

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

**Seventy-Eighth Session  
May 8, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 8:05 a.m. on Friday, May 8, 2015, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman John Ellison, Chairman  
Assemblyman John Moore, Vice Chairman  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Edgar Flores  
Assemblywoman Amber Joiner  
Assemblyman Harvey J. Munford  
Assemblywoman Dina Neal  
Assemblywoman Shelly M. Shelton  
Assemblyman Stephen H. Silberkraus  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblyman Jim Wheeler  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None



**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senate District No. 19

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Eileen O'Grady, Committee Counsel  
Lori McCleary, Committee Secretary  
Aubrie Bates, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

J.J. Goicoechea, Chairman, Board of Commissioners, Eureka County  
Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County  
Dagny Stapleton, Deputy Director, Nevada Association of Counties  
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce  
Steve K. Walker, representing Lyon County  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Joni Eastley, Assistant County Manager, Nye County  
Patrick T. Sanderson, Private Citizen, Indian Hills, Nevada  
Randy Robison, Director, State Legislative Affairs, CenturyLink  
Judy Stokey, Vice President, Government and Community Relations, NV Energy  
Frank Gonzales, Vice President, Electric Delivery, NV Energy, and representing Edison Electric Institute; and Nevada Commission on Homeland Security  
Debra Gallo, Director, Public Affairs, Southwest Gas Corporation  
Philip D. Speight, Assistant General Manager, Las Vegas Valley Water District and Southern Nevada Water Authority  
Joshua J. Hicks, representing Southern Nevada Home Builders Association  
John P. Lopez, Government Affairs Manager, Cox Communications  
John Fudenberg, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County  
Jeff Fontaine, Executive Director, Nevada Association of Counties  
Christopher D. Figgins, Deputy District Attorney, Clark County

Brian McAnallen, Government Affairs Manager, Office of Administrative Services, City of Las Vegas  
Robert Herr, Assistant Director, Public Works, City of Henderson

**Chairman Ellison:**

[Roll was called. Committee rules and protocol were explained.] We have three bills on the agenda today. Senator Goicoechea is sponsoring all three bills, but he has to return to the Senate. I will allow him to speak in general regarding all three bills, but they will be presented separately by other witnesses.

**Senator Pete Goicoechea, Senate District No. 19:**

Thank you for your indulgence. I know it is completely out of the ordinary to talk about all three bills at once. Senate Bill 157 (1st Reprint) is a good bill that does a good job as far as local government cooperation. There are no mandates in the bill, but it does allow for consistency review.

Senate Bill 249 (1st Reprint) is a local government bill that was brought to our attention by Nye County. There is an old statute that states a bill or invoice can be submitted to a county or local government after six years.

Senate Bill 481 (1st Reprint) is a bill that speaks to three-dimensional (3-D) mapping, what utility companies should be required to provide to local governments, and what the security measures on that local government would be.

I have very qualified people who will present the bills individually. Thank you again for your indulgence.

**Senate Bill 157 (1st Reprint): Enacts the State and Local Government Cooperation Act. (BDR 22-706)**

**J.J. Goicoechea, Chairman, Board of Commissioners, Eureka County:**

I will go through a quick overview of Senate Bill 157 (1st Reprint). You may notice a possible fiscal note to the state and it may have a fiscal impact to local government. For the record, we have worked with state agencies, particularly the agency that had a concern over the fiscal note. What you have in front of you today is a substantially amended bill from what was originally introduced by Eureka County. We feel we have significantly softened any concerns that may arise from a need for additional staffing or additional resources. There is language that states "to the extent practicable" in a couple of locations throughout the bill.

Why this bill? I will give you a couple of examples. The "2014 Nevada Greater Sage-grouse Conservation Plan" is very dear to my heart. We actually reference coordination and facilitation in the plan. One of those specific duties is, "Coordinate and facilitate discussion among persons, federal and state agencies, and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the sage-grouse." We have a state plan that says we will coordinate. When we went back to the statute, we could find nothing that said we would coordinate and facilitate.

Our federal partners, the Bureau of Land Management of the Department of the Interior and the U.S. Forest Service of the Department of Agriculture, are required to coordinate with local governments, yet our state agencies are not required to coordinate with local governments. How can we ask our federal partners to take us seriously and consider our master plans when our own state government does not?

I will have Mr. Tibbitts weigh in on a few points and then I will entertain any questions.

**Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:**

I will not belabor any points, but I would like to note that the impetus behind this bill is not because we have adverse relationships with state agencies. The impetus is understanding we want to have that strong working relationship to continue to move forward. We would like it memorialized in statute.

Section 7 of the bill is the intent. It states, "It is the purpose of the State and Local Government Cooperation Act to encourage communication, cooperation and coordinated working relationships between state agencies and local governments." The intent is to be able to work together.

The Legislature has recognized and given the planning authority to local governments. *Nevada Revised Statutes* (NRS) Chapter 277 gives guidance and mandates on what local governments are supposed to do and plan at the local level. It has provided that opportunity for local governments to do what is best for them and their citizens. We feel this bill helps bridge that gap to ensure there is consistency across the state and consistency between the state agencies and the local governments.

**Assemblyman Wheeler:**

I see this bill as common sense in order for the left hand to know what the right hand is doing. It is surprising to me that we are not already doing this. I could not believe you could not find anything in statute that said the state has to

communicate with the counties. I do not have a question on the bill, it just makes a lot of common sense to me.

**Assemblywoman Spiegel:**

I am wondering how granular this bill is. For instance, if there were a zoning change at the local level, would that then need to be communicated across the state? Could you go into more detail, please?

**Jake Tibbitts:**

The original bill was very broad and talked about rules, plans, regulations, enforcement, et cetera. The bill is now pared down quite a bit from that. Section 5.5 defines "plan" pursuant to NRS 278.160. Those are the things we are trying to focus on. I have the statute here in front of me, and it outlines what the Legislature has said the local governments will have in their master plan. Essentially, those are the elements of a master plan outlined in NRS 278.160. It is granular down to the level related to those elements. If you read through the bill, it is to get the entities speaking to each other and striving for consistency. There are no mandates involved in the bill. It leaves it to local governments and state agencies to determine those issues that are specifically important to them, whether it is a zoning change or something else.

**Assemblywoman Spiegel:**

I need to look at that section of NRS before I ask any further questions.

**Chairman Ellison:**

At this time, we will open the floor to those in favor of the bill.

**Dagny Stapleton, Deputy Director, Nevada Association of Counties:**

We do support this bill. We support additional cooperation and coordination between state and local governments where they are taking actions that may affect one another. We encourage consistency between state and local plans.

**Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:**

I will echo the comments of Mr. Tibbitts and Commissioner Goicoechea. We believe S.B. 157 (R1) will help facilitate effective communication between state and local government by increasing the coordination and cooperation between governing bodies. Above all, we believe this will promote good governance throughout the state at the local and state level.

**Steve K. Walker, representing Lyon County:**

Lyon County is also in support of this bill and feels there is a need to have some type of written coordination between state and local government.

**Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:**  
We, too, are in support of the bill.

**Assemblyman Wheeler:**

Mr. Walker, you mentioned you are representing Lyon County. I know you also represent other counties. Can you tell me where Douglas and Storey Counties stand on this issue?

**Steve Walker:**

I represent Storey, Lyon, Douglas, Carson City, and Eureka Counties. I sent the bill to all the counties and the comments I received in support were specifically from Lyon County.

**Chairman Ellison:**

Is there anyone else in support of S.B. 157 (R1)? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone neutral? [There was no one.] Mr. Goicoechea, do you have any closing statements?

**J.J. Goicoechea:**

I encourage this body to support S.B. 157 (R1). As Assemblyman Wheeler said, it is a very commonsense bill so the left hand and the right hand know what the other is doing. We want to work together in the spirit of cooperation.

**Chairman Ellison:**

Would the Committee consider suspending the rules to vote this bill out of Committee?

ASSEMBLYMAN WHEELER MOVED TO SUSPEND RULE NO. 57 OF  
ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

**Chairman Ellison:**

Is there any discussion?

**Assemblywoman Spiegel:**

I am still looking at information in the statutes. I would appreciate the Committee waiting until I can follow up with the sponsors with my questions.

**Chairman Ellison:**

We will vote to suspend the rules.

THE MOTION FAILED. (ASSEMBLYWOMAN SPIEGEL VOTED NO.)

**Chairman Ellison:**

We will place S.B. 157 (R1) on the agenda for a work session next week. I will close the hearing on Senate Bill 157 (1st Reprint) and open the hearing for Senate Bill 249 (1st Reprint).

**Senate Bill 249 (1st Reprint): Revises provisions relating to local financial administration. (BDR 31-1023)**

**Joni Eastley, Assistant County Manager, Nye County:**

This is Nye County's bill and we wish to express our appreciation to both Senator Goicoechea and Senator Hardy for sponsoring it. This bill came about as a result of a situation Nye County found itself in about a year ago. One of our fuel suppliers in Gabbs presented nearly five years' worth of invoices to the county to be paid. We were under the impression that invoices were stale dated if they had not been presented to the county within six months. I drafted a letter to the vendor to let them know we were not going to pay them. I was subsequently informed by the district attorney that the time for presenting invoices is actually six years. If you look at the statute, if the vendor comes before the Board of County Commissioners within two years, they can receive an additional six-year extension on presenting invoices. We are looking to amend *Nevada Revised Statutes* (NRS) 354.190 to read that the owner of an allowance shall demand such sum of money within one year from the date of the original allowance of such sum of money.

Effective cash management is a priority for local government that requires not only timely collections, but it also requires timely disbursements. It ensures that we, as counties, have adequate cash on hand to pay our budgeted operational expenses, and it takes the guesswork out of managing our liquidity. Timely receipt of invoices is critical to the financial management of local government. When a person or a company who is owed money by a county does not invoice us in a timely manner, it creates many difficult financial issues for us, including the fact that state law requires that expenses be booked in the year they are incurred. If an invoice is received following the end of the fiscal year, we cannot reopen the books. Those fiscal year budgets have already been closed and audited.

These are not the days of delivering invoices via Pony Express. Through technology, invoices can be delivered electronically. Even regular mail provides

for swift delivery. Government does not enjoy the same privilege, and we have to pay our creditors within a certain period or late fees and interest will apply. I appreciate the opportunity to speak in support of this bill, encourage its passage, and I am open to questions.

**Assemblyman Stewart:**

Are we talking 12 calendar months and not a fiscal year?

**Joni Eastley:**

Yes, 12 months from the receipt of the goods or service.

**Assemblyman Stewart:**

We are going from six years to one year.

**Joni Eastley:**

They have one year to submit the invoice to us.

**Assemblyman Stewart:**

Is that one year from the date of the completion of the service?

**Joni Eastley:**

Yes.

**Assemblywoman Neal:**

How long does it take a local government to go through the process to pay the invoice?

**Joni Eastley:**

About two weeks.

**Assemblywoman Neal:**

Does it matter which local government or state agency?

**Joni Eastley:**

It does not matter. We have financial management systems that allow us to process invoices pretty quickly. I would say two weeks would be a lengthy period of time.

**Assemblywoman Neal:**

Why is this bill necessary this session and not any other session if this has been an issue in terms of efficiently and effectively billing or receiving invoices?



**Joni Eastley:**

The reason for it this session is because we simply were not aware of the law. We thought stale dated bills were anything older than six months. We did not know the law said six years. We found that out about one year ago. Needless to say, we did pay those five years' worth of invoices.

**Chairman Ellison:**

I was surprised also. I thought there was a statute of limitations.

**Assemblywoman Spiegel:**

My first question relates to your processes and procedures. When you issue contracts to vendors, do those contracts include terms of when the vendor will bill?

**Joni Eastley:**

Yes, they do.

**Assemblywoman Spiegel:**

Is that within one year or six years? What is specified in the contract and should that not be the first consideration?

**Joni Eastley:**

It depends on the contract. The vendor I am talking about was a local provider in the town of Gabbs. We did not have a contract with him. We purchased gasoline for the sheriff's vehicles. The process was supposed to be that the vendor sends us an invoice.

**Assemblywoman Spiegel:**

Does your accounting system have the ability to proactively let you know when an invoice should be received?

**Joni Eastley:**

Probably, but I am not aware if that was happening in this situation. I am not sure if that was something the sheriff's office was even tracking.

**Assemblywoman Spiegel:**

I mean going forward for financial control.

**Joni Eastley:**

It is possible. We do have those kinds of financial controls.

**Assemblywoman Spiegel:**

I do that with my business. As I was looking at this bill, I was wondering why this would not be treated the same as any unclaimed property, meaning the invoices themselves with an amount owed. If the invoice has not been submitted, it is in essence unclaimed property.

**Joni Eastley:**

It is probably because the invoice was never prepared and sent to our office. This was a situation where the wife was the bookkeeper and became ill. There were many circumstances, but we received nearly five years' worth of bills at one time.

**Assemblyman Wheeler:**

You may have alluded to this, but what about extenuating circumstances. You said something about the wife being sick and not able to do the bookkeeping. I know in some of the smaller counties, you do a lot of business with local "mom and pop" organizations. Is there anything set aside for extenuating circumstances?

**Joni Eastley:**

I am not aware of anything in the bill that provides for extenuating circumstances. I strongly believe one year is plenty of time for a vendor to submit a bill for payment if they want to be paid.

**Chairman Ellison:**

I agree. Small businesses usually get their invoices out within 10 to 30 days because they have limited cash flow.

**Assemblyman Carrillo:**

Hypothetically, if the tables were turned, how long would the county have to collect a debt?

**Joni Eastley:**

I think it would depend on the process. We all know what the requirement is on a tax bill. Anything else where we are billing, I believe, would be contractual and the terms of payment would be in the contract.

**Assemblyman Carrillo:**

If a smaller operation had an unexpected event and something fell through the cracks, could there be something put in place for those extenuating circumstances?

**Joni Eastley:**

I cannot imagine if someone in that position contacted Nye County to let us know they were not able to invoice immediately that we would not be willing to work with them. We deal with a lot of small communities and sole source providers in those small communities. I am confident we would be willing to work with them. If this Committee is more comfortable with having some kind of language to that effect included in the bill, I do not have a problem with that.

**Assemblyman Carrillo:**

That is what I was trying to get at. I was hoping the county would understand and work with the vendor as long as the vendor had contacted them about the situation.

**Assemblywoman Neal:**

I would like to follow up on the extenuating circumstances question. *Nevada Revised Statutes* (NRS) 354.657 is "Purpose; liberal construction." This particular provision indicates it applies to, "...specific methods for the treatment of delinquent documents, payments, technical financial assistance and severe financial emergency." The statute says it must be liberally construed, and it references other statutes.

I want to know the interrelationship between NRS 354.657 and NRS 354.190 when we are talking about delinquent documents and payments when it says there must be a liberal construction. Typically, if it is within the same NRS chapter, they are not independent of each other; they all work together in some larger scheme. Can you speak to that issue?

**Joni Eastley:**

I cannot answer that question. That may be a question for the Legal Division of the Legislative Counsel Bureau.

**Eileen O'Grady, Committee Counsel:**

*Nevada Revised Statutes* 354.657 is in a different subheading and there are different definitions. I would have to look at the statutes a little more. Being in a different chapter, it may not necessarily apply.

**Assemblyman Stewart:**

I believe section 1, subsection 3, of the bill takes care of the issue of extenuating circumstances. It states, "...the board of county commissioners may allow the payment..." if it is over one year.

**Joni Eastley:**

Yes. I am embarrassed to tell you I forgot about that subsection.

**Assemblyman Stewart:**

There may be a conflict regarding when the work is completed. Who determines when the work is completed? Is there some sort of agreement? One party may think the work was completed, and the other party may think it was not completed. I think that could be one possible way in which the county commissioners could agree to pay the bill. Would you agree with that?

**Joni Eastley:**

Possibly, although for something like that, we would be going back to whatever is called for in the contract.

**Assemblywoman Dooling:**

How many vendors do you deal with in a year? I realize it should not be your responsibility to ask these vendors to send a bill so you can pay them. Is there some kind of mechanism in your software that notifies you an invoice has not been received?

**Joni Eastley:**

I believe for the vendors that we are used to receiving invoices from within a certain period of time, such as utility companies, someone would notice if we did not receive an invoice. We would contact that vendor to request an invoice. However, there are so many other vendors we deal with. The vendor in Gabbs is a perfect example. It is not a bill we receive on a regular basis. There are many vendors like that, including office supply stores, et cetera.

**Chairman Ellison:**

Are there any further questions from the Committee? [There were none.] Those who wish to testify in favor of the bill, please come forward.

**Dagny Stapleton, Deputy Director, Nevada Association of Counties:**

We do support this bill. We believe if there were an instance when someone waits to bill a county, this would help provide certainty to those counties, especially in the smaller counties with small budgets.

**Chairman Ellison:**

Is there any further testimony in support of the bill? [There was none.] Is there anyone wishing to testify in opposition? [There was no one.] Is there any testimony in neutral?

**Patrick T. Sanderson, Private Citizen, Indian Hills, Nevada:**

In listening to the testimony, I believe it had to have been either the sheriff's office or the road department that was receiving this fuel. Do they not have any responsibility in this matter? They know they are purchasing gas every day.

**Assemblyman Stewart:**

I have one other question for the presenter of the bill. Does this apply only to counties and not cities?

**Joni Eastley:**

I believe the language was extracted from the original statute, which addresses counties.

**Assemblyman Stewart:**

We may want to include all local governments.

**Chairman Ellison:**

Do you have any closing comments, Ms. Eastley?

**Joni Eastley:**

County budgets statewide are in tough shape after years of raiding reserves and delaying many costly projects that are important to our infrastructure. Unfortunately, cuts in service have become an all too common method of addressing our declining revenues. Counties have to be able to make accurate projections of fiscal year expenditures. For that reason, and many others, I support passage of this bill.

**Chairman Ellison:**

When does your budget begin and end?

**Joni Eastley:**

The fiscal year ends June 30 and the new fiscal year opens July 1.

**Chairman Ellison:**

Trying to go back six years would be a disaster.

**Joni Eastley:**

Although the bills received from the vendor in Gabbs only amounted to about \$15,000, it was \$15,000 we had not planned on for our fuel budget. It did put us over budget.

**Chairman Ellison:**

I will close the hearing on Senate Bill 249 (1st Reprint). I would like to mention we have a one-star general in the audience. Welcome Mr. Gonzales, and thank you for your service.

I will open the hearing for Senate Bill 481 (1st Reprint).

**Senate Bill 481 (1st Reprint): Revises provisions relating to counties and cities.  
(BDR 20-1114)**

**Randy Robison, Director, State Legislative Affairs, CenturyLink:**

I would like to walk through Senate Bill 481 (1st Reprint) with the amendment that was submitted (Exhibit C). I will then turn it over to my colleagues for comment about the issue we are trying to address to help you understand why we believe it is so critical and important to address.

Senate Bill 481 (1st Reprint) was brought to address a very specific issue that is occurring in southern Nevada. We were surprised to learn about folks who are unaware that this issue is moving forward, particularly among cities in the south. There is a movement to create three-dimensional (3-D) digital mapping of the infrastructure of utilities in the valley. That creates a tremendous amount of concern for us. Not only is some of that information proprietary and competitive, particularly for those of us in the telecommunications industry, but more importantly and most significantly, it represents a very significant security risk. Utilities spend a tremendous amount of time, money, and people protecting the information about where our facilities are located from folks who would like to access that information for nefarious purposes.

The intent of this bill is to prohibit a very specific use of the information that we provide to local governments. This is information that we provide today, we have provided for the last several decades, and we will continue to provide in the future. We are trying to prohibit a specific use, which is the creation of a 3-D digital model of the entirety of our facility's infrastructure.

Because of the way the bill was originally structured and presented in the Senate, it created concern among local governments. As we reviewed the bill, we understood that clearly. We worked to restrict the language, scope it, and focus it much more clearly to prohibit that one single use that we are after. It is not the intent of the bill, nor is it our intent, nor do we think the bill could be reasonably interpreted to mean that we are not giving local governments the information they need to complete their public works projects. It is simply to prohibit the specific use of creating a 3-D digital and comprehensive model or

map of our entire network of facilities due to the tremendous security risks that introduces.

With that said, I will walk through the bill. I will use the amendment ([Exhibit C](#)) that is posted to the Nevada Electronic Legislative Information System (NELIS). This bill would apply to cities, counties, and as we drafted the language in consultation with the legal staff in the Senate, it was also our intent to capture regional planning agencies and regional boards, such as transportation commissions or other agencies that do public works.

In section 1 of the amendment, we are attempting to prohibit the express use of the information we provide about the physical location of our facilities. Section 1, subsection 1, states, "A county, including, without limitation, any board or planning agency...." The words "or other political subdivision" were stricken at the request of the counties. For them, that was a term that did not have relevance. Again, as we were drafting the bill in the Senate, in consultation with legal staff, we made it clear that we want to include cities, counties, and particularly regional transportation commissions because that is the body that is investigating the 3-D mapping of our information.

After the stricken words in the amendment, it states, "...shall not create, maintain or display in any format...." What we are trying to get at with that language is we currently give the local governments facility location information on a project-by-project basis. Some of the agencies retain that information, some of them return the information to us, some of them keep it on file, some of them create a digital map, and sometimes we give them a digital map. What we are trying to say is they cannot take those pieces and aggregate them to achieve the purpose of creating a comprehensive model of our facilities.

The phrase that is next stricken "...including, without limitation, a digital or electronic format..." was in response to the local governments' concerns that they do some digital mapping already through AutoCAD, which is computer assisted drafting, and other kinds of digital mapping software. They asked us to delete that language because they did not want this to be read to prohibit them doing business as they currently do with AutoCAD and other types of digital mapping. It is not our intent to prohibit that either, so we struck that from the language.

The remainder of section 1, subsection 1, "...a comprehensive model or map of the physical location of all or a substantial portion..." speaks to the aggregation of project-by-project maps into a comprehensive model. It goes on to say, "...of the facilities or critical infrastructure of a public utility, public water system or video service provider."

In section 1, subsection 1, we are trying to prohibit that specific use of the information that we currently provide and will continue to provide because that introduces a tremendous security risk for us. Again, we spend a significant amount of money, time, and people protecting our information. For us to have that information out in the public and out from under our control, presents a significant security risk liability for us. We believe it presents a serious liability and risk to local government entities as well.

Local governments were quite concerned about the way the original bill was drafted because they thought it looked like we may be prohibiting them from even getting the information. The agreement we had in the Senate was we would work on section 2 of the bill. At the direction of the chairman of the Senate Government Affairs Committee, and in agreement with local governments, we added language to address their concerns, knowing it was not perfect, so we could keep the bill moving and continue to work on it as it moves through the process.

We have continued to work with the local governments on section 2 since passage of the bill in the Senate and up until just a couple of days ago. The more we worked on it and the more language we tried to add to address the concerns, we got to the point, in our view and in our legal counsel's view, that the exception swallowed the rule. It went further than that in granting additional authority to request information. Just the other day, after agreement among us as utilities and at the advice of our legal counsel, we proposed to strike section 2 entirely. It is our opinion that the reason the local governments wanted section 2 included was to make sure we were codifying existing practice. In other words, that we were not changing existing practice. We tried to make it clear on the record in the Senate that that was not our intent. That is why I have repeated it at least seven times so far today. The way the section began to be changed, it got to the point where it went well beyond that issue. More importantly, I would say in terms of statutory construction and legislative process, if we are not affecting current process or an existing statute, then the statute does not change and the current practice does not change. In other words, if an entity is able to do A today and we do not say you cannot do A with a piece of legislation, the entity can still do A tomorrow.

Our contention is that section 1, subsection 2, is unnecessary because it was our understanding from local governments that they were concerned we were changing existing practice. It is our contention and our position that we are not.

Moving to section 1, subsection 3(a), of the amendment and the definition of "critical infrastructure," our original definition in the bill was not as comprehensive or clear as the local governments would like, so they suggested



some language. The language underlined in green comes from the U.S. Department of Homeland Security's definition of critical infrastructure with some minor modifications. For instance, we use the word "incapacitation" and in their definition they use the word "incapacitating."

Section 1, subsection 3(b), states, "'Public utility' has the meaning ascribed to it in NRS 704.020."

Section 1, subsection 3(c), states, "'Public water system' has the meaning ascribed to it in NRS 445A.235." We wanted to make clear this would apply to Las Vegas Valley Water District as well as Southern Nevada Water Authority, and they are in agreement.

Section 1, subsection 3(d), is in response to a concern raised by the Nevada Association of Counties that the definition of public water system in section 1, subsection 3(c), was too broad. As we discussed it more, we agreed. Section 1, subsection 3(d), limits the application to a water system.

We had to change section 1, subsection 3(e), but the definition of video service provider is currently in the bill.

Section 2 is deleted by the amendment. Section 3 is where the language would be entered into the city sections. On the bottom of the amendment page, in green, it states, "Include new sections bringing in NRS 277A—regional transportation commissions." As we introduced the bill and worked with the legal staff in the Senate, we made our intent clear that this was not only applicable to cities and counties, but also the regional transportation commissions because they are currently the ones pursuing the effort of 3-D digital mapping.

We heard late last week that perhaps it was not clear that regional transportation commissions were included. We met with legal counsel again to see what the preferable method was of making sure they are specifically included. The suggestion was to specifically reference their chapter in the NRS, which we agreed to.

That is the amendment to S.B. 481 (R1). Hopefully, I have provided enough context from the historical discussion on the bill so you understand our intent is not to change any current practice with local governments. We, as utilities, currently provide the information for the physical location of our facilities to facilitate public works. It can be done in a cost-effective and safe manner so they know where our facilities are so there is not an unintended interruption of service. Our intent is not to change current practice, but it is specifically to

prohibit the use of that information to create a 3-D model or map of the entirety of these facilities' infrastructures because it presents far too significant a security risk, not only for us, but for them and the entire city or county. Putting that information on a public entity's data management system, regardless of the protections they may be able to construct, persons, either intentionally or unintentionally, could access that information and they would know exactly how to shut down the telecommunication system, the water system, and the power system. They would know how to shut down a resort on the Strip, other businesses, and even City Hall. We think that is a tremendous security risk that we should not endeavor to assist.

**Chairman Ellison:**

I would like to hold all questions until the entire panel has had a chance to testify.

**Judy Stokey, Vice President, Government and Community Relations, NV Energy:**

Mr. Robison went through the bill extensively regarding our intent in putting this together. I would like to let you know, we are here in strong support of this bill. Even though Mr. Robison mentioned it eight or nine times, I would like to put on the record again that this is only to address that one issue. It is not to impact our current agreements or contracts with the municipalities. We have a good working relationship with them in how we deal with infrastructure, and we would like to continue that relationship. I will turn it over to Frank Gonzales, who is vice president for electric delivery for NV Energy. He is also a member of the Edison Electric Institute's National Response Executive Committee for the western United States, a commissioner on the Nevada Commission on Homeland Security, and a retired brigadier general for the U.S. Army. He is also the state director of the Selective Service System of the Department of Defense. He is very qualified to talk about the homeland security issues brought by this bill.

**Frank Gonzales, Vice President, Electric Delivery, NV Energy, and representing Edison Electric Institute; and Nevada Commission on Homeland Security:**

NV Energy supports S.B. 481 (R1) because it would provide an important protection against the public disclosure of sensitive information about NV Energy's distribution and transmission systems. NV Energy has long cooperated with the local governments by providing them the information about the location of our facilities to comply with municipal plan review requirements, franchise agreements, and what is necessary for the planning of their public works projects. However, we have recently received requests for much more detailed information about the location of significant portions of our system, which includes requests for the provision of the information in electronic or

digital formats. If we were to comply with these broad-ranging requests, there is no assurance under current law that this sensitive information about our critical infrastructure would not become public.

Due to the sensitive nature of the electrical facilities throughout the nation, the Federal Energy Regulatory Commission has adopted regulations for the critical infrastructure protection of key bulk electric systems within the state of Nevada and our nation. Our electrical system must be hardened against cyberattacks and physical security threats. Allowing access to key information of our system would allow sensitive system information to be used to disrupt our system reliability.

While the general location of much of our facilities is open and known to anyone who drives the streets, what is not public knowledge is the specific integrated facilities that are critical to the continued reliable operation of the grid and which, if taken out, could result in targeted disruptions of service to large and/or sensitive customer loads, or even trigger cascading outages that could extend beyond Nevada's borders. In the wrong hands, the large amount of information that has been requested of NV Energy could be used by those who intend to do maximum harm to determine which facilities provide the maximum vulnerability and thus should be targeted.

This bill recognizes the sensitive nature of detailed information about our facilities and the customers we serve, and properly protects against public disclosure. The bill in no way changes the obligation and the ability to timely provide local governments with the information they need to monitor what is placed in their rights of way and planned public works projects, such as widening streets.

Finally, passing S.B. 481 (R1) will align Nevada to help us ensure our critical infrastructure information does not fall into the wrong hands. Members of the Nevada Legislature, thank you for your consideration on S.B. 481 (R1). It is an important tool to allow us to keep our critical system information confidential. Thank you for your support, and I would be happy to entertain any questions.

**Debra Gallo, Director, Public Affairs, Southwest Gas Corporation:**

I would like to echo everything already said. Southwest Gas Corporation does not support creation of an online format of a comprehensive model or map of our system. Unlike the electric utilities, ours are a little more difficult to locate. As mentioned, nothing will affect the current requirements of providing the information on our facilities to local government entities. We are concerned that putting together a comprehensive map creates a vulnerability that currently does not exist. The information does exist. It is in multiple formats and multiple

sources, but the main thing is it is in the control of the utility. We believe this variability and distribution of the information actually minimizes systemwide vulnerability and, for us, supports pipeline safety, security, and reliability.

**Chairman Ellison:**

I will open the floor for questions.

**Assemblyman Flores:**

Why was this 3-D model being created and what is the benefit? Are we severely limiting them by taking away that benefit? I am having a hard time understanding the issue of the information being stolen. The way I see it, a cybercriminal can attack the utilities as opposed to a county. You are both held at a high level of scrutiny in terms of protecting specific data and the utilities have a higher incentive to protect information, which is true of any government entity as well. Perhaps I misunderstood and you are saying the government entities are going to make your information public by creating a 3-D model and putting it on the Internet. Could you help me understand your concerns?

[Assemblyman Moore assumed the Chair.]

**Randy Robison:**

I will address the data security risk first. For us, that is our information. The telecommunications area is a little different from some of the other utilities, as it is highly competitive in nature. There is a competitive and proprietary aspect in telecommunications. We dedicate a tremendous amount of resources to protect against hacks and cybersecurity threats. With no disrespect to the local government entities, they have hundreds of different things they need to do, but our security is our highest priority, and we need to protect it. We do not believe they can protect the information at the same level we can.

Getting to your question about the local governments creating a 3-D map, it is not our opinion that they will put it on a public website or the Internet. We believe they will take the measures to protect and secure the information as much as possible, but it is a digital electronic model on an Internet service, whether protected or not, that creates the vulnerability that we are concerned about. Protecting that information can be very costly, not only in terms of hard dollars, but manpower and resources as well.

In terms of where this originated, about a year or so ago, a regional transportation commission let a bid to do a study about improving our infrastructure and data management. There is a tremendous amount of data available in a three-block street widening project on a major street in Las Vegas,

including telecommunication, gas, electric, and water from multiple companies. There could be lines going all over the place. Under existing practices, we locate those facilities, meaning the telecommunication, gas, electric, and water lines, in an effort to protect those facilities from an unintentional accident. We create maps and local governments create maps so they know where those facilities are located. Once the project is done, we provide an "as built" map. The local governments keep that map in case they have to go back to the same area to do something. Our understanding of the study that is underway is that at some point in the future, in order to address a better system for knowing where those facilities are, if they had that information already, it would probably save them time and money. We do not disagree with that. It would probably be more cost-effective. However, we are trying to balance the risk. We do not feel that savings of time and money outweighs the tremendous risk being introduced.

To be clear, the local governments see this as a long-term endeavor. It is not as if it is going to happen tomorrow, or even next year. However, that is the direction they are heading. We do not feel the security issues have been readily and effectively addressed in the near term. Might we get there at some point? Perhaps, but not in the foreseeable future. We feel we need this protection for our critical infrastructure and facility networks. We are only trying to prohibit the creation of a comprehensive, meaning the entire network, 3-D map that is housed digitally or electronically somewhere other than within the control of our network.

[Assemblyman Ellison reassumed the Chair.]

**Assemblywoman Shelton:**

It is not that you are unwilling to supply the local governments with the information they need in order to complete their project. What you are asking for is that information not be made public or made into a 3-D map. Is that correct?

**Randy Robison:**

Specifically, we do not want them to create a 3-D map of our entire network, but we also do not want them to make it public. In the original version of the bill, we had protections that we felt would prohibit them from intentionally or unintentionally making the information public. Those protections were taken out because we have restricted the bill down. Yes, it is our intent to prohibit that specific use, but to also provide some safeguards against it becoming public.

**Assemblywoman Shelton:**

You do not want them to make any 3-D mapping that they would keep private. Is that correct? They have to do some type of mapping. How is one a higher risk than the other as far as security?

**Randy Robison:**

In section 1, subsection 1, of the bill, your question goes to the language included on lines 6 through 8, "a comprehensive model or map of the physical location of all or a substantial portion of the facilities or critical infrastructure...." Currently, there is digital mapping occurring through an AutoCAD system or other type of software system. However, it is primarily on a project-by-project basis. We do not want to interrupt that or change it all. We will still provide the information, and they can still map it. All we are saying is they cannot create a comprehensive 3-D digital model of our network and keep it somewhere in their office.

**Assemblywoman Neal:**

Regarding section 1, subsection 1, when I read the rule of statutory construction, it refers to the plain language. What is written in the amendment says, "A county, including, without limitation, any board or planning agency of the county, shall not create, maintain or display in any format...." It then strikes out the language, "...a digital or electronic format...." It then continues, "...a comprehensive model or map of the physical location...." Any format, in plain language, means any format. The strike out means it is now not including the digital or electronic format.

Regarding critical infrastructure and the definition, I went to the Nevada Homeland Security website, which led me to the federal Department of Homeland Security website, which led me to many different websites, which led to the executive order that was created to deal with this. What was the risk-based approach that was used in order to determine whether or not there is a risk? The executive order said there is a requirement that there be a risk-based approach. It also said there must be a consultative effort in order to determine critical infrastructure. It seems you adopted the federal definition, but it is confusing to me because I thought it was supposed to be in conjunction with several other entities. Could you clarify that for me?

My third issue is under NRS 239C.210. These things are already confidential. How is it that a county or individual can violate the confidentiality that is already in statute?

**Randy Robison:**

I will address the strikeouts you mentioned, and I will defer your other question to Mr. Gonzales.

**Assemblywoman Neal:**

If possible, Chairman Ellison, I have already asked Ms. O'Grady if I was correct in understanding statutory construction and the plain language rule. Ms. O'Grady can tell us what she believes is the accurate assumption.

**Eileen O'Grady, Committee Counsel:**

By striking out "including, without limitation" language, it still leaves it as "...in any format," which is very broad. If you wanted to exclude a specific format, you would have to specifically include that.

**Randy Robison:**

Thank you for that clarification. I would like to address that specifically. Again, as I noted in my original testimony, that strike out was at the request of local governments. It was our understanding that their reasoning was that language could be interpreted to prohibit what we are currently doing now. There is some digital mapping that is occurring through AutoCAD or similar software. I agree with you in terms of the plain reading of that language and "any format" is much broader. We would still assume it prohibited the kind of digital mapping that we are talking about, which is a comprehensive map, not a specific project-by-project map that may be in a digital form.

**Frank Gonzales:**

I will go through it from the perspective of what I live with. When the Federal Energy Regulatory Commission (FERC) and the Nevada Commission on Homeland Security define critical infrastructure, we have to go through a very detailed assessment. The FERC has what is called Critical Infrastructure Protection (CIP) Reliability Standards Version 5 and CIP-014-1, which requires us to have control of our utilities from a cyber and a physical perspective. The reason for that is someone very smart could figure out which substations or lines they could take out to cause a cascading effect, which is what happened in the New York area a couple of years ago.

We have a totally separate computer system that we have to monitor and be in control of. The federal government does come in to inspect it to make sure we are doing what we need to do. The electric bill people receive has nothing to do with the computer that is actually controlling our system. They are two totally separate computers. The reason for that is there is no way to get into them. We all worry about what could happen to our power plants and switching stations.

My issue at the end of the day is not necessarily regional transportation commissions, the counties, or anyone else. Security is not an easy business. When you make it harder to get information, you have a more secure environment. It does not make it a more efficient environment, but it is a more secure environment. That is why we have passwords on our computers. What concerns me is can I make sure we have done everything to make it so difficult to break into our infrastructure or to know how to operate our system that we stop the bad guys. We only need one bad guy to get in.

**Chairman Ellison:**

Cyberterrorism on the grid system would be dangerous and would have a large effect. I am glad to hear you have a totally different system for that information. Cybercriminals could put entire cities in the dark.

**Judy Stokey:**

I would like to add, in discussing a definition, to Assemblywoman Neal's point, we were asked by the local jurisdictions to use the federal definition, and they supplied one, which is similar to this.

**Assemblyman Carrillo:**

I do want to address the regional transportation commissions. What would be the purpose of bringing them into the bill itself?

**Randy Robison:**

The regional transportation commission does public works projects at times, and they require some of the same information as local governments. The reason we are including them is not because of a specific construction project they were doing, it is because of an initiative they have undertaken to study this concept of 3-D mapping, along with trying to improve the data flow management between utilities and public entities. It is called "Know Your Assets." They have been engaged in this study, and all utility staff have been working with them. At the end of March, they released a draft report, and they had a meeting where they started to walk through the draft report. Most of the utility companies attended, along with some local government entities. It is an effort underway to study this idea of 3-D mapping and how it could improve the system we are all operating within. We do not disagree that there are improvements that can be made; we just think 3-D mapping goes too far for the issues we are currently dealing with.

**Assemblywoman Spiegel:**

Several years ago, there were ongoing discussions about mapping sewer laterals and having connectivity back to houses. I know it is a sore subject, and I hate to bring it up, but would this bill preclude that kind of mapping?



**Judy Stokey:**

This is not going to change any existing current practices for sewer laterals or others.

**Chairman Ellison:**

Anyone wishing to testify in favor of the bill, please come forward.

**Philip D. Speight, Assistant General Manager, Las Vegas Valley Water District and Southern Nevada Water Authority:**

We are in full support of S.B. 481 (R1).

**Chairman Ellison:**

Would this not affect you in future development?

**Philip Speight:**

Not so much future development. Our entire system would be in danger because it could easily be compromised. That would include what we call our supervisory control and data acquisition (SCADA) system, which is electronically handling all of our reservoirs, pump stations, and treatment plants. The treatment plants are obviously the most vulnerable.

**Joshua J. Hicks, representing Southern Nevada Home Builders Association:**

We are in support of this bill and the amendment Mr. Robison presented. Sometimes developers will be in possession of some of this information. We would like to have the same kind of parameters and protections the utilities are asking for.

**John P. Lopez, Government Affairs Manager, Cox Communications:**

We are in full support of this legislation. Cox Communications values its relationships with the local governments, and we work very closely with them on projects every day. This legislation would not change the relationship going forward. Cox Communications is a privately held company. The security of our networks in Las Vegas and nationwide is a top priority for the company. We feel comprehensive data showing where all of our assets are would make us vulnerable.

**Chairman Ellison:**

Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition?

**John Fudenberg, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County:**

We are opposed to S.B. 481 (R1) and the proposed amendment. However, I want to make it perfectly clear that we do support the intent of the bill. We understand and agree that homeland security is a major issue. We support protecting critical infrastructures. We understand how important it is to our community, the state of Nevada, and the entire country.

In the past, we have not, nor have we intended to ever create or maintain comprehensive 3-D maps of any of the public utilities critical infrastructure. As stated in previous testimony, we have agreed on section 1, subsection 1, of the amendment and most everything else in the amendment, other than section 1, subsection 2. We have been working very hard with the public utilities to come to an agreement on verbiage in that section. So far, we have not been able to do that but we are close, and I hope we can do that before the passage of this bill.

We feel that the introduction of section 1, subsection 1, which we agree on, opens the door for us to potentially be limited in obtaining information that we need to complete projects in the county's rights of way. That is our major concern. Therefore, we would like to continue to work on verbiage and include section 1, subsection 2, in this bill.

Deputy District Attorney Christopher Figgins is available for any questions and will also provide some additional testimony on this bill.

**Chairman Ellison:**

We met in my office this morning, and I know you are all working diligently to try to amend section 1, subsection 2. It is getting close to the deadline, so you need to work on it as quickly as you can.

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

Like Clark County, we are very much in support of the intent and concept of the bill. We, too, are concerned about what we thought was agreed upon language in section 1, subsection 2. As far as what this bill does and does not do, I would respectfully disagree with Mr. Robison's assertion that it does not change existing statute. In fact, it does place some prohibitions. Again, we understand what they are trying to accomplish, but when they use words like "comprehensive" and "substantial," it raises questions. I know some of the Committee members had questions about those words as well.

There is legislative intent and statements on the record, but quite frankly, when you are in the middle of a busy street in southern Nevada with a contractor

standing by, information is needed regarding where those utilities are, both vertically and horizontally, within millimeters to avoid conflicts or problems. That is the information we are very interested in making sure the counties still have the ability to obtain. We are simply asking for a return of the language we thought we had agreement on yesterday to make it clear with regard to existing authorities that the counties have to request and receive the information about utilities within their rights of way. We are not seeking any additional authority. I believe we are very close to getting there and are more than willing to work with the proponents of the bill to get that accomplished.

**Assemblywoman Joiner:**

I appreciate your concerns about the projects you have with the rights of way. It sounds like you are concerned that the language in the amendment would change the current practices. The proponents of the bill stated it does not change current practice, but the counties are concerned it does. Perhaps this is a question for legal staff about the way the amendment is currently drafted. Does the amendment ensure that the way the law is currently applied would not have to change? Significant comprehensive mapping is what they are trying to curtail. If we all want to be on the same page, it is just an issue of whether the language actually does that. That is a legal question in my mind.

**Eileen O'Grady:**

The existing practice is not currently codified. By taking out section 1, subsection 2, the provision of the information from the utility to local governments will occur as it does under current practice. It does not change the current practice by taking it out. By leaving it in, it could change the current practice.

**Chairman Ellison:**

The cities and counties have had a memorandum of understanding with the utility companies for many years. Is that correct?

**John Fudenberg:**

There are many types of agreements we have with the various public utilities, such as franchise agreements, license agreements, et cetera. I do not know specifically if there are memorandums of understanding.

**Assemblywoman Neal:**

After section 1 was discussed with legal staff and they indicated "any format" meant "any format," why would you agree to that? Ms. O'Grady said if it does not have the specific exclusion, then that is not what the intent is. Just because you say what the intent is, the plain language says something

different. That is not what the language says. I am confused as to why you accepted that.

**John Fudenberg:**

I may have to have Mr. Figgins weigh in on your question. The reason we agree with that particular section, and the way we understand it, when it says "any format," they are referring to a comprehensive 3-D model of their infrastructure. We do not retain or intend to retain a comprehensive 3-D model of their infrastructure. Therefore, we agree with that part of it. That is my understanding, but if I am wrong, I would like Mr. Figgins to weigh in.

**Christopher D. Figgins, Deputy District Attorney, Clark County:**

Assemblywoman Neal has an excellent point. That wording could be taken out, and it would probably be clearer. It would probably get to the issues we have with section 1. While we have the plain language, there are many different interpretations. That is why we are very concerned. If everyone's intent is to keep the status quo, I do not know why section 2 with the modifications we proposed cannot be included.

We do not intend to create a comprehensive 3-D model. However, if you take a look at the original bill, it clearly said the county could not get any information with respect to the utilities within the roadway unless we had a compelling justification for the information. It would be up to the utilities to decide whether or not we had that justification. You can understand why we are concerned with this bill.

Section 1, subsection 2, of the bill says we can only get the information "...pursuant to a franchise, right-of-way or similar occupancy agreement entered into with the public utility, public water system, video service provider or other person." First, we do not have those agreements with everyone included in this bill. Second, the county code specifies many of the activities in what happens in the right of way, which is not mentioned in the bill. Third, it does not just pertain to roadways. We have many other projects that go outside the bounds of roadways, and we need that information.

We propose that if they are going to keep section 1, subsection 2, they either put a period after "video service provider" on page 2, line 15 of the bill, or say, "Pursuant to a franchise, property right, grant of license, agreement, permit, law, regulation, and/or code." That would be a comprehensive list where we may run into these utility relocation issues. If everyone's intent is not to change current practice, we want that intent in statute. When does it become a comprehensive model? That will become an issue. We have critical infrastructure within our rights of way. According to the state bidding laws,

we still have to produce a set of plans to show the bidders where the facilities are, and that could include a critical infrastructure, even though we work with the utilities to make sure it is not obvious as to what is going on. The county would like the assurance that we can have that information.

**Chairman Ellison:**

That is what we discussed this morning when we met in my office. We are trying to get to that agreement, and they are working on that as we speak. It would need to come in as an amendment. Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify as neutral?

**Brian McAnallen, Government Affairs Manager, Office of Administrative Services, City of Las Vegas:**

Assemblywoman Spiegel's comments about sewer lateral issues is one of the reasons why we have some concerns. As a municipality, but also offering a public utility service, we have our own system within the ground that we provide to the residents in our community. It is a concern of ours with this bill that we may be prohibited in doing the modeling of our own infrastructure system, and it may be a comprehensive model related to that system as well. We want to make sure this language does not prohibit us from having our own system model maintained and kept. I think some of the language can be a little confusing at various points.

We also share some of the same concerns Clark County has on obtaining the information from our franchise holders so we can work together with our utilities, their facilities in the ground, and those rights of way. I appreciate what we are hearing and what everyone is trying to work toward and hope that we can get there. However, I think it is worth putting these concerns on the record, which is why we are testifying in neutral.

**Robert Herr, Assistant Director, Public Works, City of Henderson:**

We are neutral on this bill. We do appreciate the efforts of the utilities to work with the City of Henderson to address our concerns. As has been stated, we believe this will not affect our current day-to-day operations. There has been much talk about the public works process and getting those utility facilities located based on a project-by-project basis. We also want to preserve our ability to require submittals when the utilities are putting new infrastructure in the public rights of way. I have not heard anything today that would change that, and they would continue to submit those plans to us.

**Chairman Ellison:**

I was hoping to get the both of you to answer this question. You have looked at the amendment, and you have heard the concerns from Clark County and the Nevada Association of Counties. Are you in favor of the proposed amendment, and would that language clear up your issues?

**Robert Herr:**

My personal opinion is this may be an instance where less is more. However, I am a public works director not an attorney. We feel the terminology of "a comprehensive model" and "a substantial portion of the facilities" addresses the concern that the utilities are working with us on a project-by-project basis. We would not collect an overall citywide map of their facilities.

**Brian McAnallen:**

This amendment is currently in front of our city attorney for review. I do not have a response from the city attorney regarding their concerns. Once I receive it, I will share it with you and the proponents of this measure as well, in hopes that we can reach some agreement.

Having heard what the deputy district attorney from Clark County shared, I believe his concerns mirror some of our concerns. It is just a matter of how we can all arrive at an understanding that meets everyone's needs.

**Chairman Ellison:**

Having been in business for over 30 years, I understand having to receive information from utility companies. The utility companies have always worked closely with me. Is there any other testimony in neutral? [There was none.] Mr. Robison, do you have any closing comments?

**Randy Robison:**

I appreciate the conversations that have taken place. I think the Committee understands the concerns on both sides. We have been working hard on section 1, subsection 2, to see if there is a way to make the local governments comfortable without diminishing any of our protections. If we could amend section 1, subsection 2, to say it will not change current practice that would be fine with us. It is probably a little more comprehensive than that.

**Chairman Ellison:**

Any further questions from the Committee? [There were none.] I appreciate the comments, and I believe everyone understands the issues. I am positive we can come up with an agreement or some kind of understanding. I will close the hearing on S.B. 481 (R1). Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 9:52 a.m.].

[([Exhibit D](#)) was submitted but not discussed.]

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Committee Secretary

APPROVED BY:

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Assemblyman John Ellison, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Assembly Committee on Government Affairs

**Date:** May 8, 2015

**Time of Meeting:** 8:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 481 (R1)	C	Randy Robison, CenturyLink	Amendment
S.B. 481 (R1)	D	Marty Flynn, Clark County Reclamation District	Letter in opposition