:

I want to make sure everyone is comfortable with it.

The federal registry covers it. Anything any different would be duplication. Under federal law you are allowed to have 50 pounds of smokeless or black powder.

Chair Kirkpatrick:

I will turn it over to Ms. Joiner for our second bill.

Assembly Bill 139 – Revises provisions relating to local government administration. (BDR 20-325)

Amber Joiner:

Our second bill is A.B. 139. I handed out a two-page revision for the amendments for this particular bill. For those of you in the audience that may have received yesterday's version of the work session, there is also a revised edition in the back. Since yesterday's version, the Las Vegas Police Department

clarified that they want their amendment to apply only to Clark County, so there is a revision.

Assembly Bill 139 provides that if a fee collected by a county recorder is overpaid by \$5 or less the county recorder must deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than \$5 the county recorder is required to refund the entire amount.

This measure also changes the office in which the oath and written appointments of deputy sheriffs are recorded from the county auditor to the county recorder. It was sponsored on behalf of the Nevada Association of County Recorders and heard on February 28, 2007.

The conceptual amendments were proposed after the hearing. The first one was proposed by the Las Vegas Metropolitan Police Department ([Exhibit U](#)). It proposes in NRS 248.100 that the requirement that the sheriff must attend in person or by deputy all sessions of the district court in his county. It would remove that provision for counties whose population is over 400,000.

The second amendment is behind the next green divider which would add the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) to allow Clark County to apply for and accept uses and interests in federal land under SNPLMA ([Exhibit U](#)). It also clarifies that the county may indemnify the federal government in connection with the acceptance of such uses and interests on federal land. This was proposed by Clark County.

The third amendment was also proposed by Clark County ([Exhibit U](#)). It would allow a board of county commissioners to delegate to the county manager or his designee the authority to approve all claims for refund of less than \$100 from charges or fees paid to the Department of Aviation. There was no testimony in opposition to this measure.

Chair Kirkpatrick:

I will turn this over to Legal because I am hearing questions about SNPLMA. I asked Mr. McKenna to do some research on it last week. Can you explain why the county needs to work with Congress?

Scott McKenna:

Based on the research I did the other day with regard to SNPLMA, this is a law with respect to BLM lands. It allows for certain exchanges whereby lands can be made available at other places such as Lake Tahoe. That addition to this section broadens the palette of lands to which these grants of rights-of-way permits, et cetera, can apply.

Assemblyman Claborn:

I want to talk about amendment number two. I do not remember that even being brought up in this Committee. That money was supposed to be for parks and to buy property for the Southern Nevada Public Land Management, not to be spent for something else. I am confused here.

Chair Kirkpatrick:

Let us have Ms. Newby come up.

We do not have to move this out today if people are not comfortable after she speaks.

Sabra Smith-Newby, Director of Intergovernmental Affairs, Clark County, Nevada:

I do not believe this amendment deals with money from SNPLMA although you are correct about the proceeds of SNPLMA going towards parks. There is a subset of the SNPLMA law that allows local governments to get BLM land and use it for affordable housing. You may have heard that Clark County has done one such demonstration project so far. The Southern Nevada Public Lands Management Act requires that the land goes from the federal government to Clark County or some other government's hands. Then the development of affordable housing can happen. As part of that, the federal government and BLM want indemnification in this transfer with respect to the lands when they are transferred to someone else. That is the reason for this amendment.

Assemblyman Claborn:

I never heard any of that testimony when we were having this hearing. I cannot support this amendment.

Chair Kirkpatrick:

Would you prefer that we held this until everyone has a little more time? This is why I asked Legal to do some research to make sure we were not tampering with SNPLMA. I am curious why we need this in this particular case. I have no problem taking no action on it today.

Assemblyman Goicoechea:

I believe the shooting range that you were talking about, Mr. Claborn, was SNPLMA land that was granted to Clark County. I think this facilitates the process, the way I understand it. We are not talking about money, we are talking about lands.

Assemblywoman Pierce:

I would appreciate it being taken off work session. This is complicated for those of us who live in southern Nevada. Anything regarding SNPLMA should get a full hearing.

Assemblyman Claborn:

Could we get some clarification before we vote on this bill? It says interest in federal land. If land is purchased from BLM for parks and so on, then I will back this bill. Right now it does not look like that to me.

Chair Kirkpatrick:

We will go ahead and take it off. I will ask Legal if it is appropriate to have a new hearing to incorporate this or does it go into a work session? What are our options?

Scott McKenna:

I believe either of those options would be fine. I will further clarify that my reading of the proposed amendment is that it involves nothing more than expanding the potential lands that Clark County could use. The indemnification provision is a standard agreement, which says if we, the county, were to use these lands, and then the federal government should not be on the hook if something were to happen, such as an accident. It is standard.

Assemblyman Goicoechea:

I do not think that any of the three amendments were heard. If we have to send one back to work session, we might as well send all three of them back.

Chair Kirkpatrick:

My proposal is going to be that the Committee schedules it for next week. At the same time we can have the BLM from Clark County testify in southern Nevada because they would know the situation best. Is everyone OK with that?

I will turn it over and we will go to the next bill.

**Assembly Bill 220 – Revises certain duties of the Secretary of State.
(BDR 18-545)**

Amber Joiner:

Assembly Bill 220 changes the date by which the Secretary of State must submit a biennial report to the Governor from August 1st to September 15th of even-numbered years. Additionally, the measure requires that the Secretary of State retain excess payments of \$15 or more for 12 months, after which the Secretary will deposit the unclaimed excess payment with the State Treasurer

for credit to the State general fund. No amendments were proposed, and there was no testimony in opposition to this measure ([Exhibit V](#)).

Chair Kirkpatrick:

Is there a motion on the floor?

ASSEMBLYWOMAN PIERCE MADE A MOTION TO DO PASS.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

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SENATE BILL 28 – Changes the date by which certain metropolitan police departments must annually submit a budget for the operation of a 911 emergency telephone system. (BDR 20-350)

Amber Joiner:

Senate Bill 28 changes from April 1st to May 1st, the date by which a metropolitan police department must annually submit their operating budget for their 911 emergency telephone system. This deadline coincides with the deadline for the metropolitan police department's operating budget. There were no amendments proposed and there was no testimony in opposition ([Exhibit W](#)).

Chair Kirkpatrick:

Is there a motion on the floor for S.B. 28?

ASSEMBLYWOMAN WOMACK MADE A MOTION TO DO PASS.

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Newby, if you would speak with my Committee secretary and get A.B. 139 back on the agenda for next week, I would appreciate it.

[Meeting adjourned at 1:18 p.m.]

RESPECTFULLY SUBMITTED:

Rachelle Myrick
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 22, 2007

Time of Meeting: 8:30 a.m.

Bill	Exhibit	Witness / Agency	Description
	A	Agenda	Agenda
	B		Attendance Roster
A.B. 160	C	Assemblywoman Parnell	Amendments
A.B. 160	D	Nancy Samon, Private Citizen, Washoe Valley, Nevada	Prepared Statement
A.B. 160	E	Nancy Samon, Private Citizen, Washoe Valley, Nevada	Map
A.B. 160	F	Erik Holland, Private Citizen, Reno, Nevada	Map
A.B. 160	G	Carol Christensen, Private Citizen, Washoe Valley, Nevada	Prepared Statement
A.B. 160	H	Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency	Policy excerpt from Truckee Meadows Regional Plan
A.B. 160	I	Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency	Settlement Agreement between Washoe County Regional Governing Board and the City of Reno and the City of Sparks
A.B. 160	J	John Hester, Community Development Director, City of Reno	PowerPoint presentation
A.B. 160	K	Margaret Powell, City Planner, City of Sparks	2005 Annexation Settlement Agreement Explanatory Notes
A.B. 287	L	Rosanna Coombes, Interim Director, Truckee Meadows Regional Planning Agency	Staff Report
A.B. 287	M	John Hester, Community Development Director, City of Reno	PowerPoint presentation
A.B.	N	Mary Walker, Incline Village	Amendment

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287		General Improvement District	
A.B. 287	O	David von Seggern, Private Citizen, Reno, Nevada	Prepared statement
A.B. 287	P	Marjorie Sill, Friends of Nevada Wilderness	Brochure
A.B. 287	Q	Sandy McGill, Rancho Haven Residents for Sensible Planning	Prepared testimony
A.B. 287	R	Craig Smyres, Private Citizen, Washoe County, Nevada	Prepared testimony
A.B. 287	S	Assemblyman David Bobzien, Assembly District No. 24	Information regarding history and legislative intent.
A.B. 91	T	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 139	U	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 220	V	Amber Joiner, Committee Policy Analyst	Work session document
S.B. 28	W	Amber Joiner, Committee Policy Analyst	Work session document