

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

**Seventy-Fifth Session
March 23, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m. on Monday, March 23, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5100 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 Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Ed A. Goedhart
Assemblywoman April Mastroluca
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce
Assemblyman James A. Settelmeyer
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Harry Mortenson, Clark County Assembly District No. 42
Assemblyman Joe Hardy, Clark County Assembly District No. 20

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Jean Perry-Jones, Private Citizen, Mt. Charleston, Nevada
Doug Smith, President, Scenic Nevada, Reno, Nevada
Stephanie Myers, Private Citizen, Mt. Charleston, Nevada
Pat Fitzgibbons, President, Spring Mountains Volunteer Association,
Lee Canyon, Nevada
Jane Feldman, Spokesperson, Toiyabe Chapter, Sierra Club, Las Vegas,
Nevada
Heather Fisher, Member, Scenic Southern Nevada, Blue Diamond, Nevada
Joe Johnson, Member, Legislative Committee, Sierra Club, Reno, Nevada
Daniel Lucas, Reno, Nevada, representing Nevada Conservation League,
Las Vegas, Nevada
Frank Siracusa, Chief, Division of Emergency Management, Department
of Public Safety
Rick Eaton, Director, Office of Homeland Security, Department of Public
Safety
Tim Kuzanek, Captain, Administrative Services, Governmental Affairs,
Washoe County Sheriff's Office, Reno, Nevada
Terry Bohl, Emergency Response Coordinator, Inter-Tribal Emergency
Response Commission, Nixon, Nevada
Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas,
Nevada
Renny Ashleman, Las Vegas, Nevada representing City of Henderson,
Henderson, Nevada
Kathy Ochs, Private Citizen, Laughlin, Nevada
Dick McCall, Private Citizen, Laughlin, Nevada
Jordan Ross, Editor, The Laughlin Herald, Laughlin, Nevada
Jeff Pfeiffer, Senior Vice President and General Manager, Colorado Belle
and Edgewater Casinos, Laughlin, Nevada

Marybel Batjer, Vice President, Public Policy and Communications,
Harrah's Entertainment Inc., Las Vegas, Nevada
Edward J. Cooper, Private Citizen, Laughlin, Nevada
Robert P. Bilbray, Private Citizen, Laughlin, Nevada
David Alsbury, Private Citizen, Laughlin, Nevada
John Geremia, Member, Laughlin Town Advisory Board, Laughlin, Nevada

Chair Kirkpatrick:

[Roll taken.] This morning we have some housekeeping business to take care of. We have some bill draft requests (BDRs) to introduce. Committee bill introductions will take place afterwards.

BDR S-1162—Requires the Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau of the major expenditures of local governments in this State. (Later introduced as [Assembly Bill 494](#).)

During these tough times, there are probably some places where consolidation of local government could save money. We would like to work with local government to see if we can do that.

Is there a motion?

ASSEMBLYWOMAN PIERCE MOVED TO INTRODUCE BDR S-1162.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND CLABORN WERE ABSENT FOR THE VOTE.)

BDR 27-1232—Prohibits companies that are involved in specified activities in the country of Sudan from entering into a contract with certain state agencies for the provision of goods or services. (Later introduced as [Assembly Bill 493](#).)

Is there a motion?

ASSEMBLYWOMAN PIERCE MOVED TO INTRODUCE
BDR 27-1232.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND CLABORN WERE ABSENT FOR THE VOTE.)

BDR 32-602—Imposes certain requirements on the enactment of abatements and exemptions from property taxes and sales and use taxes. (Later introduced as [Assembly Bill 492](#).)

This is the BDR for the policy on exemptions and abatements that was passed in 2005 as Assembly Joint Resolution No. 16 of the 73rd Session. It was Question Number 3 on the state voters' ballots in the last election. It sets a policy for all of the exemptions and abatements for the state. Is there a motion?

ASSEMBLYMAN BOBZIEN MOVED TO INTRODUCE BDR 32-602.

ASSEMBLYMAN AIZLEY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND CLABORN WERE ABSENT FOR THE VOTE.)

BDR 2-948—Makes various changes concerning the execution on property of a judgment debtor or defendant. (Later introduced as [Assembly Bill 491](#).)

I think this has to do with Constables and how they currently institute their garnishments. Is there a motion?

ASSEMBLYWOMAN PIERCE MOVED TO INTRODUCE BDR 2-948.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND CLABORN WERE ABSENT FOR THE VOTE.)

The last BDR we will see from our Committee is a request for an audit of all the water agencies, including public and quasi agencies, which was something Mr. Goicoechea and I talked about last session. The BDR is not here yet, so we cannot introduce it at this time. Perhaps it will come in this afternoon.

We are adjusting the order of bill introductions, as Mr. Christensen is testifying in the Assembly Judiciary Committee. We do have a teleconference with Laughlin residents, who we will take last so they have the most time before we go to the floor session. Mr. Mortenson, we are going to open with Assembly Bill 352.

Assembly Bill 352: Makes various changes relating to the Spring Mountains National Recreation Area. (BDR 22-488)

Assemblyman Harry Mortenson, Clark County Assembly District No. 42:

I would like to invite two people up here, Jean Perry-Jones, who is a resident of Mt. Charleston, and Doug Smith of Scenic Nevada.

This bill was created when a group of people from Mt. Charleston approached me and said they were afraid Mt. Charleston could grow and grow and lose its alpine nature and scenic beauty. There has been a lot of effort to develop Mt. Charleston because it is a beautiful place. If you develop it too much, you ruin it. That is the genesis of this bill.

The bill mirrored what Dina Titus did for the Red Rock Canyon National Conservation Area. We chose a government outline that already existed, and it seemed to encompass what most people wanted for the area. Three town boards, a citizens advisory council, and a large homeowners' association all held meetings, and they unanimously approved this bill.

Jean Perry-Jones, Private Citizen, Mt. Charleston, Nevada:

[Ms. Perry-Jones read from prepared text and referred to it periodically during her testimony ([Exhibit C](#)).]

All of the town boards and community associations within the Spring Mountains National Recreational Area, the geographic boundaries of this bill, as Mr. Mortenson said, have supported A.B. 352. This includes the unanimous support of the Mountain Springs/Trout Canyon Citizens Advisory Board, the Mt. Charleston Town Advisory Board, and the Cold Creek Homeowners' Association. [Ms. Perry-Jones continued to read ([Exhibit C](#)).]

I am a 33-year resident of Mt. Charleston, a realtor, a Public Employees Retirement System (PERS) retiree, and a former member and chairman of the Mt. Charleston Town Advisory Board, as well as a former member of the volunteer fire department. I helped author the 1982 *Mt. Charleston Land Use Guide* and was also the facilitative liaison for acceptance of all three of the scenic byways on Mt. Charleston.

We want to continue what we have been doing for the past 33 years, which is to preserve the area for all Nevadans. I am seeking your support for this act, which would extend the protection already set in place by you, the Nevada Legislature, in the Red Rock Canyon Conservation Area and Adjacent Lands Act,

the one Mr. Mortenson referred to that Dina Titus helped to enact, to the contiguous Spring Mountains National Recreation Area.

[Ms. Perry-Jones continued to read from text ([Exhibit C](#)).] You all have been provided a map ([Exhibit D](#)). Take a look at that map, and you can see the orange area on the map is the Red Rock Canyon National Conservation Area. The green area is the Spring Mountains National Recreation Area; those are the boundaries we want to include. A lot of it is U.S. Forest Service land. The white area represents private land holdings, including the town boards that represent these areas. It is adjacent to the Red Rock Canyon National Conservation Area.

Finally, it would behoove Clark County and the State of Nevada to preserve the scenic views, natural beauty, and rural character of the Spring Mountains National Recreational Area and to not allow developmental encroachment, so as to preserve Nevada's most important homegrown industries of tourism, sightseeing, and recreation.

I know that you also treasure Nevada's heritage and will ensure our legacy in the protection of the Spring Mountains National Recreational Area.

Chair Kirkpatrick:

I would like to invite the other person to speak, and then we will take any questions from the Committee.

Doug Smith, President, Scenic Nevada, Reno, Nevada:

I am also a member of the Scenic America Board of Directors. Scenic Nevada supports A.B. 352 for the following reason: In 2007, Scenic Nevada selected Mt. Charleston as one of 13 sites designated as Nevada's Last Chance Scenic Places ([Exhibit E](#)). A last chance scenic place faces some kind of threat, whether it is developmental sprawl, billboard blight, a new highway, insensitive ridgelines, drainage-way and hillside developments, or other physical or political changes that could transform the landscape and destroy its scenic beauty.

John L. Smith, a columnist for the *Las Vegas Review-Journal* and resident of Mt. Charleston, said, "Mt. Charleston is a pine-covered poem, a testament to nature's fragile beauty. Surrounded by a sea of desert, it is an oasis of snow-capped peaks, amazing wildlife, and cool, clean air. Preserving it for future generations is our collective responsibility." Scenic Nevada supports A.B. 352.

Chair Kirkpatrick:

Does anybody have any questions for any of the three at the table?

Assemblyman Mortenson:

One of our former Assembly colleagues, Clark County Commissioner Chris Giunchigliani, supports this very strongly. The rest of the commissioners are neutral on this bill.

Chair Kirkpatrick:

About eight years ago I was concerned when they put a commercial gas station at the bottom of Mt. Charleston, because as long as I have been going to Mt. Charleston, we have always had to get gas in town. Why do we have to change now? It is important to preserve what we have left in that area.

Assemblyman Stewart:

Assemblyman Mortenson, I applaud you for doing this. I have part ownership of a cabin in Cold Creek, and I want to keep the area as pristine as possible.

Chair Kirkpatrick:

We are going to go to Las Vegas, where some people are ready to testify in support of A.B. 352. I will start with Stephanie Myers, and then we will go to Pat Fitzgibbons. Is there anybody else there who would like to testify in support of A.B. 352?

Stephanie Myers, Private Citizen, Mt. Charleston, Nevada:

I have lived in Mt. Charleston for 15 years. We support A.B. 352. There are approximately 20 acres of commercially zoned property at the top of Mt. Charleston, and we would like to keep it that way. We are asking for the status quo to be maintained on commercial zoning and for the prohibition of live gaming. We love it up there and want to keep it that way for generations to come.

I would like to introduce Pat Fitzgibbons of the Spring Mountains Volunteer Association.

Pat Fitzgibbons, President, Spring Mountains Volunteer Association, Lee Canyon, Nevada:

The purpose of our organization is to preserve, protect, and oversee the orderly development of the Spring Mountains of southern Nevada, including the Spring Mountains National Recreation Area. We have approximately 90 paid-up members. We are very interested in preserving the rural, alpine nature of this pristine environment. We do not want it to turn into another Las Vegas. It is a very unique environment that people can come up and enjoy. We get 4 million to 5 million visitors per year. All of this must be controlled and preserved so that it can be enjoyed by future generations—our grandchildren and our

great-grandchildren. I think this bill goes a long way toward meeting that goal. We are unanimously in support of A.B. 352.

Jane Feldman, Spokesperson, Toiyabe Chapter, Sierra Club, Las Vegas, Nevada:
It is incredibly gratifying to us, as an environmental group, that the people who live and work on Mt. Charleston who are on the town advisory boards and the citizens advisory committees are committed to maintaining the natural resources at Mt. Charleston and Spring Mountains National Recreation Area.

The national recreation area is managed by the U.S. Forest Service and has the same level of protection that is afforded to national park units. That is what the national recreation area does for the U.S. Forest Service unit in the Spring Mountains.

A couple of dozen endemic species live on Mt. Charleston and nowhere else in the world. This really is a federal resource of unmatched and unparalleled value to all Americans, not just Nevadans. The Nevadans here, the stewards closest to this resource, are willing to make this commitment to maintain those natural resources for us.

The Toiyabe Chapter of the Sierra Club was involved in throwing our support behind A.B. 352. You probably have received emails from individual committee members on this bill. You have seen the incredible support, not only from local people, but from people across the state. This is a resource we want to have protected with this particular bill.

Heather Fisher, Member, Scenic Southern Nevada, Blue Diamond, Nevada:
I am a resident of Blue Diamond in Red Rock Canyon. I worked with Dina Titus on the Red Rock Overlay District. That has been really helpful for us over there, and I would like to see it extended to the Mt. Charleston area. I will be in front of the Legislature again on Wednesday to testify on a bill to reduce the speed limit in Red Rock. The Red Rock Overlay District has been helpful to us. We have seen the slowdown of development, especially commercial projects in the Canyon.

It was good to see Doug Smith there, from Scenic Nevada. I am a member of the southern chapter of Scenic Nevada.

Stephanie Myers:

There are only three communities of residents within the Spring Mountains National Recreation Area. Those are Mt. Charleston, Cold Creek, and Mountain Springs. All three of those communities have given their unanimous support of A.B. 352.

Chair Kirkpatrick:

Does anybody have any questions for those in Las Vegas? I have some people from Carson City who would like to testify in support. I have Mr. Johnson and Mr. Lucas; if anyone else would like to testify in support, now is your chance. I have one seat left.

Joe Johnson, Member, Legislative Committee, Sierra Club, Reno, Nevada:

I am representing myself on this bill. I frequently travel to Las Vegas, and it is one of my pleasures to visit the Spring Mountains National Recreation Area whenever I can get free. I encourage your support of A.B. 352.

Daniel Lucas, Reno, Nevada, representing Nevada Conservation League, Las Vegas, Nevada:

We would like to go on record as supporting this bill.

Chair Kirkpatrick:

Is there anybody who would like to testify in opposition to A.B. 352? [None.] Is there anybody in Las Vegas who would like to testify in opposition to A.B. 352? [None.] Is there anybody in Las Vegas who is neutral on A.B. 352? [None.] Is there anybody in Carson City who is neutral on A.B. 352? [None.] Mr. Mortenson, did you want to have any last say before we close the hearing on A.B. 352?

Assemblyman Mortenson:

I think it has all been said. Thank you very much.

Chair Kirkpatrick:

We are going to close the hearing on A.B. 352.

I am sure you are all saving your questions for Mr. Christensen. Good morning, Mr. Christensen. We will open the hearing on A.B. 284.

Assembly Bill 284: Revises provisions governing homeland security.
(BDR 19-517)

Assemblyman Chad Christensen, Clark County Assembly District No. 13:

For the last five years, it has been an honor to serve on a national homeland security task force. For me, as a Las Vegas resident, it is super important, for obvious reasons. The Las Vegas community, or the Reno community, for that matter, or any community that is tourism-based needs to be hyper-sensitive with respect to homeland security because it only takes one bad thing to happen for our local economy to turn upside down. To economically recover from that event—who knows how long that would take.

For me, the homeland security focus is key. In working with some of our homeland security professionals and career professionals here in the State of Nevada, two issues came to my attention and I have provided an amendment to satisfy one of them ([Exhibit F](#)). The other is a simple addition of verbiage in the bill regarding Commission membership. I will bring them up and leave time for the experts to address these issues and points found in the bill.

Critical infrastructure in any state or community has to be protected. In order to do that, our first responders and our state homeland security officials need to know the details on that critical infrastructure. These could be bridges, telecommunications installations, utility installations, big buildings that house many people, or any variety of structures. For first responders to be able to take care of those structures, they need to have those plans, and they need to be able to plan, prepare, and run their drills so that if something bad happens, they will know how they are going to respond.

In some cases in our state, utility companies and others are required to turn over their plans for these structures. While there exists a requirement for them to give the state or local law enforcement or first responders their plans, sometimes they are hesitant to do so because those plans might contain their secret sauce. If I run, say, Christensen Power, an electric utility company, and those company plans reveal something that makes Christensen Power unique, I am probably going to have some heartburn turning over those plans to a public agency where that secret information might be available to anyone.

The intent of the first part of this bill is to allow those parts of a company's infrastructure that are secret to be kept private, as long as the rest of the layout and structure plans are available to first responders so they can perform their rescue tasks.

The second part of the bill simply allows for two more seats on the Nevada Commission on Homeland Security (NCHS). I will leave it at that and hand the mic over to the pros.

Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety:

I would like to talk about the increase in the membership and the composition of the NCHS. The Nevada Commission on Homeland Security was created in 2003. It is under *Nevada Revised Statutes* (NRS) Chapter 239C. This is what created the Commission and identifies the composition of the Commission. Over the years, the Commission has grown and matured. The membership of the Commission has grown to be diversified, covering nearly all disciplines and

sectors within the State of Nevada. We need a fair assessment of what the membership of that body is and how it can best serve the citizens of the state.

One particular body that has not been represented on the Commission is tribal government. We work very closely with tribal governments in the emergency management community and in our statewide emergency management infrastructure. We feel it is critically important that that sector of our state be represented on this body. They are an integral part of our state, partners with us in our process, and their representation on the Commission is essential and long overdue. To allow for those two additional members, we would like to see tribal governments fill those two spots.

Assemblyman Stewart:

It would be the understanding of the Governor that section 1, subsection 2, paragraph (e), would reflect the two new members, both representing tribal governments? He would not be required to select them if he did not want to do so, correct?

Frank Siracusa:

I spoke with some people today representing tribal governments, and they think the language needs to be amended, specifically focusing on and referencing tribal governments.

Chair Kirkpatrick:

The way the bill is written is very broad. "The ethnic and geographical diversity of this State" is a very broad definition. Would that indicate one from the north and one from the south?

Frank Siracusa:

The representatives from tribal governments who I have spoken with would appreciate a change in the language of the bill to reflect tribal governments. As we always do when working with tribal nations, we meet with their council, and they identify who they would like and feel could best represent them in those particular positions.

Assemblyman Munford:

Does the tribal representation have to be one from the north and one from the south?

Frank Siracusa:

I would have to defer that question to members of the tribal representation here this morning to get a determination as to how they wish to be represented. I am not really clear on that.

Assemblyman Munford:

Does the Commission member have to be a council member, elected official, or just one of the tribe?

Frank Siracusa:

Typically, Mr. Munford, we go to the tribal leadership and ask them for a representative whom they feel would best represent them. Sometimes it may be an elected official, or sometimes it may be just an average person. They choose whoever best represents their cause.

Rick Eaton, Director, Office of Homeland Security, Department of Public Safety:

I would like to parallel Frank Siracusa's comments. We are in support of increasing the members of the NCHS to 16 members. We are seeking tribal participation. We also mentioned geographical diversity to ensure representation in the northern and northeastern counties by emergency managers and others who wish to participate. Right now, the bulk of the membership consists of people from Las Vegas and Reno.

With respect to the other part of the bill, we are in favor of private/public sector commercial entities enjoying the protection that some of the other entities do regarding proprietary information. Casinos, in particular, which are unfortunately a target in this state because they draw the attention of our enemies, have a lot of proprietary information. Some participate, and some are hesitant to participate in giving the information to emergency response personnel and the Silver Shield program, which is currently administered by the Las Vegas Metropolitan Police Department and the Washoe County Sheriff's Office. We want to give the casinos a sense of confidence in providing this information because we want the information available for first responders and other emergency personnel.

Chair Kirkpatrick:

I want to be very clear about this bill. I want to be sure that, by adding new types of documents to this bill, it will not prohibit the Legislative Auditor from having access to those confidential documents. We do have trouble at times, getting access to information.

Rick Eaton:

There are some Department of Homeland Security (DHS) regulations that prohibit some information from going forward. If they were involved with an audit, for instance, there are federal regulations that require the information to remain proprietary and not be disclosed. I will defer to Frank Siracusa on the disclosure of the rest because it is his job.

Chair Kirkpatrick:

Out of these documents that are already listed, only a couple of them contain proprietary information, correct?

Rick Eaton:

The intent of the bill is to protect all the various aspects of a contingency plan and emergency plan. That could extend to their security measures and how many security employees they have. It could extend to what they have on-site or on-property. Some of that information might be proprietary, involving hazardous materials and things of that nature. This does not trump the other agencies' ability to deal directly with those entities and their regulatory forms, but it gives them a sense of confidence that a third party cannot come to the agencies that hold this information for the purposes of cataloging the critical infrastructure and have them divulge it.

Chair Kirkpatrick:

Would you then consider the Legislative Auditor a third party?

Rick Eaton:

I personally have no opposition to that. However, there are a lot of legal issues here that I am uncomfortable with, because some of them are federal law and some of them are already in the statutes that Frank Siracusa deals with as far as maintaining the confidential plans. I am happy to do the research for the Committee, consult with the attorneys, and get back to them on that, but I am hesitant to speak on that right now. I do not want to misinform you or say something incorrect.

Chair Kirkpatrick:

I want to make very sure we are able to do our job as well, because we have to report that we have made sure everybody's plans are in place. I remember this issue from 2005 when it first came up. I wanted to see that the intent was to ensure access.

Rick Eaton:

Not quite on point, but my office is more than happy to provide more information. It is difficult to discuss some of this in a public meeting for obvious reasons. Some of it is law enforcement sensitive, some of it is classified, and some of it is proprietary. In a separate setting, I would be happy to brief members of the Legislature on various aspects of Homeland Security, in particular, critical infrastructure.

Chair Kirkpatrick:

I just wanted to make sure it was not the intent to not have access to the information.

Assemblyman Stewart:

There are 14 members of the Commission now, right?

Rick Eaton:

Yes, sir.

Assemblyman Stewart:

I have been counting the names on the list, and it seems there are 12.

Rick Eaton:

We have a member of the Nevada Broadcasters Association and a member who represents the private sector; those are the other two that I can recall.

Assemblyman Stewart:

Do you know why the DHS and the Federal Bureau of Investigation (FBI) are nonvoting members? It seems as if they would have important input.

Rick Eaton:

They have a lot of say on what goes on, sir. I cannot speak to the intent of the legislation, as that was before my time. I can only surmise that in my career as a federal officer, we would probably be hesitant to participate if we were voting on state issues that could impact state policies and procedures, especially if they came in conflict with federal policies and procedures.

I would say their input is valued and cherished, but under their own volition, they would probably not want to be voting members. I suspect that, back when I was in the federal government, I would not have wanted to be one either.

Chair Kirkpatrick:

Mr. Stewart, we can go back in the legislative history to the 2005 Session, because it was the most controversial piece of legislation that I, as a freshman, had to learn about. Whether or not the mayor could vote became a big deal for this Committee.

Assemblyman Munford:

It is stated in your handouts and in the bill itself that you want to appoint a Native American to the NCHS. You said it reflected the population.

Rick Eaton:

The bill currently says, "Two members who reflect the ethnic and geographical diversity of this State."

Assemblyman Munford:

Do you have any other members of minority groups on this Committee?

Rick Eaton:

I guess we could start with me. I am a voting member.

Assemblyman Munford:

Are you a Native American?

Rick Eaton:

No, I am not. You said minority. We do not have a Native American on the Commission now. I am meeting with them next week. They approached us and have been hesitant in the past to participate, but they have changed their minds on that. I am delighted. We really want them as a part of it.

The other reason why we say geographic is that it is important that the entire state be represented. We also want the rural county participation. That may not be an ethnicity issue; it may just be a geographical issue. For instance, I do not believe we have an emergency manager from any of the rural counties on the Commission. We would like to remedy that as well.

One of the reasons it might be written so broadly, sir, is that, let us say in the future a police chief from the tribe joins the Commission representing the police chiefs. Then we would want the latitude to go somewhere else if that vacancy is covered, to some other group that is not represented.

Assemblyman Munford:

Are you saying that from that list you might cover the other groups?

Rick Eaton:

The language is broad to give that wherewithal. If, in the future, tribal nations are represented and we have a vacancy, we might want to select someone from another group who is not equally represented.

Assemblyman Munford:

Do you have any Hispanics or African Americans on the Commission?

Rick Eaton:

The agent in charge of the FBI is Hispanic. One of the participating legislators may be as well; I have not discussed it with him in depth.

Assemblyman Bobzien:

I appreciate the questions about representation because it is an important issue. Do we currently have anyone on the Commission representing aviation interests?

Rick Eaton:

We do not have anyone representing aviation interests at-large. We do reach out to folks we need, but there is no one on point with that in the Commission at this time. I am very interested in that personally, especially with the recent legislation that may take place within the Transportation Security Administration (TSA) promulgating an increase in rules for small to moderate aircraft. I am also on the National Governors Homeland Security Advisors Council (GHSAC). I am on the Executive Board. I chair the national subcommittee for border security, Real ID, immigration, and related issues. Under that, we look at the aviation field as well. I have made mention, when briefing President Obama's transition team, of our concerns on aviation issues. We do not have anyone from any of the aviation entities or private pilots associations involved with the Commission.

Frank Siracusa:

While we do not have representation on the NCHS, we have numerous working groups. We have a state Homeland Security working group that I chair, which is made up of a good cross section of representatives from all the various disciplines throughout the United States. We bring in the aviation folks, and we bring in all the local governments. Subcommittees and working groups provide recommendations, guidance, and staff support to the members of the NCHS as we develop statewide projects and initiatives utilizing the Homeland Security grant dollars that come into the state for emergency preparedness.

Assemblyman Bobzien:

In the working group on aviation, do you have someone from McCarran and Reno-Tahoe International Airports?

Frank Siracusa:

We do bring them in because they are the experts in their areas.

I also serve as the state's administrative agent, whose task is the management and oversight of all the Homeland Security grants that come into the state. We need to make sure we get representation across all disciplines and all sectors as we start to develop the grant applications each fiscal year. The applications

that we submit to the DHS bring in those Homeland Security grant dollars, which are handled through the NCHS and then come back to us in the state to provide programs for prevention, detection, and response and recovery.

Chair Kirkpatrick:

I believe we had a discussion last session as to whether or not we were going to have some of the airports in the state involved in the Commission. If I remember correctly, the airports were on the board, and then we took them off as voting members, and then we provided a working group. Did we not do that?

Frank Siracusa:

Yes. There originally was a Commission member from McCarran International Airport. That has been changed. They are part of the working group.

The funding does not provide grant dollars to federal agencies such as the airports, but we have to work in collaboration and in partnership with them. We are not the experts in those areas. They are brought to the table as part of the overall process.

Chair Kirkpatrick:

In the next few weeks, especially for those on the Committee who are not familiar with it, could you get us a timeline of the different changes that we have made since the inception of this agency?

Frank Siracusa:

I could certainly do that. I can give you a chronology of the agency even prior to when the NCHS was created and what we have done. I have been working the whole process of terrorism and disaster preparedness since we first started receiving federal money back in Fiscal Year 1999. So I can give you a good chronology of the inception of the NCHS, how that Commission has evolved, how we have created our Homeland Security working group, how we have the various subcommittees that provide support to the Commission, such as the Finance Committee, and how it all ties in to the preparedness issue. I certainly will be able to get a good white paper to this Body within the next week or two.

Chair Kirkpatrick:

I appreciate that. I think it would be helpful for the Committee in the future.

Frank Siracusa:

I have been with the Commission since its inception, and it confuses me also. It is complex. It is a good process, and I will provide that information.

Chair Kirkpatrick:

Mr. Christensen, we are going to call up those to testify on your bill. Did you speak to the amendment that you proposed, changing it to private and public sector ([Exhibit F](#))?

Assemblyman Christensen:

Yes. I do not believe that I spoke to that, but I am glad you brought that up because there are some people here today who are going to address that change.

Chair Kirkpatrick:

I know there is also an amendment from the City of Henderson. I will bring them up to testify in neutral. Those who are in support of A.B. 284, please come forward.

Tim Kuzanek, Captain, Administrative Services, Governmental Affairs, Washoe County Sheriff's Office, Reno, Nevada:

I am also the director of the Northern Nevada Counterterrorism Center.

This morning I rise in support of Assembly Bill 284. The expanded number of members on the Commission is fine with us.

Additionally, the second portion of the bill is important and designed to garner more trust from our public and private sector friends who are working collaboratively with the Silver Shield program throughout the State of Nevada. Anytime we can improve that relationship through trust and through the bond that is created with those relationships, including the exchange of information, it benefits us all. This bill goes a long way toward doing that.

My only concern prior to this morning was the wording in section 2, subsection 2, paragraph (g). However, Assemblyman Christensen's amendment cleans that up and makes it absolutely workable for us.

Terry Bohl, Emergency Response Coordinator, Inter-Tribal Emergency Response Commission, Nixon, Nevada:

We are also here testifying in support of this bill. The language that we are looking at changing would be in section 1, subsection 1, paragraph (e), "who reflect the ethnic and geographical diversity." Perhaps that could be changed to something along the lines of "from the federally recognized Indian tribes of the State of Nevada as recommended by the Inter-Tribal Emergency Response Commission." We have 27 tribes in the State of Nevada. We are the second-largest land holder in the state. The only larger land holder is the Bureau of Land Management (BLM). We have huge, critical infrastructures. We have

nuclear waste waiting to be hauled through two reservations in the southern part of the state. We have nuclear waste right now being hauled through the northern part of the state, via our railroad systems on the reservations. It is important to us that we get placed on the NCHS because that is the force that drives everything. We have to stay on top of this situation.

Two or three years ago, you would never have seen us at this table. We are here now because we are recognized and formed, we have our bylaws, we are a working commission, and we are asking for this change. Other than that, with the amendment to paragraph (e), we fully support this bill. Again, I would like to see that amendment change the language from "ethnic and geographical diversity" to "federally recognized Indian tribes." We would like to have both seats appointed to reservation members, one from the north and one from the south. I have been in contact with both the southern and northern tribes, and we are in agreement that it has to be a north-south endeavor on our part.

Assemblyman Munford:

Did I hear you say there are 27 tribes represented in the State of Nevada?

Terry Bohl:

There are 27 federally recognized tribes in the State of Nevada. All 27 are represented on our commission.

Assemblyman Munford:

Is that right? There are not 27 reservations though; are there?

Terry Bohl:

Yes, there are 27 reservations in the State of Nevada.

Assemblyman Munford:

I never knew that.

Terry Bohl:

The State of Nevada has one of the largest reservation populations in the country. For example, Pyramid Lake Indian Reservation alone has the largest inland lake. We have a half million acres just on the Pyramid Lake Reservation. We have three communities. The Washoe reservation has four communities and is made up of four separate governing bodies.

Assemblyman Munford:

So several tribes are sharing reservations?

Terry Bohl:

Several tribes may combine to make a governing body, but they are separate tribes. We have tribes that share borders with Idaho, Arizona, and California.

Assemblyman Munford:

It just amazes me.

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

I am here in support of A.B. 284. We definitely want to keep our critical infrastructure and vulnerable assessments confidential from anybody but the emergency management group.

Chair Kirkpatrick:

Mr. Ashleman, would you like to go ahead and testify in neutral?

Renny Ashleman, Las Vegas, Nevada, representing City of Henderson, Henderson, Nevada:

You all have a copy the amendment the City of Henderson has prepared ([Exhibit G](#)). There is, in our opinion, something that has been overlooked in previous legislation. These are access codes, passwords, programs for the security of information systems by municipalities, and the procedures and processes for those, as well as plans to reestablish service and assessment of plans of vulnerability.

The current legislation covers only the vulnerability of responders. Most of us interact very heavily with the responders. A breach of those codes would result in a breach of responder codes, but it also would allow access to utility and other vital information.

We have brought up the issue of reports to the Legislative Counsel Bureau (LCB) and the Legislative Auditor, which I understand is currently a problem area concerning compliance with the law. I am not sure about item 4 on the third page of our amendment, which calls for a copy of the plans to be given to the Legislative Auditor. It may also require the reports, under subsection 4 that we talked about earlier, also be given to the Auditor. I think the best thing to do is to let the Audit Division, LCB, and our experts get together on which of these items should be reported and to whom. I think a further amendment will be needed.

Assemblyman Bobzien:

On the second page of the amendment, section 4, subsection 1(a)(1), "Access codes, passwords and programs used to ensure the security of an information system;" is that designed so you would not have to disclose which software

programs you used to test security vulnerability? I just want to make sure what we are doing with the word programs.

Renny Ashleman:

That is correct. We are not talking about disclosing what company makes the software. We are talking about securing the data itself.

Assemblyman Bobzien:

As I read that, it is the specific programs that may be used by technical staff.

Renny Ashleman:

That is correct. It pertains to all programs, whether they are commercially bought or prepared in house.

Assemblyman Bobzien:

This does not pertain to the broader issues of software acquisition?

Renny Ashleman:

Correct. You will also note that later on, we do maintain a public list of the items we are discussing, just not the details, so the public can see what we are purchasing.

Chair Kirkpatrick:

I will meet with you and make sure our Audit Division is comfortable and has the necessary paperwork to do their job.

Renny Ashleman:

I will be happy to contact someone who knows what they are talking about in this area to work with you.

Chair Kirkpatrick:

Is there anyone else who would like to testify neutral on A.B. 284? [None.]

Is there anyone in Las Vegas who would like to testify on A.B. 284? [None.]

Is there anyone who would like to testify in opposition to A.B. 284? [None.]

Is there anyone in Las Vegas who would like to testify in opposition to A.B. 284? [None.] Mr. Christensen, do you want to have the last word?

Assemblyman Christensen:

I appreciate the opportunity to present this bill. Homeland security, while it is not something that we talk about every day, is all about protecting our good way of life that we have here in Nevada. I think the supporters of the bill were here because they believe this will help us keep a good thing going. I hear from the DHS and others in federal government that we literally have some of the

very best—in casino security, former law enforcement, FBI, and other agencies in the state.

Chair Kirkpatrick:

We will close the hearing on A.B. 284. We have a BDR to introduce.

BDR 25-227—Authorizes the creation of community land trusts. (Later introduced as [Assembly Bill 506](#).)

ASSEMBLYMAN BOBZIEN MOVED TO INTRODUCE BDR 25-227.

ASSEMBLYMAN AIZLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We are going to stand at ease for a couple of minutes. We are trying to get Laughlin online for their teleconference on Assembly Bill 383, a charter change for Laughlin. We have people testifying on A.B. 383 in Las Vegas and in Laughlin, so we will intermittently switch between the two.

[Assembly Bill 383](#): Provides for the incorporation of the City of Laughlin contingent upon the approval of the voters in the City. (BDR S-676)

Assemblyman Joe Hardy, Clark County Assembly District No. 20:

I would like to paint a picture of the township of Laughlin. Laughlin is 95 miles from downtown Las Vegas. It has been in existence for 40 years. There are 3,500 registered voters, 8,500 people, and no pharmacy. Laughlin's first two stand-alone church buildings were built within the last ten years. There are no box stores.

Laughlin has ten gaming properties, all struggling, and a competing Native American casino ten miles down the road. County road access is used, and there is a need for adequate fire and police protection. It is hot and has grass-restricted landscaping. Recently, a mental health clinic was established with state and county cooperation. Less than 10 percent of Laughlin's gaming employees live within the State of Nevada.

Laughlin borders the Colorado River below Davis Dam and Lake Mohave. Regarding state lands, 9,000 acres have been given to Laughlin, but 333 acres next to the river are being held up. Five million dollars from the Fort Mohave Valley Development Fund was given to the Colorado River Commission when they needed it. Laughlin is filled with real people who care about their town.

The genesis of A.B. 383 dates to the summer of 2008, when two Laughlin Town Advisory Board members approached me and requested a bill draft request (BDR) to allow the citizens of Laughlin the opportunity to vote, according to the *Nevada Constitution*, for the right to form a city charter. I agreed.

There have been better economic times to consider this, but for those who have hope that the economy will improve, then this is not such a bad time to plan ahead. The Laughlin economy has been an issue. Last year, the Laughlin Economic Development Corporation, a private nonprofit, invited me to address the group at an event which took place on January 9, 2009.

During the November 4 election, Laughlin residents conducted a straw poll to choose their town board members. The straw poll, for lack of a better word, was not as tightly conducted as a regular poll would have been. People were elected to serve on the town board with the proviso that the Clark County Commission would hold the ultimate authority of appointing those people. That appointment process has created some community consternation that has yet to be fully resolved.

Meanwhile, the BDR was still going forward. The town of Laughlin is located far from Las Vegas, the county seat, and there are many issues pressing on its citizens and businesses, such as who fixes the potholes.

Assembly Bill 383 was not a product of the consternation of the town advisory board members' appointments, but it has now become the focus of contention. Assembly Bill 383 is about allowing people to vote, a cherished right in this country, in the land of the free.

I recently read of John Locke, Thomas Paine, Socrates, and John Milton, who all spoke of the collision of ideas in the marketplace, to have the truth become refined and be able to understand what is true. I learned this from my government teacher when I was a senior in high school.

With that in mind, it appears to me that it would be wise to allow some of the concepts that deal with the general laws of city statutes, as in *Nevada Revised Statutes* (NRS) Chapter 266, for instance, to be adapted to this bill: namely, to be able to request a report from the Committee on Local Government Finance, have public hearings on the report, and give the county commissioners permission to say what they think, but not allow them to usurp the right of the citizens of Laughlin to vote.

Likewise, I propose to stipulate in the bill that the primary election in 2010 be the first election and the general election to be the second election so named in A.B. 383. Clark County will also suggest that the City of Laughlin have a treasurer-type position, and they will come forward with a friendly amendment.

I distributed to your staff the conceptual amendment to the bill that I have spoken of ([Exhibit H](#)), from NRS Chapter 266, to put into the charter the ability to create a city as in the *Constitution*.

I have also copied, for the Committee, several letters from residents and organizations in Laughlin ([Exhibit I](#)). I have five other people signed in to testify positively for this bill. Theoretically, there is a link to Laughlin that is working, so we can communicate with the people there. I intend this to be a fully open process. Some people have expressed their dismay at incorporation, and yet they will be amenable to allowing the people of Laughlin to vote.

Assemblywoman Spiegel:

Do you know if someone from the Laughlin Chamber of Commerce will be speaking today?

Assemblyman Hardy:

I would be surprised if they were not speaking today.

Assemblywoman Spiegel:

Then I will reserve my question for them. Thank you.

Chair Kirkpatrick:

Dr. Hardy, because there is a five-minute transmission time between Las Vegas and Laughlin, we are going to go to Las Vegas first and take their testimony both for and against. Then we can make the transition to Laughlin and then back to Carson City.

Assemblywoman Pierce:

Tell me again what the population of Laughlin is, please.

Assemblyman Hardy:

There are about 9,000 people in Laughlin; 3,500 are registered voters.

Assemblywoman Pierce:

Only 10 percent of those people work in gaming?

Assemblyman Hardy:

That is correct and may be a generous estimate. Obviously, the bulk of the community that works in gaming lives across the bridge in Bullhead City, Arizona. That is another issue, but I will avoid it.

Chair Kirkpatrick:

I go down there every Wednesday for my day job, and most of the folks working in the gaming industry live in Arizona. Most people working in Laughlin either work for the public sector or live in Las Vegas and drive down there to work. It is a unique environment.

Assemblyman Stewart:

The town board members of Laughlin are now appointed by the county commissioners; is that correct?

Assemblyman Hardy:

Yes, they are appointed by the county commission. Originally, two town board members approached me to put forth this bill and amendment. Those two people are no longer on the town board.

Assemblyman Stewart:

So the new County Commissioner for District A has appointed some different town board members; is that right?

Assemblyman Hardy:

The town board has been completely changed.

Assemblyman Goedhart:

In Pahrump they have the Pahrump Town Board, which has five members who are elected; in case of an open seat, the person is appointed by the Governor. Are there different reasons for this Laughlin Town Advisory Board to be appointed rather than to be elected?

Assemblyman Hardy:

Yes.

Assemblyman Goedhart:

I know that in Pahrump, we have had the question of incorporation come up for a vote three times in the last ten years. It has been voted down every time. There are proponents for it, opponents against it, and generally, it has been defeated because people are worried that many times there are unintended

consequences when you take on more than you can deal with and, in many cases, it ends up leading to a need for more revenues, i.e., tax increases.

Assemblywoman Pierce:

Can we get a list of the last five cities that have incorporated, when they took that step, and what their population was at the time of incorporation?

Assemblyman Hardy:

The last cities that incorporated were Mesquite, Fernley, and West Wendover. Mesquite was incorporated before the creation of NRS Chapter 266. Pahrump tried to incorporate, or had a petition to incorporate, in 1991 and 1995, and the vote in 1995 was 2 to 1 against incorporation. The object of A.B. 383 is to let the people have the vote.

Assemblyman Goedhart:

Was there a university study done to look at matching the revenues versus proposed expenditures? I know sometimes studies have been done by an independent third party.

Assemblyman Hardy:

That is why I would propose that we do such a thing, following the lead in NRS Chapter 266. The Committee on Local Government Finance would be such a body. It would include three people appointed by the Nevada Association of Counties (NACO), three people appointed by the Nevada League of Cities and Municipalities, three people from the county, and two accountant-type people. It would be an 11-member board that would look at the feasibility of the incorporation based on the fiscal issues. This would be a disinterested group that would study this topic and issue a report. That is why I would like the report to be issued within 120 days of passage of this bill, to have a public hearing on that report, and to allow the county permission to say what they want to say without usurping the people's voting choice.

Chair Kirkpatrick:

We are going to go to Las Vegas. I would like to hear from those in favor of A.B. 383.

Kathy Ochs, Private Citizen, Laughlin, Nevada:

I am here today to support A.B. 383, which I consider the right to vote for Laughlin residents, whether or not they are for or against incorporation. The issue needs to be examined, and they need to take a look at the facts. I do believe the people of Laughlin have the right to decide the issue without interference from special interests that may not have the prosperity of Laughlin in mind.

As a business owner, I felt it important to be involved in my community for the betterment of my business and, ultimately, the town I consider my home. Inherent in that, I have been involved with the Laughlin Chamber of Commerce as a member for the last 11 years, and have now been appointed to their board. In addition, I have served on the Laughlin Town Advisory Board for the last four years, most recently as its chairman.

I felt it imperative to serve in these organizations, as I have been concerned over many years about the encroachment of what I consider the tri-state community mentality. I feel that has not benefitted Laughlin. I have been a fierce advocate for the prosperity of Laughlin, as I believe if Laughlin prospers, the surrounding area will prosper as well.

In recent times we have seen decreased gaming and occupancy due to the proliferation of tribal gaming. We have experienced a "disconnect" with our county due to our distance and their bureaucracy, and I fear that we are losing a sense of our own autonomy.

I have watched while planning and studies funded by Nevada and conducted for Laughlin have been utilized by the area across the river for their own development. Laughlin has suffered with stagnated growth. I feel I have to provide a voice and be a fierce advocate for the protection of Laughlin residents and businesses.

Dick McCall, Private Citizen, Laughlin, Nevada:

I am a 20-year resident of Laughlin. I am a retiree who has been involved in civic and political activities in the community. Nearly 50 years ago, when I stood to receive a Bachelor of Arts degree in political science, and to take the oath to become a commissioned naval officer, I could not imagine that I would have to be here today at this point in my retirement pleading with our Legislature to give us the right to vote.

Beginning in 1994, I served on the first committee that gave recommendations for our straw poll in Laughlin. It worked very well for a number of years, up to and including the last election. Unfortunately, with the change in our county commissioner, we now have one who does not believe in straw polls. He came into office and literally trashed the straw poll from last November. He offered to appoint only 2 of the 16 people who had stood before the community to offer their services. He then appointed three people who had not stood before the community and still have not. This was felt to be such an outrage that one of the two people who had served previously on the board refused to be reappointed under such circumstances. Not only did the commissioner not

honor the last straw poll, he has told us we can never expect to have one in the future as long as he has control.

I have been asked to head a committee that is in the process of running an unofficial straw poll on April 1, 2009, in which we anticipate several hundred of our citizens will participate. It is our hope that this will impress upon the other county commissioners that they ought not just routinely rubber stamp what Commissioner Sisolak asks them to do.

This can only be advisory. As we have learned, our straw polls are only advisory. We, as American citizens, as citizens of Nevada, feel we should have the opportunity to be heard. We ought to be allowed to exercise the most basic right, the right to vote. Only you and your actions at this point can ensure that that will happen.

Jordan Ross, Editor, The Laughlin Herald, Laughlin, Nevada:

Chairman Kirkpatrick and members of the Committee, I am pleased to appear before you to testify on A.B. 383, regarding the incorporation of Laughlin.

[Mr. Ross read from prepared testimony ([Exhibit J](#)).]

Chair Kirkpatrick:

Is there anyone else in Las Vegas who would like to testify in support? Is there anyone else in Las Vegas who would like to testify in opposition to A.B. 383?

Jeff Pfeiffer, Senior Vice President and General Manager, Colorado Belle and Edgewater Casinos, Laughlin, Nevada:

We are opposed to proceeding with A.B. 383 at this time. This is an issue that requires more thorough and thoughtful review, discussion, and study by all parties that will be impacted by the incorporation of Laughlin.

We are also opposed to incorporation if it will mean an increase in taxes and fees to our two casinos. As you know, the current economic climate and the increase in competition from casinos in Las Vegas, southern California, and Arizona have had a significant effect on our visitor volumes, our revenues, and our profits. This is not the time to engage in an effort to incorporate if it is going to have a detrimental cost impact to our casinos and potentially all businesses and homeowners in the city.

We have heard that this could represent a substantial change in tax and fee structures that would be bad for our businesses. The casinos in Laughlin are the fundamental and vital economic engine for the city and the region. We employ substantial numbers of people, spend large sums on the purchase of

goods and services, supply vital tax revenues to the county, and provide great entertainment value for our customers.

We hope you will take these thoughts into account as you consider the merits of the case for incorporation. Our company has made a huge investment in Laughlin, and we are dedicated to the success of these two properties and the city as a whole. We urge you not to vote in favor of A.B. 383. If costs increase and the local government expands to inefficient levels, then we cannot support this bill.

Marybel Batjer, Vice President, Public Policy and Communications, Harrah's Entertainment Inc., Las Vegas, Nevada:

Harrah's stands in opposition to this bill, much in the same position that my colleague in the industry has just stated. Our concerns are very similar. The incorporation of Laughlin would mean an increased need for greater revenues. We understand that the revenues needed would outstretch the expenditures for the area under the current service levels. We are also very concerned that any future expansion of expenditure needs will depend on greater revenue. That will fall heavily on the businesses in Laughlin. Harrah's is a major employer in Laughlin, so we are very concerned about future tax increases.

This is a very difficult time for the casino industry. We ask you all to take this into consideration as a committee before you vote on this measure of incorporation. We certainly do understand the need of the citizens of the area to have full franchisement. We are respectful of that; however, we are very concerned about the level of services that the area needs and the amount of revenue it takes to meet those needs.

Chair Kirkpatrick:

Is there anyone else in Las Vegas who would like to testify in opposition? [None.] Are there any questions from the Committee for any of those in support or in opposition? [None.] Is there anyone else in Las Vegas who would like to testify in neutral or who has not already testified? [None.]

Assemblywoman Spiegel:

I have a question for both representatives from gaming. If there were no net effect on your tax base, would you still be in opposition?

Jeff Pfieffer:

That would make the case more palatable for consideration, but my concern, and what I have unfortunately seen in my past, is that those numbers are crunched in such a fashion that foresees that outcome, and then we see an

increase over the long run. We would take it with a great degree of skepticism. What is really needed is an impact study and to look at a cost-benefit analysis.

Marybel Batjer:

I would agree that we would need a very careful study, one that is done independently. We would take a very serious look at the outcome of that study.

Chair Kirkpatrick:

In Las Vegas, if you have people who did not make it there today, they can still submit testimony, and we will add it to today's record. We will leave those of you in Las Vegas and go to Laughlin.

It is going to take a couple of minutes to get to Laughlin, so I am going to ask those in favor of A.B. 383 in Carson City to testify.

Edward J. Cooper, Private Citizen, Laughlin, Nevada:

I have lived in Laughlin since 1999. I intend to keep living there until I take up residence at the Veterans' Memorial Cemetery in Boulder City, Nevada. I am a former Laughlin Town Advisory Board member, one of those recently removed, even though I was elected to office by the residents. I retired in 1996 from my position as City Attorney for the City of Santa Ana, California.

I am here today on my own accord and not as a lobbyist. Because I am the primary author, with an ad hoc committee, of the document now known as A.B. 383, I would like to provide you with some history.

I understand that in the past, Laughlin residents have attempted to start incorporation procedures under the general laws of the state, but failed to proceed for various reasons. Approximately three years ago, I was approached by several active residents and agreed to start giving lessons on government and incorporation processes. When I explained the differences between general law incorporation and charter law incorporation, several people asked how to proceed with a charter. A small ad hoc committee was set up, including me as chair, our longtime postmaster, a real estate businesswoman, and a retired lady interested in home rule. The committee was recently enlarged to include a longtime accountant.

This committee rough-drafted the proposed legislation, now known as A.B. 383. We used the charter of the City of Boulder City as our primary source. Of course, the proposed legislation has been reviewed by the Legislative Counsel Bureau (LCB), and some pro forma changes were agreed upon. The committee proceeded to gather signatures on a petition ([Exhibit K](#)). The heading of the

petition reads, "We, the undersigned, state that we have been given the opportunity to review the proposed Laughlin Charter draft to be submitted to the State of Nevada Legislature. We understand that if the legislation is adopted, we as residents and voters of the Laughlin Township, will have the opportunity to ratify or deny the proposed Charter. Therefore, we urge the Legislature of the State of Nevada to adopt the proposed Laughlin Charter."

We have gathered 260 signatures on this petition, and I would like to file these with the secretary for this Committee if I am permitted to. Approximately 174 of these people were registered voters, and the rest were not, but they were residents of Laughlin.

After asking Assemblyman Joe Hardy to introduce our proposed "right to vote" legislation, the ad hoc committee continues working on financial issues. To that end, we are looking at the budgets of several cities and at defining Laughlin's needs and revenues. We intend to prepare alternative proposed budgets to fit the needs of the proposed City of Laughlin.

Between the time the legislation passes and the vote on whether the citizens of our community want a charter law incorporation, the people in favor and the people opposed to the incorporation may debate all the financial issues. There is time for both sides to prepare their positions. With help from qualified experts in the municipal field, I will use my 20 years of experience in the City Attorney's Office for the City of Santa Ana, California, to help lead the ad hoc committee in preparing proposed budgets, showing revenues and expenditures. This information will be released to the public in a timely manner to allow spirited debate on the issues.

Once again, we are simply asking the Legislature for the right to vote on whether the approximately 8,800 people of our community want home rule or whether the people want to continue to be ruled by the Clark County Board of Commissioners, located more than 80 miles away.

Chair Kirkpatrick:

Does anyone have any questions? Sir, I am going to ask if you have any additional information because we now have 12 minutes left and we are still trying to contact Laughlin.

Robert P. Bilbray, Private Citizen, Laughlin, Nevada:

I have been a resident of Laughlin for 30 years. I have dedicated more than 30 years of my life to the orderly and fiscally responsible development of the Laughlin community. I have seen it grow from a sleepy community of less than

30 residents living in trailers at the Pioneer Hotel to a Nevada community of nearly 9,000 residents.

During this time, I have been honored to partner not only with our community residents and various town board leaders, but also with all departments of Clark County and numerous state and federal agencies, for the betterment of Laughlin and the future growth within the State of Nevada.

I have made numerous contributions of land, grants, and use of my financial resources in dedicating fire station sites, community pool sites, and wastewater and potable water treatment sites. I have been honored to have been empowered to assist the community. It has been very rewarding for me and my family over the past 30 years.

I have always known that the time would come when, due to both the remoteness of our community from the county seat and the driving, competitive economic reality of being a border community, Laughlin would one day become an incorporated city. The demographics of Laughlin vary widely from those impacting the Las Vegas Valley and the intense demands for massive tax revenues across the Colorado River in Bullhead City and extending south to Lake Havasu, Arizona. Additionally, our community has Nevada's only unrestricted tribal gaming property, located adjacent to our township.

Such critical, differing, and competitive needs have expanded over the past eight to ten years. Our country has just experienced the strongest economic development demands in its history, and yet over the past ten years, while thousands of homes have been developed in Bullhead City and on the Arizona side of the river, Laughlin has only been able to secure development of less than 100 homes and not one hotel room.

Laughlin and the State of Nevada can no longer compete with business interests in Arizona, by reason of the ever-increasing Clark County development permitting process and related costs, which you know is substantially more onerous and time- and cost-consuming than for developments we compete with in Arizona. This has resulted in a lack of confidence by developers, both national and local, contractors, and more importantly, lenders, in forecasting the stability of costs and the timing of any residential or commercial developments within the Laughlin community.

I am personally aware of no less than 2,500 homes that have been lost in the Laughlin community by reason of the county permitting process. It has come to a point where few if any contractors, architects, or other development professionals can even bid on Nevada construction jobs, either public or private.

At the same time, I fully understand the ever-increasing bureaucracy that has impacted Clark County's development process by reason of the massive growth experienced in the Las Vegas Valley over the past decade. The basis for such restrictions is, for the most part, not relevant to Laughlin, and this has resulted in little to no growth in our community. I do not see this condition changing any time in the near future. In fact, I see it getting worse.

Chair Kirkpatrick:

I have 13 people who want to speak in Laughlin, and now we are down to 7 minutes.

Robert Bilbray:

Laughlin should be entitled to determine its own future and place within Clark County and the State of Nevada. We understand that the passage of A.B. 383, when coupled with sound and professional fiscal planning, will permit the 9,000 residents of our community to determine their future.

Chair Kirkpatrick:

If either one of you wishes to submit your written testimonies, we can include them in the record. We are going to go to Laughlin to the opposition.

David Alsbury, Private Citizen, Laughlin, Nevada:

[Mr. Alsbury referred to his written testimony ([Exhibit L](#)).]

I have been a Laughlin resident for 13 years. I am testifying in opposition to A.B. 383 to incorporate Laughlin. The bill has removed Clark County from the process and gone directly to the state level. Twice before, small groups tried the incorporation process through Clark County and failed both times. Our economy was far better off then than it is now. Given local, state, and federal economic conditions, for what possible reason should this bill have been introduced? Why were open community meetings not held so all residents could share their thoughts and concerns before drafting and introducing this bill?

The petition that contains 260 signatures represents only 9 percent of Laughlin's 2,836 active voters, and none has ever been verified as a registered voter.

A committee of concerned residents called Fact Finders, of which I am chair, was formed in January 2009. The Fact Finders' initial intent was neither for nor against incorporation, but to gather facts and figures showing if Laughlin did incorporate, could the community maintain the same services Clark County currently provides.

The Fact Finders presented information on March 16, 2009, that indicated Laughlin does not have the revenue to sustain the services we currently receive. These figures are based on Laughlin's decrease in net revenue, salary, benefits, supplies, cost ratio, and property tax rate.

A consolidated tax study from 2001 indicated the long-term effects of Assembly Bill No. 653 of the 71st Session are that Laughlin would be a slower growing city and would receive less revenue due to the change in the one-plus language of the formula and the special legislative bill Clark County sponsored in the 1980s that secured the return of much of the revenue generated by Laughlin. Such revenues usually go only to cities, not townships.

During our presentation, we also showed how the economy, from 1997 to 2008, has affected Laughlin's only major industry, our resorts. Visitor volume is down 37 percent. The resort occupancy rate is down 14 percent. The employment rate is down 21 percent, and gaming net revenue is down by \$6.8 million.

The Fact Finders Committee has acquired valuable information in just three months. We would like to share this information with your Committee. Is there a Fax or an email where these can be sent directly to your Committee?

Chair Kirkpatrick:

Yes, sir. We will get you that information before we finish. Please be mindful, though, those of you who are left to testify, we have about four minutes left.

John Geremia, Member, Laughlin Town Advisory Board, Laughlin, Nevada:

[Mr. Geremia referred to his written testimony ([Exhibit M](#)).]

I am a 23-year resident of Laughlin. This meeting was not properly posted or advertised to the public, and I question the motives of those responsible. You can look behind me; we have no one here.

Chair Kirkpatrick:

Sir, let me stop you right there. We have very strict guidelines on how this meeting was posted, and it was posted correctly.

John Geremia:

Not here in Laughlin.

Chair Kirkpatrick:

Sir, please. There is one thing I will not let you do. I will not let you tell my staff that they are not doing their job well. We work many hours to do our job

correctly. This meeting was posted on the state legislative website and in other required locations. We have worked for four days to get you the feed for this broadcast, and now I am wasting two minutes. We have worked tirelessly to make sure Laughlin was heard.

John Geremia:

The workers, the retired seniors, often homebound, will not be heard today. They are the majority. Down here in Laughlin we have a newspaper and a little cable outlet that calls itself a television (TV) station that allows only one point of view. In fact, this TV station has gone so far as to manage past candidates' campaigns for public office.

Chair Kirkpatrick:

Mr. Geremia, did you submit your testimony in writing, sir?

John Geremia:

Yes, I did.

Chair Kirkpatrick:

Okay. We can read that into the record. We are going to go ahead and close the meeting on A.B. 383.

For those who are listening, our Fax number is 775-684-6572. You may send me any emails. I will make sure they are submitted for the record and read.

The hearing for A.B. 383 is closed. Is there any public comment? Is there anything from the Committee? We will have one more bill to introduce, but we will have to introduce it on the floor. With that, I will go ahead and adjourn until 8:00 a.m. tomorrow.

[Meeting adjourned at 11:00 a.m.]

RESPECTFULLY SUBMITTED:

Denise Sins
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 23, 2009

Time of Meeting: 9:02 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 352	C	Jean Perry-Jones	Testimony on A.B. 352
A.B. 352	D	Jean Perry-Jones	Map of Spring Mountains Recreation Area
A.B. 352	E	Doug Smith	Mt. Charleston as a Last Chance Scenic Place
A.B. 284	F	Assemblyman Chad Christensen	Proposed Amendment to <u>A.B. 284</u>
A.B. 284	G	City of Henderson	Proposed Amendment to <u>A.B. 284</u>
A.B. 383	H	Assemblyman Joe Hardy	Proposed Amendment to <u>A.B. 383</u>
A.B. 383	I	Assemblyman Joe Hardy	Public Comments on <u>A.B. 383</u>
A.B. 383	J	Jordan Ross	Testimony on <u>A.B. 383</u>
A.B. 383	K	Edward J. Cooper	260 Petitions signed by proponents of <u>A.B. 383</u>
A.B. 383	L	David Alsbury	Testimony in opposition to <u>A.B. 383</u>
A.B. 383	M	John Geremia	Testimony in opposition to <u>A.B. 383</u>