MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Seventy-Eighth Session
April 24, 2015

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 10:03 a.m. on Friday, April 24, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Joe P. Hardy, Vice Chair
Senator Mark A. Lipparelli
Senator David R. Parks
Senator Kelvin Atkinson

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi Swank, Assembly District No. 16

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Nate Hauger, Committee Secretary

OTHERS PRESENT:

Brett Kandt, Special Assistant Attorney General, Office of the Attorney General
Colleen Platt, Deputy Attorney General, Office of the Attorney General
Tom Conner, Chief Administrative Law Judge, Office of Administrative Hearings, Department of Motor Vehicles
Misty Grimmer
Peter Barton, Administrator, Division of Museums and History, Department of Tourism and Cultural Affairs

Rebecca Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources
Ernie Adler, Nevada Rural Housing Authority
Eddie Hult, Director of Real Estate Operations, Nevada Rural Housing Authority
Bill Brewer, Deputy Director, Nevada Rural Housing Authority

Chair Goicoechea:
I will open the hearing on Assembly Bill (A.B.) 53.

ASSEMBLY BILL 53 (1st Reprint): Revises provisions relating to administrative procedure. (BDR 18-160)

Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):
This bill revises *Nevada Revised Statutes* (NRS) 233B, the Nevada Administrative Procedure Act (APA), to comply with a recent Nevada Supreme Court ruling and to ensure consistency and efficiency in contested cases. Sections 2, 5, 7, 11 and 14 through 27 of the bill define the term "preponderance of the evidence" and revise the applicable standard of proof for administrative hearings.

Colleen Platt (Deputy Attorney General, Office of the Attorney General):
The *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. No. 27, 327 P.3d 487 (2014), Nevada Supreme Court ruling, proposes that if a board does not have a statutory mandate or recommendation for the standard of proof, then the standard of proof the agency should apply is the preponderance of the evidence. *Nevada Revised Statutes* 233B contains some provisions regarding standard of proof and standard of review. This bill would make those provisions on standard of proof consistent so all agencies that comply with the APA apply the standard of proof set forth in the *Nassiri* decision regarding preponderance of the evidence. That would be a 51 percent weight in regard to whether the evidence is sufficient.

Chair Goicoechea:
Why is this not in the Senate Committee on Judiciary? Would this bill create a definition for preponderance of the evidence?

Mr. Kandt:
Preponderance of the evidence is a well-established standard. It is the lowest standard of proof. The Nevada Supreme Court ruled that it is appropriate in administrative proceedings. If an individual wants to seek judicial review of a court ruling, the standard of review is substantial evidence. Section 11 of this bill codifies substantial evidence.

Chair Goicoechea:
You did not answer why this is not in the Judiciary Committee.

Senator Lipparelli:
How would this be applied? How many agencies would be subject to this change? This change would have a substantial impact on the parties it affects.

Ms. Platt:
In an administrative proceeding, the rules of evidence are more relaxed, so hearsay can be allowed, but it cannot be the sole determining factor in the decision. It is important to protect the due process rights of individuals. Having a preponderance of the evidence ensures that. That would require the board that makes the determination to back up its decision with at least 51 percent of the evidence in favor.

Senator Lipparelli:
However, if this passed, the hearings officer would have a lower standard than substantial.

Ms. Platt:
No, preponderance of evidence is a higher standard than substantial evidence. Substantial evidence is such that a reasonable person could believe that the incident occurred; preponderance is weighing the evidence in favor of the incident occurring.

Senator Lipparelli:
It would require the hearings officer to reach a higher standard.

Mr. Kandt:
Making these changes would ensure consistency across all the boards that take administrative action. An individual would be held to the same standard before all boards.

Senator Hardy:
Is preponderance of evidence the lowest standard of proof in administrative hearings?

Mr. Kandt:
There are three standards of proof: Preponderance of evidence, clear and convincing evidence, and evidence beyond a reasonable doubt. Of those three standards, preponderance is the lowest.

Senator Hardy:
You said substantial evidence is a higher standard of the court.

Mr. Kandt:
When it comes to the standard of review that the court must apply if somebody seeks judicial review of the administrative ruling, the standard of review the court should apply—as caselaw suggests and as we are proposing to put in statute—is substantial evidence. We proposed a well-established definition of substantial evidence that is universally recognized based upon applicable caselaw. That is in section 11 of the bill.

Senator Hardy:
Is substantial evidence a higher standard in the court?

Ms. Platt:
Substantial evidence is a lower standard. On review, the court is required under statute to give deference to the agency. The court looks at whether there was sufficient evidence that supports the agency's decision. The agency uses the preponderance of evidence and the court uses substantial evidence, which is a lower standard than preponderance.

Senator Hardy:
Why are we hearing this in this Committee?

Ms. Platt:
It was in the Assembly Committee on Government Affairs.

Chair Goicoechea:
Did the Committee ask any questions?

Senator Hardy:
Did the Committee get any answers?

Mr. Kandt:
The assignment to this Committee was a determination made by Legislative Counsel Bureau staff. In the Assembly, we had extensive discussions with representatives of various boards and commissions that helped us develop a better bill. They understood that we needed to create consistency in standards of proof across the board by using preponderance of the evidence. We decided to clarify that the standard of review the court will employ is substantial evidence and to codify a definition of that standard.

Senator Hardy:
Preponderance of the evidence is the lowest standard of proof in administrative hearings, and substantial evidence is a lower standard in the court.

Mr. Kandt:
Yes. The standard in the court is the standard of review. The court employs that to review the agency's determination, and the court gives deference to the agency's findings.

Section 5 of the bill revises NRS 233B.121 to provide that a party who files a petition for judicial review of a contested case is responsible for paying the transcription fee for the underlying hearing which is at issue in the petition. The costs associated with the transcription of a hearing are expensive, and since the agency is not the party bringing forth the permissive petition, the costs associated with the transcription should be borne by the party filing the action. This change makes the Administrative Procedure Act consistent with NRS 622A.400. Section 5 also clarifies that the voluntary surrender of a license by a licensee in a contested case constitutes a form of disciplinary action.

Section 6 of the bill changes NRS 233B.123 to allow copies of documentary evidence in all situations. Statute requires originals and only allows copies if the original is not available. The rules of evidence are relaxed in administrative proceedings, so this allows the agencies more flexibility to allow documents into evidence.

Section 8 revises NRS 233B.127 to clarify that an initial application for a license or the application for the renewal of a license is not a contested case under the

APA. The provisions of the APA do not apply to such denial unless statutory authority grants an opportunity for a hearing after such a denial. That makes the APA consistent with NRS 622A.020.

Section 9 revises NRS 233B.130 to provide that a petition for judicial review must be served to the Attorney General's Office and to the person serving as the administrative head of the agency. There have been instances where an agency did not receive notice that a petition for judicial review was filed. This change mirrors the requirement for the service of a lawsuit found in NRS 41.031.

Section 10 revises NRS 233B.131 to extend the period of time for which a party has to file the record of the hearing at issue in the petition from 30 to 45 days. A party must transmit the entire record of a hearing at issue in the petition, including the transcript. Extending this statutory period from 30 to 45 days allows sufficient time to gather the requisite information and file it with the court.

Section 13 of the bill revises NRS 622.360 to make it discretionary rather than mandatory for a regulatory body to require the submission of fingerprints after the initiation of discipline proceedings. The remaining sections of this bill do not make any substantial changes. They merely revise statutes to comport with the changes I have detailed. I submitted written testimony (Exhibit C).

Tom Conner (Chief Administrative Law Judge, Office of Administrative Services, Department of Motor Vehicles):
The Department of Motor Vehicles supports A.B. 53. I submitted written testimony (Exhibit D). Section 5 of the bill is important. Statute requires the agency to produce the transcript on appeal. The bill would transfer that cost to the petitioner where it should be. We should not require the agency to spend tax money to produce the transcript on appeal.

Senator Hardy:
Are you in favor of the bill as it stands?

Mr. Conner:
Yes.

Senator Lipparelli:
Are the transcripts available electronically? If so, can agencies transmit them electronically without substantial cost?

Mr. Conner:
We digitize the recordings of hearings, so they are available electronically. However, when the court gets the transcript on appeal, it wants a paper copy, preferring not to listen to the entire transcript. To point out the facts in a brief, you need it in written form. The problem is in converting the oral testimony into a written transcript so a reviewing judge can look at the facts in the case.

Senator Hardy:
Can the petitioner receive the transcript electronically?

Mr. Conner:
We record the oral proceedings onto a CD and make that available to the petitioner. If he or she wants to use the oral proceedings for another purpose, such as cross-examination in a subsequent trial, we make it available. If the person then requests a petition for judicial review, the court would require the written transcript. The oral transcript is available to the petitioner if he or she requests it, but it is hard to determine who is responsible for converting it into a paper transcript.

Senator Hardy:
The petitioner can get a free copy of the oral proceedings, but it would be at cost if he or she wishes to transcribe it.

Mr. Conner:
If this bill passes, we would download the oral proceeding to a CD. If it was a short proceeding, we can email the petitioner who would assume the responsibility to convert that oral testimony into a paper transcript.

Chair Goicoechea:
Under statute, if you have a recording, do you have to make it available?

Mr. Conner:
Yes. If somebody requests a copy of a hearing, we would make it available, whether or not that individual planned to file a petition for judicial review. If he or she has another purpose for it, we will make a copy available.

Chair Goicoechea:
Under statute, if you have a recording of any kind in any formal document, the proponents of this bill would require you to make that available. I do not think this Committee is comfortable with A.B. 53 now.

Mr. Kandt:
We are happy to meet with members of this Committee to work out their concerns with A.B. 53.

Chair Goicoechea:
The hearing on A.B. 53 is now closed, and I will open the hearing on A.B. 122.

ASSEMBLY BILL 122 (1st Reprint): Establishes "Nevada Mid-Century Architecture Day" as a day of observance. (BDR 19-538)

Assemblywoman Heidi Swank (Assembly District No. 16):
I have a presentation on midcentury architecture (Exhibit E). This bill proposes the creation of a day of observance—not a holiday—for midcentury architecture. This style of architecture, also called midcentury modernism (MCM), emerged in post-World War II America amidst many changes at that time regarding mortgages, from the amount one had to put down for down payment to the GI Bill that made significant changes to who could access a mortgage. Many new structural innovations at that time brought changes to the styles of homes we were able to build. During that period, Nevada experienced significant growth. The population in Las Vegas grew from 10,000 in the 1940s to over 20,000 in the 1950s. With population growth, plotting of many new subdivisions also came. In the 1940s in Las Vegas, 17 subdivisions were plotted; in the 1950s, 75 were plotted. There was massive growth in residential and commercial architecture.

Some goals and characteristics of MCM architecture are a focus on functionality and utilization of space. It is characterized by simplifying forms rather than using ornate decorations and meeting the needs of ordinary citizens since homes were becoming more accessible to ordinary people at the time. Many MCM homes have open floor plans and large windows made possible through the incorporation of I beams. The style also uses natural materials, such as rock, and blurs of boundaries between indoor and outdoor spaces. This resulted from a concern for healthy buildings and healthy lives.

Nevada contains many different styles of MCM architecture. One example is Desert Modern, demonstrated on the left side of page 4 of Exhibit E. The many ranch-style houses, which are the most common MCM houses, are demonstrated to the right on page 4. The blue house on the right is mine, and the one below it is the house from the movie *Casino*.

Googie architecture can be seen on page 5 of Exhibit E. It makes you think of the *Jetsons* television show with the flowing lines. Famous Nevadan Paul R. Williams designed the La Concha Motel lobby. The famous welcome sign in Las Vegas by Betty Willis was constructed in 1959. Also on page 5 are pictures of the Brutalism style that is characterized by truth of form, meaning structures built of concrete should look like concrete.

Preserving America's recent past has come to the fore. There has been a resurgence of interest in midcentury architecture. The National Trust for Historic Preservation has prioritized the preservation of midcentury homes. Preserve America also looks at the recent past. Many national media outlets focus on midcentury architecture; page 6 of Exhibit E shows that the national magazine *Atomic Ranch* did an extensive piece on the Paradise Palms community in Las Vegas.

One way buildings are recognized is by earning status on the National Register of Historic Places. Quite a few midcentury buildings in Nevada are on the National Register. The Morelli House in Las Vegas, as seen on page 7 of Exhibit E, was the only house saved from the desert in the States. This Hugh Taylor home is now owned by the Junior League of Las Vegas.

In addition to individual buildings, Nevada also has some neighborhoods on the National Register. Page 8 shows the John S. Park and Berkley Square neighborhoods of Las Vegas. Paul R. Williams, who designed Berkley Square, was one of the first African-American architects to be successful in the U.S.

This bill proposes an annual midcentury architecture day of observance on May 20, Betty Willis's birthday. We would use this day to encourage education on the importance of MCM architecture as a cultural resource in Nevada and to promote the understanding of the pivotal role this era played in Nevada's history. We observed May 20 last year when the Nevada Preservation Foundation and Neon Museum conducted a panel discussion, brought in several architects and local preservationists to discuss midcentury homes, and honored

architect Hugh Taylor. This May, the City of Las Vegas, the Nevada Preservation Foundation and the Neon Museum will collaborate for the day of observance. We will hold another panel discussion on midcentury motels.

Senator Parks:
Is there a difference between midcentury and modernism?

Assemblywoman Swank:
Modernism is an overarching category in which midcentury modernism that came out of World War II sometimes has more of a homey feel. Ranch homes are not necessarily considered modernism, though they utilize pieces from modernism merged with older styles. Midcentury modernism is a part of the overarching category of modernism still used in architecture today.

Misty Grimmer:
I am representing myself, but I am also a board member of the Nevada Preservation Foundation. Some of the tasks we do aside from hosting events in May are hosting year-round events for members. We help neighborhoods navigate the process of applying for historic preservation. Once they are qualified, they can receive local and federal grants to help maintain the historic character of the neighborhood. Last year, we worked on the Liberace mansion, helping the restorer do research and get grant funding. I live in the historic Southridge neighborhood just south of the John S. Park neighborhood. We have a lot of valuable architecture to maintain.

Chair Giocoechea:
I will close the hearing on A.B. 122 and open the hearing on A.B. 194.

ASSEMBLY BILL 194: Revises provisions governing historic preservation. (BDR 33-246)

Assemblywoman Swank:
Assembly Bill 194 was developed after looking through the historic preservation statutes. The statutory definition of "historic" is any structure built between the middle of the eighteenth century and now. That is not in keeping with the National Register, the National Trust or any other bodies with which we coordinate. This bill would change the definition of historic to anything built 50 or more years ago, which is the national standard. This will not have much impact on many sectors.

Chair Goicoechea:
Unless this bill passes, will we consider something built last year as historic?

Peter Barton (Administrator, Division of Museums and History, Department of Tourism and Cultural Affairs):
Yes.

Rebecca Palmer (State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources):
I support this bill. If enacted, A.B. 194 will provide clarity for the public, State agencies and the contracting industry on the definition of "historic" resources. The bill will only apply to resources located on lands managed by the State or any of its political subdivisions. It will not apply to any resources located on private property. As a result, the bill will not impose any additional burden on owners or developers of private land. I have submitted written testimony (Exhibit F).

Chair Goicoechea:
How could it impose a burden considering we did not have the 50-year threshold prior to this?

Senator Hardy:
As Assemblywoman Swank mentioned on the last bill, an organization helps people apply for historic status and receive grants. Does that not deal with private land?

Ms. Palmer:
It does deal with private land and is part of the Nevada State Register of Historic Places.

Senator Hardy:
Once you accept a grant, does that mean you have received historic status and can no longer change the plumbing, roof, driveway or other parts of the structure?

Ms. Palmer:
No. Resources placed on the State Register of Historic Places require the property owner's consent. Even when it is listed in the State Register and the

property owner receives a grant or other financial assistance, the restrictions are usually on the exterior of the property. The interior would not be affected.

Senator Hardy:
Does that continue for future owners of the property?

Ms. Palmer:
That depends on the grant program. Some grants are in perpetuity, and some have time limits depending on how much grant money the property receives.

Senator Hardy:
You can get a grant on 50-year-old property; if you wait another 50 years, would you no longer need to keep the historic status?

Ms. Palmer:
Any property owner who wants to lose historic status on the State Register list can be delisted.

Senator Hardy:
Even though you have accepted the grants, can you be delisted at your request?

Ms. Palmer:
Yes, as long as the covenants remain in place. The listing is a separate process. The grants usually have a covenant attached that protects the State's investment; they usually have a term of 20, 40 or 50 years, depending on how much money the individual or property received. Once the covenants expire, the property owner can do whatever he or she wishes with the property. As long as the covenants are in place, that historic site is protected, and those covenants usually apply to something visual.

Senator Hardy:
Could you get new double-paned windows that look exactly like the original windows?

Ms. Palmer:
Yes. All modifications to the building have to be consistent with the Secretary of the Interior's Standards for Rehabilitation.

Assemblywoman Swank:
To Senator Hardy's question, replacing windows is probably the worst return on investment. It takes about 40 years. Many other options allow you to maintain your historic original windows and create the same energy efficiencies.

Senator Hardy:
We used to have solar screens on the windows, which change the appearance of the house.

Assemblywoman Swank:
Those are removable, and I believe removable additions such as solar screens are not problematic.

Senator Parks:
The definition of historic says, "from the middle of the 18th century until 50 years before the current date." What would you call the time prior to 1750? Does that fall under another category?

Ms. Palmer:
That is referred to as "prehistoric."

Mr. Barton:
We support this bill to bring the definition of historic in line with the generally accepted standard of being older than 50 years. The 11-member Board of Museums and History appointed by the Governor voted unanimously in support of A.B. 194 at a meeting held on April 8. I have submitted a letter from the Board (Exhibit G).

Chair Goicoechea:
Simply having a structure that is at least 50 years old does not mean you need to have it designated as historic. If you want to do renovations on a 50-plus-year-old structure, you can.

Mr. Barton:
That is correct. There would be no prohibition if you own a property older than 50 years. This does not alter any property owner rights.

Chair Goicoechea:
I will close the hearing on A.B. 194 and open the hearing on A.B. 428.

ASSEMBLY BILL 428: Exempts the Nevada Rural Housing Authority from the Local Government Purchasing Act. (BDR 27-1098)

Ernie Adler (Nevada Rural Housing Authority):
The intent of A.B. 428 is to make statutes dealing with purchasing by the Nevada Rural Housing Authority (NVRHA) consistent with other housing authorities in the State and the Housing Division. Nevada Rural Housing Authority is the only housing authority that has to comply with the Local Government Purchasing Act, which creates many problems. For instance, when operating in rural counties, there is often only one contractor to solicit to do certain things. The NVRHA ends up spending a lot of money soliciting bids from people who will not bid. I was involved on a project where we had to install about $50,000 worth of plumbing. To do that, the NVRHA Real Estate Division had to go to Sparks and Reno to find plumbers who would bid on the project when everybody knew the only one who would travel out to do the project was one plumber in Fallon. We roughly ended up spending an additional $15,000 on the project. The other housing authorities are not included in the Local Purchasing Act because it does not work when you are trying to find the best cost for low-income housing. This is especially true in rural counties. It works for big projects but not small projects.

We are asking to conform the statute regarding the NVRHA to statutes pertaining to other housing authorities. We were on the same footing as the other housing authorities until 1995 when the Legislature put the NVRHA into the Local Government Purchasing Act, and it has not worked well.

Senator Lipparelli:
I understand the point of doing this, but do you risk inviting the opposite problem where once you are exempted, the potential local contractor knows he or she is the only show in town? What is to protect the government spending part of this wherein now that person knows he or she is the only contractor in town?

Mr. Adler:
Such a contractor is being tipped off now as the only bidder because we keep asking if he or she will bid. It would be easier for us with only one potential bidder. We could go directly to him or her to negotiate the price, instead of spending resources advertising to other bidders who we know will not

materialize. Time would be better spent having the NVRHA Real Estate Division staff negotiate with this person.

Senator Hardy:
Does the Local Government Purchasing Act contain the words "sole source?"

Mr. Adler:
If you have a number of plumbers within a geographic area, I do not think you can classify that as a sole source. In some of the rural communities, there is one gas station within 100 miles, and the sheriff's department has to contract with that station to purchase gasoline. I would consider that a sole source. If you are employing a plumber, usually there are multiple people in the area, though they may not bid on the project.

Senator Hardy:
I am hearing two different things. One is we do not have the companies in the area; the other is we have the companies, but they are not willing to bid.

Eddie Hult (Director of Real Estate Operations, Nevada Rural Housing Authority):
That is true in most places. There are conflicts of interest in rural towns. Suppose I am working in Austin; I might be able to get bids from Fallon and Ely, but I have to negotiate those and see which one will come to town. If I am framing or plumbing for a large project, it is expensive to pay employee per diem to make the long trip to us. Sometimes, the contractor will sub out the project, which causes problems. We want to alleviate the issue of setting up a vendor system and a contractor system to use in the small projects. We do large projects. We are building 30 units in Winnemucca to which we did full bids. We have no problem doing that. It is a tax-credit project, and doing a full bid protects us in that situation. When you are in the middle of a job, a problem comes up, and the contractor says, "I can fix that while I am on the job," then the Housing Authority Real Estate team has to go back and bid the whole thing, which causes problems. The iteration steps of the bidding cause problems.

Senator Hardy:
Are you still subject to the Open Meeting Law?

Mr. Hult:
Yes.

Senator Hardy:
This does not preclude advertising; can you still advertise and seek other bids?

Mr. Hult:
No, it does not. When we are in a larger locality, such as Carson City or Elko, we have no problem soliciting bids. In rural towns where it is more difficult to find bidders, we institute the bid process and advertise if possible. If we are in a small town such as Austin, we have to advertise in a larger town such as Ely. It is very costly to reach a small number of potential bidders.

Senator Hardy:
You know who the potential bidders are within a 200-mile radius of the rural jobs, so would advertising be cheaper if you emailed those contractors looking for bids?

Mr. Hult:
Yes. We use email, public advertisements and word of mouth to find bidders. We had an instance in Fallon where we had to build stairs; the contractor found an issue with the stairs, so they had to be rebuilt. Because of that, it came in over the $50,000 threshold, and we had to rebid it rather than have the local welding company fix it on the spot.

Senator Hardy:
Are we looking at a $50,000 limit or a $100,000 limit?

Mr. Hult:
Now, there is a $50,000 limit. I have to find bids for any project over $50,000.

Senator Hardy:
Would raising the limit help?

Mr. Adler:
This is not Nevada Rural Housing Authority's opinion, but that has not changed in so many years that it is appropriate to raise the limit. It is too bureaucratic to have it set at $50,000.

Senator Lipparelli:
Is this a full exemption, or would you be bound to do bids? What if a $1 million project came up, are you asking for an outright exemption?

Mr. Adler:
We would ask for a full exemption from the Local Government Purchasing Act just like the other housing authorities. We finance expensive projects through federal tax credits, which require us to bid it out, pay prevailing wage and jump through the normal hoops. We do not have an objection to that.

Senator Parks:
Since the other housing authorities are subject to the Local Government Purchasing Act, what has been their experience? I know they are all in more urban areas with better accessibility to vendors.

Mr. Hult:
We were first brought under the Purchasing Act in 1995 to comply with State lending issues. *Nevada Revised Statutes* 330 says we are exempt from any other issue of the Local Purchasing Act. There is a conflict in statute. I talked to the administrator of the Housing Division, C.J. Manthe, and asked her what it was doing. She said the Division was exempted around 2001. The reason it started is everything used to be under the Purchasing Act, including professional services. It was causing a major problem when the Housing Division, as an administrator of housing programs, was falling under the same Act. I have not talked to the Southern Nevada Regional Housing Authority or the Reno Housing Authority.

Chair Goicoechea:
Technically, you would not have a board approve a $50,000 or $60,000 project. It would be either you or Bill Brewer from the Nevada Rural Housing Authority.

Mr. Adler:
That is correct. However, all the $50,000 projects would appear on the Board's agenda and have to be ratified by the Board.

Chair Goicoechea:
The Board would approve the contract before it was issued, no matter what the cost was.

Mr. Adler:
Yes.

Mr. Goicoechea:
We are trying to figure out how much flexibility to give people in your position.

Mr. Hult:
Ninety-percent of our projects are partially funded by the government, so we are usually under these rules. Occasionally, we have projects where we work with a private lender rather than funding it with government money, but that is rare.

Bill Brewer (Deputy Director, Nevada Rural Housing Authority):
Even in the instance where the project is not funded by the government, we would still take it to the Board. The smaller issues that require quick action would come before the Board after being decided on the ground.

Senator Hardy:
If you were king for a day and wanted to fix your problems, what would you do?

Mr. Brewer:
I would approve A.B. 428 to put us on the same footing as the other housing authorities and with the Housing Division.

Senator Hardy:
You would not go for $100,000; you would not overreach as I would?

Mr. Brewer:
No.

Chair Goicoechea:
I will close the hearing on A.B. 428.

Chair Goicoechea:
The meeting is adjourned at 11:09 a.m.

RESPECTFULLY SUBMITTED:

_____
Nate Hauger,
Committee Secretary

APPROVED BY:

_____
Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit**		**Witness or Agency**	**Description**
	A	1		Agenda
	B	3		Attendance Roster
A.B. 53	C	2	Office of the Attorney General	Letter of Support
A.B. 53	D	1	Department of Motor Vehicles	Letter of Support
A.B. 122	E	11	Assemblywoman Heidi Swank	Presentation
A.B. 194	F	1	Rebecca Palmer	Written Testimony
A.B. 194	G	1	Board of Museums and History	Letter of Support