

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

**Seventy-Fifth Session
March 20, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m. on Friday, March 20, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/75th2009/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 K. Kirkpatrick, Chair
Assemblyman David P. Bobzien, Vice Chair
Assemblyman Paul Aizley
Assemblyman Kelvin Atkinson
Assemblyman Jerry D. Claborn
Assemblyman Ed A. Goedhart
Assemblywoman April Mastroluca
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce
Assemblyman James A. Settlemeyer
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Chad Christensen (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Tick Segerblom, Clark County Assembly District No. 30

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cyndie Carter, Committee Manager
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Gary Hollis, County Commissioner for Nye County, Pahrump, Nevada
Lisle Lowe, Water Rights Surveyor, Amargosa Valley, Nevada
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Federation, Sparks, Nevada
Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas,
Nevada
Susan Lynn, representing the Great Basin Water Network, Reno, Nevada
Jason King, Acting State Engineer, Division of Water Resources, State
Department of Conservation and Natural Resources
Jack Levine, Local Realtor, Las Vegas, Nevada
Gregory Brown, Private Citizen, Las Vegas, Nevada
Wayne Skip Cummins, Private Citizen, Las Vegas, Nevada
Renny Ashleman, representing the City of Henderson, Henderson, Nevada
Margaret (Maggie) Lowther, Government Affairs, Storey County,
Virginia City, Nevada
Constance J. Brooks, Senior Management Analyst, Clark County,
Las Vegas, Nevada
Patricia T. Rogers, Government Relations—Community Outreach
Representative, Truckee Meadows Regional Planning Agency,
Reno, Nevada
Wes Henderson, Government Affairs Coordinator, Nevada Association of
Counties, Carson City, Nevada
Lisa A. Gianoli, representing Washoe County, Reno, Nevada
Robert F. Joiner, Government Affairs Manager, City of Sparks, Sparks,
Nevada
Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas,
Nevada

Bob Gastonguay, representing the Nevada State Cable
Telecommunications Association, Reno, Nevada
Randy J. Brown, Director, Regulatory and Legislative Affairs, AT&T,
Reno, Nevada

Chair Kirkpatrick:

[Roll Taken] We have several committee Bill Draft Requests (BDRs), and Monday is the deadline to get the BDRs submitted for introduction from the Committee to the floor to be referred to their committees. We have three today and we will have three on Monday. We might actually get to a few of them during our hearing. We need to get these to the floor. We have BDR 48-1161, which came from one of the Committee members and increases certain fees collected by the State Engineer for water related items. I need a motion to introduce this BDR to this Committee and send it to the Floor.

BDR 48-1161—Increases the fee that is authorized to be imposed for intercounty and interstate transfers of groundwater. (Later introduced as [Assembly Bill 480](#).)

ASSEMBLYMAN CLABORN MOVED TO INTRODUCE
BDR 48-1161.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS
ABSENT FOR THE VOTE.)

The next is BDR 32-837; this revises the rate of taxation on moist snuff. In case you do not know what it is, it is like Copenhagen chew, whatever you want to call it.

BDR 32-837—Revises provisions governing fees and taxes. (Later introduced as [Assembly Bill 479](#).)

ASSEMBLYMAN STEWART MOVED TO INTRODUCE
BDR 32-837.

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS
ABSENT FOR THE VOTE.)

The next is BDR 25-1237; this one relates to consolidating the housing authorities within Clark County.

BDR 25-1237—Revises provisions relating to governmental administration. (Later introduced as [Assembly Bill 478](#).)

ASSEMBLYWOMAN SPIEGEL MOVED TO INTRODUCE
BDR 25-1237.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS
ABSENT FOR THE VOTE.)

With that, we will open the hearing on [Assembly Bill 276](#).

[Assembly Bill 276](#): Revises provisions relating to the filing of a protest to an application to appropriate water. (BDR 48-1041)

Assemblyman Ed Goedhart, Assembly District No. 36:

I would first like to give you a little heads up. This is not about an abatement. This is not about needing any more money. From a 30,000 foot level, I would like to tell you broadly what this bill is in perspective. We will have some people who might say this is about us versus the environment or us versus the pupfish. This is primarily about jobs and about private property rights. I believe in the last session, we had a lot of discussion with regard to eminent domain, and making sure that a government did not overstep its bounds when it was taking people's property for the greater public good, and that they were rewarded with the correct compensation. I think the bill was Assembly Joint Resolution No. 1 of the 74th Session.

There are two types of property rights in Nevada. There is land and there is water. So, look at this as being a tiny legislative baby step toward trying to shore up the ability of people in Nevada to go ahead and utilize their property right as it relates to water.

Before I moved to the country, I just paid my water bill every month and it was just a matter of faith that when you opened up your spigot, you would have water. In the district that I represent, which covers one third of the state land-wise—all of Nye, Esmeralda, Lincoln, and Mineral Counties, and part of Churchill County—there are large rural areas with great numbers of people.

Probably one-half or three-quarters of these people are not serviced by any type of municipal water system.

According to Nevada water law, you can automatically go ahead and drill a well for domestic use on the parcel you buy and have a capacity of about 1,700 to 1,800 gallons a day. So, those folks are protected. However, if want to go ahead and have a large garden or if you want to have a one acre horse paddock, you have to go to those folks in the valley that own water rights and buy water rights from them. You then have to make an application to transfer the point of diversion to your property before you are able to use that water. So, it is a little more complex than just paying a higher water bill. The genesis behind this bill, if we look through it here, is of particular importance.

Along with me this morning is Lisle Lowe, a water rights surveyor for the state for 22 years; and we also have Gary Hollis, a Nye County Commissioner. He has been in Nye County for many years. He knows Assemblyman Claborn from Las Vegas very well from the Nevada Test Site days. We have seen, over the last 10 or 15 years, many cases where someone wants to move water.

First of all, this bill affects only water right transfers within the same basins. This is not to be construed in any way, shape, or fashion as facilitating an interbasin transfer of water from one rural basin to another, or to an urban basin. This affects only existing permitted or certified water rights within the same basin. So, this does not affect new appropriations of water. It just affects ones that have already been permitted by the state and are certificated.

What we see happening in Amargosa Valley on water right transfers are automatic filings of protest launched by the National Park Service (NPS) whether it was one acre-foot, five acre-foot, or ten acre-foot. There are three folks in Ft. Collins, Colorado, and they get paid to do nothing but go through the papers and every time they see a water right transfer, and it says Amargosa Valley, they put a check mark by it. Then they go ahead and send a copy of their 25-page form letter to the State Engineer's Office. The State Engineer's Office has a lot on their plate, so often when a protest has been filed the landowner is hung up in this bureaucratic paralysis by over-analysis zone. They file the protest and in some cases it can be several years before the landowner can actually use the water they purchased.

In the file here is a letter from Mrs. Mary Mosley ([Exhibit C](#)). This was a case of a public servant who retired from Las Vegas and she moved to Amargosa Valley. She bought her dream acre-and-a-half of land, she drilled her domestic well, she had a couple of horses, she wanted to buy five acre-feet of water, which she did from a gentleman about two or three miles away. It took her

almost four-and-a-half years to ever use the water because of a protest that was filed by the National Park Service. In the meantime she is already retired, she does not have all the time left in the world, and one of her older horses passed away while waiting to get back on pasture. These frivolous arbitrary protests have a real cost. I appreciate your forbearance, but I am trying to paint the whole picture.

It would almost be like if you were to buy a car from a car lot. Say you bought a green car, it was a hybrid, it used no gas, it ran on water, and you parked it in your driveway. First, you have to register and license your car at the Department of Motor Vehicles (DMV). When you go to the DMV you are told someone filed a protest against you driving that car. You say, "Wait a minute, I just paid \$40,000." DMV will say, "Well, you can file a protest, but we cannot give you a license plate to drive that car." You then have to take it to court, and it might be four, five, six, eight, ten years. You will have to fight it yourself, pay for it out of your own pocket, and if and when you win, you will not be able to recover even the actual lawyer costs from defending your piece of property. I look at real property rights. How does that affect the members on this Committee? I think in this session, on both sides of the aisle, we have all been looking for ways to streamline government and have done a fantastic job identifying revenues that need to be collected, and also in identifying people who have not been paying their fair share. But also, looking at it philosophically, we have a lot of people who want to invest—they want to grow the economy, they want to employ people, they want to create economic wealth, and they are willing to pay more taxes. But, if we have these types of frivolous protests being launched, it kills that effort, intent, and economic gain.

We had a gentleman, Gary Sanders, wanting to put in a \$25 million high-tech, hydroponic greenhouse and fish farm. He had done \$7 million of research through the University of Arizona and he had two existing operations, one in Texas and one in Louisiana. We found someone to sell him the water rights. He had to move about four miles away but the attorney said, "Wait a minute, you had better talk to someone from the Department of Water Resources." They said you will probably get a protest, and you cannot get the loan until the water rights are transferred. October, November came and Wall Street went down. He lost his source of funding from Credit Swiss—that was 150 jobs we could have had out there. His operation would have provided his employees full-day day-care, one meal a day paid for, and full medical and dental benefits. We have already seen a significant amount of economic harm that has already been inflicted on this rural community.

We did not want to go ahead and completely abridge and change Nevada water law. We believe Nevada water law is one of the best water laws in the

country. It is a source of pride for Nevadans; we did not want to throw the baby out with the bath water. What we wanted to do was figure out how we could reduce a few of these frivolous protests. We had one case where a protest was filed and then a year later the NPS said, "We should not have filed that protest; we did that in error." Well, maybe we ought to have some sort of peer review; maybe we ought to have some review process. We went through the rank and file so there is accountability and transparency built into the process. I did talk to some folks and they said, "Well maybe you are asking it to go too high." I am open to some sort of compromise on that point. The level of the culpability which now exists requires only an entry level staff person to photo copy the 25-page letter of protest, sign it off, and mail it in. According to our statute there is no peer review required from a governmental agency filing a protest.

To the Department of Water Resources' credit, they are trying to come to terms with this and trying to come up with new rulings and ordinances to try to expeditiously dismiss these protests more quickly.

As you can see, we have two Nye County Resolutions—we have been working on these for over ten years. There was a resolution that was signed unanimously ([Exhibit D](#)) by all five commissioners in 2004 and was sent by certified mail to the National Park Service as well as all the other federal agencies. We never received a response. We waited about three years—maybe they lost the letter. We sent another certified letter to them in 2007 ([Exhibit E](#)), another unanimously signed resolution, including the signature of the current commissioner here. It is now two years later and we still have not received a response. We have tried to be patient; we have been trying to work within the system. We feel that this bill should go ahead and bring additional perspective and attention to the issue because a lot of people in the rural communities do not have access to legal advice, much less being able to afford it. I feel this is a matter of social justice, and it also goes towards upholding our concept of property rights and Nevada's sovereignty over the waters in the State of Nevada.

I do want to turn this over to Gary Hollis. He is going to speak from his perception of some of his concerns that he has seen over the years.

Chair Kirkpatrick:

Does anyone have questions for Mr. Goedhart or should we refer any questions to your counterparts?

Assemblyman Goedhart:

I will try to answer any questions, but if there are some questions better handled by one of my counterparts then I would be glad to defer to their testimony.

Chair Kirkpatrick:

We will have both gentleman speak and then if we have any questions we can address the three of you.

Gary Hollis, County Commissioner for Nye County, Pahrump, Nevada:

I started in the drilling business in Death Valley. I became an operating engineer and worked at the Nevada Test Site for 25 years. I have been a Nevada resident for 50 years and I have worked both sides of the fence. I have worked on the government side and I have worked outside of the federal government side.

Recently, I was re-elected to the Nye County Commissioners for another four years. Prior to that, I had been with the Pahrump Town Board for four years. I had this wild idea that I wanted to be an Assemblyman and ran in the election in 2000 against one of my best friends, Roy Neighbors. I do not know what I was thinking when I wanted to run for the Assembly, but I do not think that will happen again.

As I mentioned, I have worked on both sides of the fence, and to be truthful with you, local government wants to be part of the solution. We want to help you and I think we can. This type of stuff that is going on with the federal agencies has got to stop.

Recently, Nye County put in for almost 14,000 acre-feet of water in Frenchman's Flats, which is on the Nevada Test Site. The water is available, we filed for that water and the Test Site landowner, the National Nuclear Security Administration (NNSA), protested it. They told the State Water Engineer that they were not going to let Nye County put in a well.

Ladies and gentlemen of this Committee, I have a badge today that allows me to get on the Nevada Test Site. I have numerous county employees that go on the Nevada Test Site. There is no reason why they should protest our rights to that water, and I believe under Nevada law the water belongs to the people. So, they protest it and the Nevada Division of Water Resources denies our permit based on it being detrimental to public use. If there is any detriment to public use, it is the contaminated water that they have on the Nevada Test Site that is detrimental to public use; not the use that Nye County wants to put good water to. That is the problem.

I want everyone to know that this is not Assemblyman Ed Goedhart's bill; this is the people of Nye County's bill. I asked him to submit this bill. If someone has problems with the bill, please come see me. Mr. Goedhart is only doing his job.

We have a problem with the Death Valley National Monument protesting Nevada water usage, but we do not have the same right to protest California water usage. If you own 300 acres of water in California, you can pump that 300 acres dry. California has no water law, but they do have the right to come to Nevada and tell our Nye County Commissioners what they can do with our water. I do not believe that this is right.

I was a consultant on some water issues for some people in Amargosa Valley. I had a client who had a well that was not producing so he wanted to go 410 feet away, to another end of his field, to install another well. Under Nevada water law if you go over 300 feet you have to apply for a Change of Diversion Permit. The National Park Service protested his 410-foot Change of Diversion. When my client contacted me to intervene I asked the National Park Service why there were protesting this. They told me they were going to protest all Changes of Diversions. That proposed well is in the same section, same township, same range, and it is on the same piece of property as the original well.

This is ridiculous. This is not transferring the water rights two miles down the road, or ten miles to the west, or fourteen miles to the south. It is on the same property. The National Park Service did not even know that. After six months of haggling with them, the National Park Service finally came and said, "Well, maybe you are right. Maybe we should not protest this," after my client had spent all this money hiring me and attorneys to go out and try to fix this. This is what we are addressing in the bill. Something has to be done and, like I said, we want to be a part of the solution. We want to work with the Legislature to reach some kind of deal so that the people can use their property. I thank you, Madam Chairwoman, for letting me speak my piece today, and I defer to my colleague, Mr. Lisle Lowe.

Chair Kirkpatrick:

Good morning, if you would please state your name for the record.

Lisle Lowe, Water Rights Surveyor, Amargosa Valley, Nevada:

I am a licensed water rights surveyor for the State of Nevada. I think they have pretty well covered the subject. I do agree with all that has been said, but there is one other point, as a surveyor, that I have. A water right also has an owner, like the car Assemblyman Goedhart talked about. The people who buy water rights do not want to pay the money until they get a deed to that water right

from the seller. But the seller cannot guarantee that he will be able to use that water right, because of these frivolous protests.

We have tried going to escrow. Once they do it, the title company does not want any part of it again because of the long delay and the title company does not understand water rights anyway. Escrow does not work. I think Assemblyman Goedhart and Gary Hollis have pretty well covered everything. I am right there in the trenches, and I have been there for over 20 years as a licensed water rights surveyor working with the State Engineer. By the way, the State Engineer awards the licenses to become a water rights surveyor, so I am very careful of what I say on water rights for that reason.

Chair Kirkpatrick:

Does anyone have any questions?

Assemblywoman Spiegel:

My question is for Mr. Hollis. What is the approximate percentage of the protests by the governmental entities, or political subdivisions of the government that are upheld by the State Engineer's Office versus how many are turned down?

Gary Hollis:

I would say probably 99.9 percent of the protests are denied.

Assemblyman Stewart:

What is the average time that it takes to get the State Engineer to act on these protests?

Gary Hollis:

Most of the time it is, two, three or four years before a protest can be acted upon and it could go on for five, six, seven, eight years. The State Water Engineer has the same problems as all of us as far as employees. So, things get backlogged and you cannot blame the Engineer's Office for that.

Chair Kirkpatrick:

I thought we had made some changes in the law last session to kind of expedite the process.

I have a couple questions. This bill is Assembly Bill No. 285 of the 74th Session, and we heard it. It is a little bit different, so I feel a little bit more comfortable now than last session.

Honestly, realistically, truthfully, I can never reach my Congressperson, so I cannot imagine waiting for the Secretary of the Interior to ever respond to anything. What is the real possibility of the government doing that? I would rather see something in a protest situation where they had a certain time frame within which they had to submit it to the State Engineer's Office, or it would not be valid. I mean, I do not see the National Park Service actually listed in the bill, but the Secretary of Agriculture, Secretary of the Interior, and the Federal Natural Resources Conservation Service, these people do not respond. We have a hard time reaching our Congressional members. I cannot image that these people would ever respond.

Assemblyman Goedhart:

Excellent question. I think basically what we have here is a situation where there are people separated from the harm they are inflicting upon us and, also, 99 percent of the protests are eventually overturned by the state.

I have discussed with Kyle Davis from the State Department of Conservation and Natural Resources the possibility of an intermediate level of administrator to look at our requests. I think we often get into trouble when we accept that government is not responsive. When we have a situation where we are actually depriving people of their right to their property and their right to earn a livelihood, I think it demands a little bit higher level of culpability and peer review, whether it is a state director instead of the Secretary of the Interior or what not. I am more than open to those types of discussions with the Committee and with folks on both sides of the bill.

We are looking for a higher level of culpability than currently exists. Right now it is being abused and I think that if it has to go up a couple of more levels, a lot of these protests will be summarily dismissed because they will not stand on their own weight. But, when someone does need to have it peer reviewed, then they photo copy a 25-page form letter with the end result, 99 percent of the time, having the protest dismissed for lack of cause. I am open to working with the Committee on that as well.

Chair Kirkpatrick:

I do not know our federal government's way or how they work, but is the National Park Service even included in this bill?

Assemblyman Goedhart:

That would be included under subparagraph 2, on page 2, line 37. It says the Secretary of the Interior, but we could specifically notate the National Park Service.

Chair Kirkpatrick:

Just because, if that is who...

Assemblyman Goedhart:

Right, we have had protests filed by other entities also, but it seems like overwhelmingly the bulk of them have been filed by the National Park Service in this particular area.

Chair Kirkpatrick:

This bill is much better than the last time it was presented, and I appreciate that.

Assemblyman Goedhart:

We will keep on trying to refine it until, at some point and time, we can get some sort of consensus on what is the best way to go. I do appreciate the input of all the Assembly members and the legislators on both sides of the aisle to come up with something that will serve the purpose without creating any impediment to due process.

Chair Kirkpatrick:

Do you think that it is possible to talk about what they have to do within a certain time frame?

Assemblyman Goedhart:

I think they are already within the time frame as dictated by state law. I think it is 30 days after the posting of the public notice of the application for change in point of diversion or place of use. The State Engineer's Office is within that time period, but when there are so many protests going into the system, they become backlogged and cannot handle all of those protests on a timely basis. It becomes overwhelming to the system. It basically trips into a backlog category that takes a lot of time, a lot of effort, and a lot of money to try to go ahead and hear the protests and reduce that backlog. There are cases where the State Water Engineer's Office has to bring in experts and the National Park Service has to fly their employees out from Ft. Collins, Colorado, and it becomes quite an involved process.

Chair Kirkpatrick:

This bill seems to target the out-of-staters, which we talked about last session. Do we normally have anyone within the state; say a governmental agency or county that would file the protest?

Assemblyman Goedhart:

To my knowledge this addresses any and all governmental agencies, but I do not believe we have had a protest from within the state on a water right change. I will defer to Lisle Lowe.

Lisle Lowe:

It would be a little bit off the subject, but neighbors protest neighbors. Other than that I am not aware of any that came from within the state.

Chair Kirkpatrick:

I think this session the bill allows that piece to go forward, which last session it did not. I was wondering if there were any other in-state governmental agencies that...

Assemblyman Goedhart:

To my knowledge, within the Amargosa Valley and the Pahrump Valley areas, we have not seen any protests being filed by any state agencies because they are the ones that are actually being asked to determine the transfer of a water right.

Chair Kirkpatrick:

Does anyone else have any questions?

Assemblyman Aizley:

What is the extent of this water basin? Is it the Amargosa Valley, Death Valley, and Pahrump all together?

Assemblyman Goedhart:

Basically, there are around 256 different hydrographic basins in Nevada. The Amargosa Basin is basically within its own from the Funeral Mountain Range to the Spring Mountain Range. The Pahrump Basin is its own separate basin. There are six or eight basins that the United States Geological Survey (USGS) has identified in the Death Valley National Park system. A regional ground water flow model was part of a \$17 million study done through USGS, and they said that all interconnected and interrelated basins flow from one to another. The Amargosa Valley system encapsulates an area of Nevada that covers about 18,000 square miles. To put that in perspective, the entire entity of Nevada is about 106,000 square miles, so it captures almost 18 percent of the entire state.

This does not just refer to the Amargosa hydrographic basin; this change in legislation would affect anyone with water rights anywhere within the State of Nevada.

Chair Kirkpatrick:

Mr. Goedhart, would you tell us about the amendment ([Exhibit F](#))?

Assemblyman Goedhart:

Basically this is an amendment that was provided to us by the Nevada Department of Water Resources. I have spoken briefly with Jason King, Acting State Engineer, and it is dated March 17, 2009. What we wanted to do is make sure that this legislation only referred to pre-existing permitted or certificated rights. That way if anyone was going to apply for a new water right there would be no restriction to have that peer reviewed on any federal or state local agency. This would only affect current property rights which exist on the day of the bill's enactment, which is effective on July 1, 2009. That was a suggestion of the State Water Engineer's Office.

Chair Kirkpatrick:

And I bet that was so a whole bunch of people did not go out and file protests.

Assemblyman Goedhart:

Or file for new water rights.

Chair Kirkpatrick:

It is amazing how they do that when they see some legislation coming. Do you know how many pre-existing ones we have on file?

Assemblyman Goedhart:

In the Amargosa hydrographic basin, I believe there are about 21,000 acre-feet of either permitted or certificated water rights. That number has declined over the years. The State Engineer has been actively managing that groundwater basin. If they see that water rights are not being used, they have established a policy of forfeiting those rights, so the number of active water rights in good standing has actually declined over the last 18 years; I believe they have dropped by 25 or 30 percent.

Chair Kirkpatrick:

Does anyone else have any questions? We will now call those who are in support of A.B. 276 who would like to speak.

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation,
Sparks, Nevada:**

[Read from prepared text ([Exhibit G](#)).]

Chair Kirkpatrick:

Does anyone have any questions? Is there anyone else who would like to come forward in support of A.B. 276? [There were none.] Is there anyone who is in opposition to A.B. 276 who would like to come forward?

Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas, Nevada:

As Assemblyman Goedhart said, we have had a few discussions about this bill. I will say that when he gave the example of the car, for me it was a solar powered car.

In terms of this bill, I did sign in opposition, but I have had several discussions with Assemblyman Goedhart about the bill. I will outline what our concerns and thoughts are in terms of some of the discussion brought before this Committee this morning.

Looking through the bill, our concern is that there may be a lot of unintended consequences here. There is a legitimate right or need for the federal government in terms of protecting environmental impacts through our state water law. There are examples of where that has been done well, and obviously there are examples of where it has not been done well. That is our main concern, and there are also issues of whether this would be enforceable when we are requiring something of the federal government. But, obviously, that is not for me to decide in my non-lawyer capacity. So, those are our concerns, and Ms. Lynn can obviously outline them better than I.

I understand and I am sympathetic to what Assemblyman Goedhart talked about where we may have a situation where there are a lot of applications, or protests that have been filed that may not be legitimate and do cause legitimate hardship to people in the area. I do not think that we should consider taking it as far up the line as the Secretary of the Interior level, but maybe we would take it up one level, take it to the highest authority within our state, and maybe that would solve the problem. I think it might be worth a try.

The other things I would want to put on the record is that we want to make sure this is not dealing with applications that are moving water out of the basin or are interbasin transfers. We want to make sure that this stays within the same hydrographic basin, and I know that was discussed and that is part of the bill. I do not see it in the bill, but then again, I am not an expert. I would defer to Jason King on that one.

The other thing that I would bring up is that we would want this only to apply to applications that are a change in manner or place of use. We want this to apply to new applications for water usage or points of diversion.

These are the thoughts that we have. I think Ms. Lynn can go into more detail about some of our reservations, as well. I have talked with Assemblyman Goedhart a number of times, and I am definitely interested in working with him to see if we can find a compromise that will work with everyone.

Chair Kirkpatrick:

Does anyone have any questions? My frustration is this: it just seems that it is unfair that other states can come right to our state line because we seem to be the hub for everything, yet we do not have the ability to do anything. It is almost like we are losing our state sovereignty in some areas. I think this bill is much better than it was last session, and I would hope that we could work together to protect what is in Nevada as opposed to always letting everyone else tell us what is good for Nevada. I am a little hard-lined about that this session. It is getting old.

Kyle Davis:

I am definitely sympathetic to that and I guess that is one of the consequences of us having strong water laws; in some ways that kind of puts us at a disadvantage to other states. Obviously, we do not want to be in a situation where we are disadvantaged as compared to another state.

Assemblywoman Spiegel:

Has there been any discussion about looking at this based on the size of the water right that is under discussion? Like looking at one standard for something that is a smaller property versus something that is like 500 acres. I am just making up a number.

Kyle Davis:

It is not something that Assemblyman Goedhart and I discussed, but it sounds like an opportunity worth pursuing.

Chair Kirkpatrick:

Does anyone else have any questions?

Susan Lynn, representing the Great Basin Water Network, Reno, Nevada:

I am also here to speak on behalf of Dean Baker who is a rancher in Baker, Nevada. I, too, can sympathize with what is going on in Amargosa Valley. However, you also need to be aware that there are many other counties that are protesting water rights or change of use applications based on moving water around in the state. White Pine County has filed on interbasin transfers, Pershing County has also filed protests on interbasin transfers, and there may be some problem with intrabasin transfers between neighbors, ranchers, et cetera.

The fact that the federal government oversees grazing rights, wildlife habitat, stock watering on the public lands, and a lot of water that is being transferred off the public lands to municipal, to stock watering, to grazing permit fees, and to future water developments in particular counties, is cause for concern. You need to be very careful, because I think this bill cuts two ways.

I am not here in defense of the federal government. They should be here defending themselves. There are a lot of issues that are raised related to their requirements on endangered species and, again, on wildlife habitat. There are a lot of responsibilities that they have so they often protest. But if they do protest, they should be requiring review by the highest level of management within the State of Nevada. Whether it is the state Bureau of Land Management (BLM) Director, whether it is the field office manager for the Department of Fish and Wildlife Service, or whether it is the head of the Bureau of Indian Affairs (BIA)—there are two districts for the BIA in the state, I do not know how you manage that. The Forest Service is managed essentially by a supervisor in this state, maybe it should go to him for review in this case. I think you can determine who are the highest ranking within the State of Nevada and maybe they should have responsibility for this. But it also puts a burden on the State Engineer to know who that person is, whether the document has been formally signed and notarized, which documents are required within the 60-day period from first notice, which are required 30 days following the last date of notice, and where the protests are required to be filed.

There is a lot of intricacy here, and I agree that the federal government is not always the best neighbor on water rights or even on land management. They do have some federal responsibilities, and this bill seems to single them out. You also have large water purveyors such as Vidler Pico. Also, in order to be equal, do you require signatures from their highest corporate level on the documents? To me, this bill is somewhat discriminatory in that particular sense.

Such are the vagaries of the intricacies of water issues, and I think you need to be very careful about where you go on this bill. With that, I will end my testimony. Thank you.

Assemblyman Bobzien:

I think you brought up an interesting point, so much of this is focused on Amargosa Valley and Death Valley. But I am seeing a situation where a permittee, who has cattle on Forest Service land or BLM land, wants to move water within the basin. The permittee, hopefully, has been working with the district ranger or their BLM person and then the next thing you know they are saying, "Hey you have to get me my water, are you going to protest this?" Then they have to run it up two chains of command for this one permittee, to

the Secretary of Agriculture and the Secretary of Interior, in order to protect this permittee's water that he depends on to receive his Animal Unit Months (AUMS) allotment. Is that what you are getting at as an untended consequence?

Susan Lynn:

Yes, that is correct. For instance, Mr. Baker out in Baker, Nevada, actually had to sell some water to the National Park Service because no water was reserved for the national park when it was enacted out there. In spite of losing his grazing permits within the park after ten years, he did sell the water, and that was a change of use application. There were neighbors who protested that, but it had to be signed off by the Park Superintendent and so on and so forth. Actually, that did, as I recollect, go higher to at least the regional solicitor under the Department of Interior. There were all sorts of things that took place then.

Yes, those are the kinds of things that happen. Right now we have lots of change applications on file for Washoe County and northern Washoe County so that they can pipe water down to the urban areas. The State Engineer makes the decision on those applications, but should the federal government be involved in protecting water emanating from public lands? Even though these are private water rights, sometimes they emanate from springs, sometimes they are watering troughs for their grazing permittees, and sometimes they emanate from fishing streams. If that water diverts from the public lands, then the federal government really does need to be protecting and protesting the transfer of those water applications. While most of those are interbasin, there are a few that are intrabasin, so the terminology will require a lot of definition.

Assemblyman Bobzien:

Just a follow-up comment. This gets further compounded by the situation in Amargosa. The bill sponsor and I have talked a lot about the fact that we have this clash that happens between two states and two completely different entities for water law that really leaves folks in a tough spot. I do not know if this bill gets to that, but I think that is ultimately the problem and one of these days we are going to have to find a solution.

Susan Lynn:

I think Mr. Bobzien is absolutely correct in that. And I think water is becoming precious to all of us and there will be more interstate agreements on dividing available water. They will be between counties, and there is a process already in place for dealing with them. The State Engineer has it very well laid out in his rules and regulations, and it also is in state law that you have enacted. Frankly, I think existing statutes and regulations contain good policy for this problem.

If there is a problem in Amargosa, I would suggest that they go to their congressional delegation and try to get that resolved with the federal agencies. I know it is hard and it requires a lot of time and effort, but that is where I would go.

Chair Kirkpatrick:

I will state for the record, for the last year, I put in 19 phone calls to the congressional delegation of that district; I am tired of calling. Election time is coming so I am sure they will be calling me. Maybe I will finally get my question answered.

Does anyone else have anything? Is there anyone in opposition who would like to testify?

Jason King, Acting State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources:

Our office is neutral on this bill as amended. As you heard Assemblyman Goedhart testify, the amended language under section 1, subsection 6, clarifies which water rights are subject to amendments outlined in subsection 5. It only applies to existing water rights, permitted or certificated rights. It does not apply to new appropriations.

I do not have much testimony. What I would offer, after hearing some of the comments, if it is truly the intent that it should not apply to interbasin transfers, this bill does not do that. It still applies to a new appropriation for an interbasin transfer, in other words you are going into a basin that has not been fully appropriated. We get many applications for new appropriations in a basin to take water out of the basin. However, if you go into a basin and purchase all the agriculture rights and want to change it out, those rights would be subject to this new criteria. So, if it is truly the intent not to include interbasin transfers, there would need to be some amended language.

Chair Kirkpatrick:

That was one of the questions that we were going to ask.

Assemblyman Bobzien:

Mr. King, I am sure you were listening to how things have been kind of rolling out. Some of us suggested plans for maybe working on the bill, and trying to make it workable in terms of the reporting requirements and the sign off requirements. One of the suggestions that I heard from the bill sponsor is rather than taking it all the way up to the Secretary of the Interior level in the Cabinet, is to try to find some middle ground such as the Park Service Superintendent,

the regional director, the forest supervisor, or the regional supervisor or what have you. What struck me when I heard that is that it would put you in a position of trying to navigate organization charts and making a determination as to the appropriate person needed to sign on it. I do not know if you have contemplated any of the suggestions that you heard for changes or amendments to the bill and how that would impact you.

Jason King:

Frankly, I do not believe that it makes a difference to us whether it is the state head or a cabinet member. We are going to have to find out who that person is supposed to be; we will have to make a listing of that. When a protest comes in from one of those governmental agencies, we are going to see if that name is on it, check it off on the signature line, and it will be that simple. So, yes, in the beginning you are absolutely right, we are going to have to do that kind of research online or whatever. Once we get the listing it would just be a comparison between the two.

Chair Kirkpatrick:

Does anyone else have any questions?

Assemblyman Settlemeyer:

What is the current time frame for permits that are denied? I had one a long time ago and it took 17 years to get denied. I know you guys are doing much better, but what is the average time frame it takes to deny a permit nowadays?

Jason King:

It is just very water-right specific. I feel bad that you had a water right that took 17 years and I know there are a number of backlogged applications that take many years. But I do want to point out that there are a lot of applications that are filed and protested that we take action on in a matter of months. So, we do take action on a number of applications quickly. I think we are getting better at it. We are seeing a lot of protests that are repetitions of previous protests in a particular basin. We have the ability to cite a previous ruling, and based on that ruling we can deny a protest or overrule a protest and issue the application. I do not have an average time, it very much is water-right specific.

Assemblyman Settlemeyer:

If it is from a federal agency does the denying process take longer, or do you think it is about the same?

Jason King:

I would say it is the same. I do not see any difference.

Assemblyman Settlemeyer:

What if you put the burden of truth on the individual who wants the application to be denied, shifting it away from you? So, basically, if I had an application for a change of water use and there is a protest filed by Mr. Goedhart against me, I could go to you and say, "Look, Mr. Goedhart did not sign this, he is the CEO of the company. It was signed by the guy who cleans the stalls at the dairy, and that is not a qualified person because he is not the owner of said corporation." So, we could try to shift the burden of truth and that way it gets out of your office; and they could just come and point out that this is not the appropriate person according to the applicant.

Jason King:

I would only comment that it still will not relieve us from our responsibility. Obviously, we have a set of criteria that we have to look at before we can issue or deny an application. So, even if that protest was kicked out on that basis we still have our statutory requirement to see if there is water at the source and if it conflicts with existing rights, protects domestic wells, all those criteria.

Chair Kirkpatrick:

Does anyone have any questions?

Assemblyman Stewart:

Is there some way of classifying simple problems from more difficult ones, as Assemblyman Goedhart mentioned? For example, a person with the same area of water and he is just going a few hundred feet down on his own property. Is there some way of expediting the simple ones compared to the more difficult ones? Could we classify them somewhere in the bill and expedite things?

Jason King:

Yes, I do believe there is. In fact, in Amargosa Valley we have recently issued an order which is probably our most stringent order in the state. It is actually under appeal, but we have done something very similar to that. In other words, if you are going to move your point of diversion and it is still on your same place of use, then you are allowed to move that point of diversion closer to the Devil's Hole, which is the problem in Amargosa. So, yes, there is that ability to work with something like that criteria.

Assemblyman Stewart:

You are presently already doing that?

Jason King:

In Amargosa Valley, we specifically issued an order that allows us to do that. That is not a statewide order.

Chair Kirkpatrick:

Does anyone else have any questions?

Assemblyman Bobzien:

I wanted to check with you on your best estimate of the number of protests that come from federal agencies and the rate that they are denied.

Jason King:

It is going to be a guess. In any given year we get anywhere between 1,500 and 1,700 applications, and that is both applications to appropriate water for the first time or changes. Predominately, 75 percent of applications filed are for changes. So, between 1,500 and 1,700 applications are filed in a year. I think we are getting around 300 protests to those 1,500 to 1,700 applications.

If I were to make a guess, of that 300, and I can follow up with some better data to you. I would probably say one-half are by some governmental agency, whether it is a federal, local, county, or state agency.

Assemblyman Bobzien:

What is the percentage that is denied?

Chair Kirkpatrick:

We have a homework file every Friday, you could get it to us for next Friday.

Jason King:

I would appreciate that because I hate to even venture a guess on that. I can try to get that information to you.

Chair Kirkpatrick:

Is Amargosa Valley the only entity within the state that has this problem or do we have the same problem with Utah and some of the other basins within our state? I would think that Amargosa Valley problems would come from California, but we might have problems in the east with Utah.

Jason King:

The short answer is, we have it in many other places throughout the state. Amargosa Valley is a unique situation with Devils Hole and the pupfish. There is a federal reserve water right there that is a senior right in the basin, and that throws a whole new spin on the circumstances in Amargosa Valley; but, yes, we have other issues throughout the state.

Chair Kirkpatrick:

Are the ones protesting in Amargosa Valley the same governmental entities? You do not have to give specifics, but I am curious if it was always the Death Valley National Park Service or if there are others. If you get that information for us, we would appreciate it.

Jason King:

In the case of Amargosa Valley I can tell you that it is almost always the National Park Service. We do get other protests but in terms of those from a federal agency, it is the National Park Service.

Chair Kirkpatrick:

The last thing I will ask you is, would you let us know how many certifications you think would be affected that are from previous protests?

Jason King:

I would be happy to.

Chair Kirkpatrick:

Thank you. Would anyone else like to testify as neutral to this bill? With that, we are closing the hearing on A.B. 276. Mr. Goedhart would you like to come back up to the table?

Assemblyman Goedhart:

I would like to say that there were several good questions from the Committee members. I am looking forward to working with everyone to see if we can go ahead and craft some changes to protect the property rights that we are talking about without creating any unintended consequences.

I do want to point out that in the case of the range and stock watering rights that were presented by Ms. Lynn from the Great Basin Water Network, those are private property rights and, therefore, a rancher or a cattleman can go ahead and initiate a protest himself. He does not have to have the federal government intervene for his private personal stock watering and ranch water rights.

There was a case that was presented, *Hage v. United States*, whereby Helen Chenoweth and Wayne Hage embarked upon a 15-year lawsuit with the federal government and they won several million dollars; it was out of Tonopah. It is a case that has generated a lot of interest throughout the west.

I would also like to point out to you that we do want to craft this language so that it only affects intrabasin water transfers. That was a good question that you had redirected to Jason King, so there are a lot of different tweaks that we

can put in this bill. We appreciate your effort and your questions in trying to come up with some good legislative policy.

Chair Kirkpatrick:

I will tell you, in the next week or so, we will have several of our congressional delegation in the building so maybe all of us can try, we might get them to...

Assemblyman Goedhart:

I do not have a lot of faith in those folks. I am looking at AIG, I am looking at corporate bonuses, and I am looking at the Wall Street mess. I think we have a good crew here, and I would put my faith in us because we can handle this at the state level.

Chair Kirkpatrick:

I know, but we will try. We appreciate the confidence you have in us.

With that we will close the hearing on A.B. 276 and open the hearing on Assembly Bill 304.

Assembly Bill 304: Makes various changes relating to the preservation of existing neighborhoods. (BDR 22-641)

Assemblyman Tick Segerblom, Clark County Assembly District No. 9:

I have testimony that is be handed out ([Exhibit H](#)) and rather than read it, let me just give you a brief summary of what I have attempted to do with this bill.

I represent both old Las Vegas and parts of the county immediately to the south of Las Vegas. It is one of the oldest neighborhoods in southern Nevada. My goal here is to try to make sure that we do not destroy those neighborhoods as we grow bigger, traffic patterns increase, and other problems occur that are related with growth.

This bill actually came before you two years ago in a fairly similar fashion.

There are two things that I am trying to do. First, I am asking for government entities to survey their towns, identify neighborhoods where the homes are 40 years or older, and in those areas try to develop a plan to protect those neighborhoods. I patterned this bill after the City of Las Vegas since it already has a historic preservation ordinance and a historic preservation commission. I would like to see, for example, Clark County have a similar survey and then a historic preservation ordinance and historic preservation commission.

Additionally, I am providing that local government have additional tools to protect those neighborhoods. One of the things that we found is that a lot of times you cannot vacate streets to prevent egress and ingress of these neighborhoods which have multiple streets going into them. Another thing that has happened, all these neighborhoods have aboveground utilities. I am trying to encourage local governments to put some of those utilities underground so that it would make the neighborhoods more aesthetically pleasing. Also, a lot of times the larger trees knock down the power lines; every time the wind blows everyone loses their power and, in particular, their television reception.

It is a very simple bill. I have talked to a lot of local government entities. I have talked to the power companies, and everyone has a few issues. I am happy to work with them on those issues, but at the end of the day, I am hoping that we can come up with an ordinance with a requirement that local governments survey neighborhoods that are 40 years and older, and try to figure out ways to protect those neighborhoods.

I have several people here and in Las Vegas who would like to testify in support of this bill.

Chair Kirkpatrick:

Does anyone have any questions?

Assemblyman Munford:

I really have a great deal of interest in the preservation of old historic areas.

Assemblyman Segerblom:

Do you live in one of those neighborhoods?

Assemblyman Munford:

Absolutely, without question. I really support you in this endeavor because we have so many historical sites that are being ignored, or are not being considered in redevelopment projects that are coming from the City of Las Vegas. We recently experienced a real issue with the closure of some of our streets in our community. Something of this nature may be of some assistance in addressing our concerns with the preservation of my district.

Assemblyman Segerblom:

Frankly, that is my intent. These entities are so focused on groups growing and developing in the outlying areas that a lot of times they forget what that does to our neighborhoods.

Assemblyman Munford:

They have definitely demonstrated that with the communities within my district. I would like to speak with you further on this.

Assemblyman Segerblom:

Okay.

Chair Kirkpatrick:

Are there any other questions?

Assemblyman Settlemeyer:

I have a question. I have had the unfortunate pleasure of dealing with the State Historic Preservation Officer (SHIPO). It is kind of entertaining that even with a concrete structure in the middle of your field that you have had there, obviously, for at least 39 1/2 years; I would not be allowed to take out because it was 40 years old.

My question is, will this then be telling homeowners that they cannot modify their homes if their homes are more than 40 years old, or is this only telling the county they have to survey their properties, their roads, their sidewalks, the things that they control, for possible preservation? Are we telling private property owners what to do?

Assemblyman Segerblom:

At least in southern Nevada you are not allowed to dictate to homeowners what they can or cannot do to their homes. The goal would be to just basically take inventory and enact some kind of an ordinance that would say, as a policy, if we are going to widen a street, or encourage some changes, we need to consider the impact on the neighborhoods as opposed to just letting things go. For example, and I believe you will hear some testimony on this, in my neighborhood I have a golf course. It is a very historic golf course surrounded by historic houses. The people that own the golf course are trying to tear down the golf course and build houses there. We are trying to encourage the county to say, "Wait a minute, you cannot just do that. This is a historic neighborhood, and you just cannot let somebody bulldoze the golf course and build houses there." So, it would be a tool that would discourage destruction of a neighborhood just for the sake of destruction or development.

Assemblyman Settlemeyer:

So, you are not focused on personal property in any shape or form. You are looking at the properties that are owned by the community.

Assemblyman Segerblom:

I do not think the government can tell a homeowner what they can or cannot do. They can certainly encourage him to try to keep the building's appearance or keep it in an historical preservation fashion so that he does not build a five story house in a flat story Palm Springs-type neighborhood; we cannot control that. It is an encouragement or a disincentive, but it cannot be forced upon him.

Assemblyman Stewart:

At my age I am always appreciative of legislation that preserves old things. How did you arrive at the 40-year thing? At my age, 40 years sounds young. Is this from existing language or can you please enlighten me on that?

Assemblyman Segerblom:

It is actually designated; at 50 years, under federal law, things can be preserved. That is the legal age for historic preservation. What I am trying to do is to start governments looking at 40-year-old neighborhoods with the prospect that at 50 years they would fall under federal protection.

Chair Kirkpatrick:

Does anyone else have any questions? I will just say, Mr. Segerblom, that I understand where Assemblyman Settelmeyer is going, because last session this Committee got to hear Virginia City's very strict guidelines in their ordinances. So, I would bet that it is very different in many areas throughout the state. It has to be broad enough to let folks remodel or alter their home if that is what they choose...but in Virginia City, you move there knowing that you cannot change the windows, you cannot change the flowers without getting approval from the city.

Assemblyman Segerblom:

This bill does not say what the local government has to do with that historical preservation ordinance. They can say, "We do not want to preserve anything." It just says that they have to consider the concept, and then if they develop an ordinance, local people can decide, which is always the best.

Chair Kirkpatrick:

In section 2, in the larger section of the bill, the last half, I think these are things we need to be looking at when redevelopment is being done in some of these neighborhoods. Henderson went through and cleaned up some neighborhoods, and received tons of grants. The cities of Las Vegas and North Las Vegas should be doing it. We should reward the people who invested in our state when block homes were the way to go.

Assemblyman Segerblom:

In my district the schools are the older schools. We need to reinvest in our older neighborhoods because we spend a fortune in the new neighborhoods. We need to help ourselves.

Chair Kirkpatrick:

Someday those will be old neighborhoods.

Assemblyman Segerblom:

Exactly.

Chair Kirkpatrick:

With that, most of your friends are in Clark County, so we will start with all of those who would like to testify in support of A.B. 304.

Assemblywoman Mastroluca:

Assemblyman Segerblom, could you address the issue regarding the cost of converting the power from aboveground to underground? I am a little confused about reasonable consideration of the cost of doing that.

Assemblyman Segerblom:

What I am trying to do is encourage that to happen. The exact formula on how it would occur is not clear and this probably would not be in the actual neighborhoods where the houses are, but mainly in the business area on main streets, like Charleston, Sahara, or Maryland Parkway. To develop districts where the cost...you would throw out bonds and then the cost is borne by the businesses that abut that street.

I have talked to the power company about whether you could put it into the full rate base, and they say that would probably be difficult given state law. It is better to encourage governments to consider doing that. That is one of the biggest differences you will find between an old neighborhood and a new neighborhood—the power lines. In fact, if you drive around the city you know you are in an older neighborhood by looking at the skyline. To say how it would specifically work, I honestly do not know. We are not dictating how it would work; we are just saying that this is something you need to look at trying to do.

Chair Kirkpatrick:

Does anyone else have any questions? We are going to Las Vegas. Please introduce yourself and give us your testimony. We are most appreciative.

Jack Levine, Local Realtor, Las Vegas, Nevada:

I specialize in the pre-1970s neighborhoods that we consider to be historic neighborhoods. These were the original suburbs of Las Vegas; they are not very far from downtown by any stretch of the imagination. There is a huge renewal of interest in homes that do not look exactly like their neighbor's house. All the difference is between urban living and suburban living.

People are coming back downtown into the historic neighborhoods for a variety of different reasons, and we do not want these neighborhoods to be afterthoughts when development is happening and when changes are being made by governments and developers. There are people who think they are charming, unique, and interesting neighborhoods full of mid-century modern homes, but they ought to be bulldozed for more casinos. We are adamantly opposed to that belief. Any tool that we can have at our disposal to help us preserve our neighborhood is absolutely vital, and we would really like you to support this bill.

Chair Kirkpatrick:

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

Gregory Brown, Private Citizen, Las Vegas, Nevada:

I am here as a resident of one of those neighborhoods and on behalf of the Southridge Neighborhood Association, within the City of Las Vegas. Our neighborhood association is a loosely organized volunteer effort recognized by the city's Neighborhood Services Department, but entirely run by the neighbors of our historic neighborhood.

Most of the homes in our neighborhood were built in 1955, as was most of our infrastructure. Our neighborhood is currently seeking historic designation through the city's process and it is a neighborhood that has even had national media coverage because of the historic architectural features of our mid-century modern homes.

Our neighborhood association, like all neighborhoods, is very concerned with a variety of things—parks, police services, and in recent years, abandoned homes. But we have some concerns that are rather distinct to some of these older neighborhoods, mostly because our neighborhood of single family homes is in close proximity to major commercial thoroughfares—Las Vegas Boulevard, Sahara Avenue, and Charleston Boulevard. Our neighborhood is often necessarily engaged in planning and land use proposals that come before the City of Las Vegas because of major commercial development that is proposed, literally in our backyards.

The density of homes, of roads, of commercial sites, and the differing land use designations that are all on the perimeter of our neighborhood makes this, in many ways, the antithesis of how master planning in Clark County generally functions. In other words, we are an urban infill neighborhood not on virgin lands so the planning cannot start from scratch.

For that reason we are much in support of this bill. We feel that we have been very successful in the last few years. A lot of this was started by Jack Levine who fended off some dangerously inappropriate proposals for commercial development that would have greatly harmed our neighborhood by meeting with developers to help modify and improve reasonable proposals. That success has largely been due to the existence of a couple of factors which are rare, and which we think this state and this bill can help sustain.

First, our neighborhood is very active, which has been encouraged by the city, and especially by a lot of work done by Jack Levine. In 2000, our neighborhood wrote and had approved a neighborhood plan that lays out our concerns and priorities for developing a parameter, not concerning any single homeowner, but having to do with the roads and the commercial development throughout the neighborhood.

Secondly, we have, at least in our part of Las Vegas, a local government representative who is very responsive to our concerns with the planning commission, the city council, and the county commission, as well as state legislators Assemblyman Segerblom and Senator Coffin. Largely because of that representation, we think the state can help us with this bill by establishing a role for us, the homeowners, in planning and land use decisions that affect our neighborhood.

We have had the frequent experience of meeting with developers who are trying to do a project on the periphery of our neighborhood. They told us that they wish they would have known of our existence and our concerns prior to making their applications. Very often our concerns about the quality of life in our historic neighborhoods are things that they would have recognized had they been aware of at the start. Often they get very far into the development process at great expense to themselves, only to incur a great deal of frustration when they find that the neighbors have a great deal of concern. As volunteers, we have put in an extraordinary effort trying to get involved in the process of planning and land use. We think the state can help us by creating a preservation commission that can serve as a venue for us to raise our concerns and where developers can hear them in an organized, rather than scatter-shot fashion, which is often what happens at mandated public meetings in our city.

Finally, I have just two very quick anecdotes from our neighborhood about why some of the concerns on underground utilities and transportation decisions really affect us. The first is an incident that happened a few years ago on my street, where power cables fell. A lot of the utility poles were built when the houses were built in 1955 and had an expected life of 50 years. A utility wire burst off the transformer, fell into someone's bushes and started a fire. Only because an alert neighbor was there with a garden hose did this house not burn down. When we talked to NV Energy about it, they said that they had concerns about existing power lines, so we think anything that can facilitate the undergrounding of utilities is going to be very important for our neighborhoods.

Secondly, transportation. In one instance where we were trying to work with the developers, they had a proposal that would have built a building with something like 1,100 condo units. All of the traffic was going to enter the development from a 60-foot-wide residential street that was fully lined with residential homes. We asked them why they proposed it that way and they said because Sahara Avenue was maintained by the Nevada State Department of Transportation, and the state would not allow them to build their entrance off of Sahara Avenue. This is a case where we think there should be legislation that says these decisions should not merely be made on technical grounds, but with a concern for the impact on the neighborhood. As it was, that building was not built, but that would have been a case where the Transportation Department could have worked with us to preserve our quality of life, and still allowed entrance into the buildings. So, we think this is going to help us a lot in our efforts to preserve and enhance our quality of life in our neighborhood.

Chair Kirkpatrick:

Does anyone have any questions?

Assemblyman Munford:

My question is for Assemblyman Segerblom. In my district there is a need for redevelopment, and there is also a concern about preservation of old historical sites and buildings. Can they coexist? We need redevelopment in my district because we are in dire need of job creation and those types of things, but at the same time the location of old west Las Vegas is very strategic. We are near downtown, the airport, freeway ingress and egress, and I know there have been rumors that certain developers and others would like to take possession of our community. Like I said, we want some of that development but at the same time we want to preserve some of our historical aspects in the community. Can they coexist?

Assemblyman Segerblom:

That is what we are doing in the neighborhood south of Charleston. The problem is when you have the development, then you have the traffic and other impacts which tend to go through the neighborhood, which then brings down property values and people flee; then the schools go.

If we can identify the neighborhoods before the development, then those neighborhoods and cities can design things to protect them, so when the larger development comes, it does not destroy the neighborhood in the process. You do not want destroy the city to save it.

Assemblyman Munford:

But sometimes those developers, and I am not saying that there are any ties or connections to local government or anything of that nature, but I am saying that sometimes they do not want the historical aspect of a neighborhood to stay in place, because then it becomes blighted. When it becomes blighted the value of the property goes down and that makes it easier for developers to come in and sometimes I think that is the thinking of some developers. That is how they sometimes are able to gain access or control of certain communities. There is a portion of my district that thinks like that.

Assemblyman Segerblom:

What we have tried to do, and what this bill is designed to do, is to prevent the neighborhood from getting to that point because it will deteriorate before it starts to stabilize. Now people are starting to realize that these intercity neighborhoods are valuable—you can get to work easily, you do not have to drive all over the place to get to things, and so they have become desirable. We just need to make sure that they do not get destroyed before we can come back in and rebuild them. The goal of this bill would be to give additional tools to local governments to protect the neighborhoods, and it is the neighbors that have to step forward and do that.

Chair Kirkpatrick:

Does anyone else have any questions? I have a question for Jack Levine, the realtor in Las Vegas. Nowhere in this bill does it talk about disclosure if it is an historical building. The bill also does not determine how the historical notification would be put in place in the master plan. How would you, as a realtor, disclose it if there was no designation here? Do you believe that there would have to be a homeowners association group to do it? One of the things we saw with Virginia City the last time was they had a mini town board so they could make their stuff work. You had to appear before someone. So, how do you see the enforcement? Would it be the city where you have to meet certain

criteria, or would it be the actual members of that homeowners association? How do you see that working?

Jack Levine:

First off, I do not see anything in the bill requiring homeowners associations and we would not want those. The associations that we have are actually neighborhood associations.

Chair Kirkpatrick:

Mr. Levine, could you please identify yourself for the record.

Jack Levine:

I am Jack Levine with Kelley/Williams Realty and the author of veryvintagevegas.com. What we have are neighborhood associations that are voluntary organizations of concerned neighbors banded together to improve their lives and the living situations of their neighborhoods.

The bill, as I read it, calls for all the government entities to take into account, upfront and first, what have already been designated as historic neighborhoods through some other method. This bill does not create neighborhoods at all, as I read it or as I understand it. This merely requires the state, county and city entities to take into account upfront, the historical designation in the initial planning phase of the process, instead of as an afterthought. I think that was the point I was trying to make earlier.

Actually, not only is historic designation something that we want to disclose as real estate agents, it is something we want to brag about. It is something that I use as a selling tool to tell people about our fabulous neighborhoods, and why urban living is so much different than suburban living.

We have distinct groups of people coming back into the urban quarter of Las Vegas. Some of them are merely concerned about drive time to work and they are willing to put up with the age of the houses, but they would really rather have a brand new house and still only have to drive five minutes to work. The majority of people coming back into these neighborhoods are really into the art and the architecture of the homes, the design, the size of the lots, the size of the trees, and the history of the characters of Las Vegas who used to live in these houses. Those are the things that I am bragging and telling people about everyday.

I have no problem with disclosing that something is in a historic neighborhood, but there are no historic neighborhood designations in Las Vegas where a

government entity is telling people what size or color their house can be. That is not an issue here, and it certainly is not addressed in this bill.

Chair Kirkpatrick:

I appreciate that. As a native Nevadan, believe me, the Desert Inn and Paradise Casinos used to be the hot spots, so I am on your side on that. I am just trying to clarify, because in section 17 of the bill it talks about the association and property owners, so I am wondering what kind of association that is. I just wanted to get clarification. If it is a neighborhood association, we probably need to make that very clear, and if not...

Jack Levine:

I am very clear about that.

Chair Kirkpatrick:

I think we have one more person who would like to testify.

Wayne Skip Cummins, Private Citizen, Las Vegas:

I reside in the Paradise Palms neighborhood. For those of you who may or may not be familiar with Ottawa Drive or this portion that I live on, it is a cul-de-sac located within the original master plan development of Paradise Palms. Paradise Palms consists of several hundred homes over a land area of several hundred acres. It was the first master planned community in southern Nevada. For those of you familiar with Las Vegas and Clark County, it would be bordered by Eastern Avenue, Desert Inn Road on the north, Spencer on the west, and Viking Road for the most part on the south. It was built in the 1960s by Irwin Molasky and Merv Adelson and was designed and built around what was then the Stardust Country Club. One of the points that Assemblyman Segerblom made earlier, and it is very significant in particular to the nature of our neighborhood, is the interrelationship between the design of and location and positioning of the homes in context to and with the golf course. The golf course was also known as the Sahara Country Club; it is now known as the Las Vegas National Golf Course. The neighborhood has been, and is still, home to numerous celebrities, professionals, and regular folks who are the backbone of the southern Nevada community economy, and a significant part of its history.

I am here today in support of this bill and I have the unified support of over 200 homeowners who are also in support of this bill. We feel it is important to designate and preserve these historic neighborhoods for the following reason: historic neighborhoods truly are unique, as Jack Levine pointed out earlier. The design, the architecture, the structure of these homes, the size of the lots, all

represent the uniqueness that is not found in ordinary neighborhoods, track homes and that sort of thing.

These neighborhoods contribute to the flavor of a community in a way that extends beyond the city and the community. You can look at certain neighborhoods in southern California—the San Diego area or the greater Los Angeles area—and they are known because of their uniqueness of significant design, and significance in history.

Another very important thing, and this is very key as Assemblyman Segerblom mentioned earlier in regard to Paradise Palms, certain types of development—particularly production, production products, track homes, high density or high intensity development—are not really compatible with a neighborhood that has an historic nature or has an historic designation. That type of thing would greatly diminish the appeal and the value of the historic homes, and chip away and erode the way of life for those people who live and own homes in those potentially historic areas.

These neighborhoods, because of their unique design and construction, to Assemblyman Munford's point and Assemblyman Segerblom's comments earlier, afford an attractive opportunity, and I think Mr. Levine mentioned this as well. There is an important opportunity for reinvestment and rejuvenation in these neighborhoods and in these areas, if you have some indication of protection that takes away risk and enhances the opportunity for investment in these types of homes. If you look at many of these homes, the quality of the construction far exceeds probably anything that has been built in the last 20 years, certainly in the context of residential development in southern Nevada. To the point that they are historic, these neighborhoods are particularly steeped in an historic and nostalgic sense. It is important to preserve this; it adds to the ambience and the overall appeal not in only the historic area, but the community. My neighborhood of Paradise Palms is an example of this. If you are from southern Nevada, as many of you are, you probably know someone who lived there or you have visited there as a child, you had friends who lived there or maybe you attended some parties over there. Some past residents include Sammy Davis, Ed McMahon, Johnny Carson, Debbie Reynolds, Sonny and Cher, and the late Robert Mayhew. The golf course is also steeped in history—Professional Golf Association (PGA) history. Past competitors include Jack Nicholas, Arnold Palmer, past champion Chichi Rodriquez; and the golf course was in the rotation when Tiger Woods won his first PGA Tour title. The home of Robert DiNiro's character in the move *Casino* is the home that we refer to as the Casino house and is also in that neighborhood. These are just a few of the reasons that lead us to strongly support this bill.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.] We appreciate the history and the importance of this.

Assemblyman Segerblom:

I would just add one more thing. Right now Clark County has no historic ordinance, designation, or anything. These neighborhoods all fall within the county. This is a classic example of what this bill would correct. This bill would force the county to step up to the plate and start to look at the historic neighborhoods that are solely in the county.

Chair Kirkpatrick:

That goes right into my question. Because I do believe it is very different up here in northern Nevada than it is in southern Nevada, I am wondering if maybe we could limit this to just southern Nevada?

Assemblyman Segerblom:

I have no problem with that. Here in the north, I think people appreciate the history more because and they have a bit more of it than we have in southern Nevada. I think it is very important we start to recognize that.

Chair Kirkpatrick:

I hope that did not burst anyone's balloon out there who wanted to come speak against it from northern Nevada. I just think it is a very different issue in northern Nevada than it is in southern Nevada.

Did you want to say anything further? May I have those who are in favor of A.B. 304 in Carson City come up to testify?

Renny Ashleman, representing the City of Henderson, Henderson, Nevada:

I might state that, although I do not know that all of them endorse the bill, I have talked to the other local governments and I think they are in general agreement with the remarks that I am going to make today, and you will be glad to hear that they will be brief.

We have talked to the sponsor of the bill. There are some points in the bill that we would like to have some clarification on, which I think he is agreeable to. I will give you a couple of quick examples.

On page 2, section 1, subsection 3, when you look at the list of people who can identify a "distinctive character," it is probably just paranoia, but you could read into it that an agency totally unrelated to the City of Henderson could

adopt historical preservation for us. Plainly that was not his intent and we are not in favor of that, so we would work on rewording that a little bit.

If you move over to page 7 where we talk about the plan to convert existing overhead utility service facilities, which are lines 6 through 10, it appears that would have to be a mandatory plan for converting. That is not really intended because if you look at the electrical sections, you must take the criteria of cost and benefit and account for them before you would be doing this. Plainly we would want to have the same flexibility in deciding when it made sense and when it did not, so I do not think the sponsor has any trouble with clarifying that. Those are the principal things. The rest of the stuff is details, and is easily worked out, but those would be our comments on the bill. We think the concept is good. We are all willing to go forward with this; and I think we could get back to you promptly with what we think would clean it up. Are there any questions?

Chair Kirkpatrick:

Does any one have any questions? [There were none.] Is there anyone who would like to testify neutral on A.B. 304?

Margaret (Maggie) Lowther, Government Affairs, Storey County, Virginia City, Nevada:

I am from Virginia City and I have one of those houses you are talking about. Right now I am in the process of trying to fix my fence because I have one of the two remaining spindle fences in Virginia City and the Historical Commission is not allowing me to get rid of it.

I just wanted to clarify that Virginia City is an historic monument. It was declared such in the 1970s by two people from the Legislature. When I first moved to Virginia City in 1970, people felt very put upon by someone telling them what they could or could not do with their house or their property. I hope no one will take offense to this, but a lot of the repair work and fixing of homes was done like the old cars that were put together with "spit and baling wire." Well that is exactly what they did. In some cases I was incensed by that because I was interested in the history of the area and I often think of times when the original people that lived there, the natives or whatever you want to call them, lived and grew up with that everyday. One man told my husband that they took those big, high-back, walnut beds, along with other old furniture, down to the dump and cut them up for firewood in the 1930s. I thought that was terrible. Well, over time, after it was declared an historic district, people began to understand what was trying to be done, but it did not happen overnight. It takes a mental turnover for people to come to the table and that is what you are trying to do here. You are trying to start the people thinking

about what they are doing and maybe down the road, as they do that, they will begin to preserve, take care of, and do it correctly.

I think Virginia City is now doing a good job. Our Fourth Ward School is a wonderful example of how to do it correctly. So, yes, I live in a 112-year-old house and it is expensive to keep it up, but it is worth it.

Chair Kirkpatrick:

Does anyone have any questions? Just in case, if anyone is wondering, floor session does not start until 11:30 today, so we have some extra time.

Margaret Lowther:

We are governed by the federal government because of the fact we are a national historic district.

Chair Kirkpatrick:

But this is because Virginia City is 100 years old, correct?

Margaret Lowther:

I am not sure what the criteria is for doing that, and I have forgotten the names of the two legislators who brought this about, but we are also under the Cultural Affairs Office here in the state. We do have a board that meets once a month, and it is of the Historic Commission, and, yes, you do have to ask permission to change the color on your house.

Chair Kirkpatrick:

I remember that from last session.

Constance J. Brooks, Senior Management Analyst, Clark County, Las Vegas, Nevada:

We would like to go on record as neutral, although we do support the spirit of the bill and thank Assemblyman Segerblom for bringing this to the public's attention. We have been working in concert with local jurisdictions such as Henderson. We have been working closely with Mr. Ashleman and we are in agreement with the amendments or the language that he is suggesting. We have also consulted with Assemblyman Segerblom; he is okay with what we, as a group, are proposing. We just wanted to go on record and state that.

Chair Kirkpatrick:

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

**Patricia T. Rogers, Government Relations—Community Outreach Representative,
Truckee Meadows Regional Planning Agency, Reno, Nevada:**

[Read from prepared text ([Exhibit I](#)).]

Chair Kirkpatrick:

Does anyone have any questions? I think Mr. Segerblom alluded to the fact he might agree to it only applying to southern Nevada. Does that make you feel better?

Patricia T. Rogers:

Yes, that would help.

**Wes Henderson, Government Affairs Coordinator, Nevada Association of
Counties, Carson City, Nevada:**

I am going to tag along on the southern Nevada part and ask that the Committee consider exempting counties with a population under 100,000, or making it optional for those counties.

Chair Kirkpatrick:

Does anyone have any questions for Mr. Henderson? [There were none.]

Lisa A. Gianoli, representing Washoe County, Reno, Nevada:

Based on the discussion of putting a population cap on the bill, we are certainly neutral on the bill now; we just wanted to bring forth some of the concerns we had. Washoe County is already doing some of this inventory. We assumed it would take us approximately five years to do that and we had concerns about forcing us to do things quicker and in a more costly fashion than what we are doing right now.

Chair Kirkpatrick:

Does anyone have any questions for Ms. Gianoli? Could you maybe get us a copy of how Washoe County is doing the inventory, the process at the county level; maybe that might help southern Nevada.

Lisa Gianoli:

Yes, we are actually working with the Office of Historic Preservation on some of the inventorying, but I will get that for you.

Chair Kirkpatrick:

Thank you.

Robert F. Joiner, Government Affairs Manager, City of Sparks, Sparks, Nevada:

I applaud the efforts of Assemblyman Segerblom and the folks that I just heard speak from southern Nevada. I am a registered planner and have been in planning for over 30 years. I have managed the historic district here in Carson City for 18 years and worked in this northern Nevada area in preservation and city planning for over 25 years.

This is a great effort. Just one quick anecdote and I did talk to Assemblyman Segerblom today about carving us out. In Sparks today, 45 percent of our community is over 40 years old so we are working on a preservation plan there as modeled after Carson City and other areas in northern Nevada. I think you are right, Madam Chair, it is a little different in northern Nevada. We applaud the efforts, we are doing these things, but this bill would really pertain more to what you are doing in Clark County.

Chair Kirkpatrick:

Does anyone have any questions? In Clark County we just blow it up every five or seven years and start over, so here in northern Nevada I appreciate it when I can walk down the streets and see something that has been here for 50 years.

Is there anyone else who would like to testify as neutral on A.B. 304? [There were none.]

We will move to those in opposition of A.B. 304.

Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas, Nevada:

I did speak to the sponsor of this bill yesterday and I do want to apologize to him that I did not go over all of these issues with him. We agree with having these historical neighborhoods; we just want to make sure we know who is going to pay for them and make sure the residents know how much it is going to cost them.

I just want to go through a couple of issues that I have outlined. If you want to keep a neighborhood historical I think you should keep those power poles up there. That is part of the history of how we brought the power in. The main issue of this bill is the cost to our customers.

It is extremely expensive to put existing overhead power lines underground. It is five to ten times more expensive than it is to keep them overhead. We do not know who will pay for them—the Public Utility Commission (PUC) can order all customers to pay for that or they may not. If a special historical improvement district is established, we feel the residents who are benefiting should pay for that, and if they are willing to do that I think that is a good idea.

Why should the residents of Henderson pay for something that is being done in another part of the state?

Those are our main issues. There are some conflicting statutes that we believe would need to be addressed in regards to the PUC and what they are allowed or nor allowed to do in regards to rate making. The statutes are very specific.

In digging the trenches I want to make sure that everyone understands that we are not sure what you will find when you start digging. It could stop the project depending on what you find. In some of those old neighborhoods you are not sure what is buried underneath. In fact, I think that happened up in the northern area in one instance. Older homes with distribution lines overhead typically have video and telecom facilities on those lines. They cannot be put underground, so we would have some contractual issues that we would have to deal with.

Chair Kirkpatrick:

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

Bob Gastonguay, representing the Nevada State Cable Telecommunications Association, Reno, Nevada:

We have a problem with section 20 of the bill. That is where payment for undergrounding existing aerial facilities would possibly be reimbursed to those doing the undergrounding. Under *Nevada Revised Statute* (NRS) Chapter 711.640, the placement of facilities on public rights-of-way or highways is managed by local government's limitations, permits, licenses, fees, and emergency situation procedures. The local government shall manage the use of a public right-of-way or highway by video service providers in a manner that is consistent with the federal and state law and the lawful police powers of local government. Local government shall be completely neutral and shall not discriminate between video service providers and any other users of the public right-of-way or highway for the construction and operation of the facilities.

Having said that, this particular piece of legislation does not address video service providers as we are not under the purview of the Public Utilities Commission; we are under the purview of the Secretary of State.

I would have to state that we are in opposition to this particular piece of legislation unless amended to correct those inadequacies.

Chair Kirkpatrick:

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

Randy J. Brown, Director, Regulatory and Legislative Affairs, AT&T, Reno, Nevada:

We largely echo what has already been said. This is a tremendously expensive undertaking, and to require the utility to pay for the undergrounding of the facilities already in existence is very daunting, frankly. Using the Public Utilities Commission as the mechanism for which to recover that cost creates issues that have not been considered in this bill; one I would present to you is billing. If it is the determination of this law that only those affected are to pay this cost, simply updating a billing system to bill specific neighborhoods for specific costs is a daunting task in itself. We support the spirit of this bill but do have concerns with the utility portion of the bill.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.] Is there anyone else who would like to testify in opposition to A.B. 304?

Assemblyman Segerblom:

As they indicated, I am happy to work with any of them. I am also happy to limit it to southern Nevada. I do think that the north and south are different areas and I would encourage northern Nevadans, if they are not already doing it, to do the same thing because once a neighborhood is gone, it is gone. Thank you very much for hearing the bill.

Chair Kirkpatrick:

I think that there are some parts of the bill that are moveable, so I would bet that some folks would work with you. When we preserve some of these neighborhoods, do redevelopment, or establish new businesses within the older areas, that is the time to look at those streets and older homes within those areas. I think it is important.

We are closing the hearing on A.B. 304. Do we have any comment from the public? [There was none.]

We have a matter of housekeeping. There is yet another committee bill we need to introduce, BDR 28-932. This bill has been before us a couple of times. We thought we fixed the issue; however, it is back because the issue has not been resolved. This revises the provisions governing the terms of certain contracts between certain bodies and certain design professionals on public works. It is the architects and engineers. We thought we had it worked out with local government. We do not have the bill right yet, so maybe this time it will be the magic bullet. I will entertain a motion.

BDR 28-932— Revises provisions governing contracts for design professionals on public works projects. (Later introduced as [Assembly Bill 483](#).)

ASSEMBLYWOMAN PIERCE MOVED FOR COMMITTEE
INTRODUCTION OF BDR 28-932.

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS
ABSENT FOR THE VOTE.)

This will be introduced on the floor.

Lastly, for the Committee, in your homework file [Assembly Bill 54](#) had a lot of discussion in this Committee. We worked with staff to see if there were alternatives for these folks to get the help that they need. It is a very interesting report ([Exhibit J](#)); it has a lot of other available resources out there for them. It talks about some things that we could actually do to help them. So, feel free to read that on your own time.

[Assembly Bill 54](#): Authorizes certain counties to require that certain owners and occupants of property connect to a public water or sewer system. (BDR 20-473)

Then I also left you the Truckee Meadows Regional Planning Agency booklet ([Exhibit K](#)) from [A.B. 119](#), Assemblywoman Leslie's bill.

[Assembly Bill 119](#): Requires the comprehensive regional plan in certain counties to include provisions concerning the identification and sustainability of certain supplies of water. (BDR 22-750)

Chair Kirkpatrick:

On [A.B. 147](#), Clark County did get us the information ([Exhibit L](#)) on the professional services for their bids.

[Assembly Bill 147](#): Requires local governments to grant preference to local bidders bidding on certain contracts for goods or services. (BDR 27-753)

Does anyone have anything else? Just for our calendar next week, we have four to five bills every single day. We will start Monday at 9 o'clock; this will be our last 9 o'clock Monday. We do not have floor session on Wednesday and Thursday. We will have a work session on Thursday, and it will be posted on Wednesday. If there are any bills that Committee members would like to make sure are on the work session, please come see me. With that, if there is nothing more from the Committee, the meeting is adjourned [at 11:05 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 20, 2009

Time of Meeting: 9:02 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 276	C	Mary Mosley	Letter for the Record
A.B. 276	D	Nye County Commissioners	Resolution
A.B. 276	E	Nye County Commissioners	Resolution
A.B. 276	F	Assemblyman Goedhart	Amendment
A.B. 276	G	Doug Busselman	Prepared Testimony
A.B. 304	H	Assemblyman Segerblom	Testimony
A.B. 304	I	Patricia T. Rogers	Prepared Testimony
A.B. 54	J	Linda Jensen, Senior Research Analyst Research Division	Memorandum
A.B. 147	K	Truckee Meadows Regional Planning Agency	Information Packet
A.B. 119	L	Sabra Smith-Newby	Information