

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

**Eightieth Session
March 11, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 4:01 p.m. on Monday, March 11, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Maggie Carlton
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Sarah Peters
Assemblywoman Robin L. Titus
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman William McCurdy II, Assembly District No. 6

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Nancy Davis, Committee Secretary
Alejandra Medina, Committee Assistant



OTHERS PRESENT:

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources
Kelly Crompton, Government Affairs Manager, Office of Administrative Services, City of Las Vegas
Tom Clark, representing the Nevada Outdoor Business Coalition; and Friends of Black Rock High Rock
Steve Walker, representing Eureka County
Patrick Donnelly, Nevada State Director, Center for Biological Diversity

Chair Swank:

[Roll was called. Committee rules and protocol were reviewed.] Today we will begin with a presentation by the Office of Historic Preservation, State Department of Conservation and Natural Resources.

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources:

It is my pleasure to be invited here today to present this overview ([Exhibit C](#)). The Office of Historic Preservation was established in 1977. There is a similar historic preservation office in every state in the nation. The federal responsibilities of the office were established by the National Historic Preservation Act of 1966. The office has three locations around the state.

Among our many duties is the maintenance of a cultural resource database for Nevada which currently includes records for 100,000 archaeological sites and 14,000 architectural resources. The architectural resources pictured on page 1 ([Exhibit C](#)) are the mid-1870s charcoal kilns at Tybo in Nye County. Tybo was formerly one of the leading lead-producing districts in the nation.

Our mandate is to encourage, plan, and coordinate historic preservation and archaeological activities in Nevada. It is important to note that while my office is tasked with significant responsibilities in the preservation arena, other state and federal agencies, local governments, tribes, private nonprofits, and citizens can and should play an important role in the preservation of cultural resources.

In the picture on page 2, the National Register of Historic Places listed Cold Springs Pony Express Station in Churchill County as an example of such efforts played by the Bureau of Land Management, U.S. Department of the Interior; and the National Pony Express Association to preserve and interpret these fragile stations.

The office has a small but very busy staff to handle the numerous mandated programs. The four program categories include, but are not limited to the following: First are the federally mandated programs. These are programs that are required by the terms of our federal

appropriation that constitutes approximately 60 percent of our base budget. This revenue comes from off-shore oil and gas leases and is calculated for each state using a formula based on population, area, and historic resources. There are eight primary program areas that every state historic preservation office must have and these must be coordinated by qualified professionals. These professions are defined by the Secretary of the Interior's Standards and Guidelines and include archaeologists, historical architects, architectural historians, and historians.

Second are the assistance programs that are required by state statutes. These four programs are the Nevada Site Stewardship Program, the Nevada State Register of Historic Places, the historical marker program, and the Commission for Cultural Centers and Historic Preservation. The terms of our federal grant limit the amount of work that staff can provide to these programs.

Third is the Comstock Historic District Commission, which is under the Historic Preservation Office and maintains design review for the Comstock Historic District and a history center that is popular with the many tourists who visit Virginia City.

Finally we have administration. For all of the programs I will mention in the next few pages, we have one Administrative Assistant and one Administrative Services Officer to manage the needs of the three offices.

Depicted on page 4 ([Exhibit C](#)) are images representing two of our most popular programs: First is the Nevada State Register of Historic Places. This picture is of the Nordyke Ranch House built in Mason Valley in 1903 and is an example of Nevada's unique history of recycled architecture and mobile buildings. Since 1979, this office, with the support of proud property owners, has placed 154 other resources on this list.

The second program is the Nevada Site Stewardship Program, established in 2005. It has 181 active volunteers ranging in age from 8 to 86 who visit, inspect, and monitor over 176 archaeological and historical sites across Nevada, such as these stewards shown on page 4 in Kirk's Grotto in Gold Butte National Monument. Nevada citizens and die-hard Nevadaphiles provided over 4,500 hours of volunteer time in fiscal year (FY) 2018 and drove over 45,000 miles that year to visit these fragile and vulnerable cultural resources.

Another visible program are the 268 Nevada historical markers located along our highways. With the very welcome assistance of the Department of Transportation (NDOT) and supporters from local, regional, national, and international organizations, these markers continue to inform the traveling public.

The office assists both federal agencies, state applicants, and local governments to comply with provisions of the National Historic Preservation Act and to ensure that over 2,000 critical infrastructure, mining, transportation, and other development projects each year move quickly but responsibly through the National Historic Preservation Act, Section 106 review process.

The office manages a number of grant and assistance programs for local governments and private nonprofits to rehabilitate, preserve, and protect Nevada's cultural resources. Page 5 ([Exhibit C](#)) shows that the office has provided grants to such worthwhile projects as:

- The rehabilitation of the Union Pacific Depot 1923 located in Caliente;
- Structural analysis and support for the Fallon City Hall to prevent further catastrophic subsidence of this National Register-listed resource;
- Structural analysis and reconstruction of the north wall of the Goldfield High School to prevent an irreversible collapse of the building; and
- The historical documentation of the remains of the St. Thomas townsite once submerged under the waters of Lake Mead but now available for researchers to capture the memories of its former residents.

The office is staffed for the Commission for Cultural Centers and Historic Preservation, which has distributed over \$41 million in general obligation bond funds since 1993 to establish cultural centers in over 93 historic buildings across Nevada from the Jarbidge Community Hall in Elko County, the Battle Mountain Cookhouse Museum, McKinley Arts & Culture Center in Reno, Oats Park School in Fallon, the Dayton Historic Depot, The Neon Museum in Las Vegas, and the El Rancho Hotel in Wells, just to mention a few.

Finally, this office provides technical assistance to commercial property owners who wish to pursue the 20 percent federal Historic Rehabilitation Tax Credit offered jointly by the U.S. National Park Service and the Internal Revenue Service. Recent projects have included the U.S. Post Office and Courthouse in Las Vegas, the Pink House in Genoa [the Reese-Johnson-Virgin House], and the B Street Bed and Breakfast in Virginia City [the Piper, Henry, House].

I would be remiss if I did not bring up some of the challenges our office faces:

Most important, throughout its history the office has operated on a very lean budget with a very small but dedicated staff. While we are able to accomplish all of our responsibilities to meet the minimum level of effort necessary to maintain our federal grant, we do so with a staff that is generally smaller than other state historic preservation offices.

Given the size of the land managed by the federal government, this poses a particular burden on those program areas that are required to review federal projects and federal assistance efforts. We work every day to streamline federal review of projects to ensure consideration of cultural resources without placing an undue burden on important economic development projects or office staff.

The state's current bond capacity poses a challenge to the Commission for Cultural Centers and Historic Preservation. In (FY) 2018-19, the office calculated that the needs of these important projects, some of which were mentioned previously, exceeded \$2 million per year, while bonding capacity is significantly below this level. This shortfall will create a situation

where the overall costs of rehabilitation will rise significantly or in some circumstances, the resource might be lost before it can be rehabilitated.

I am grateful to receive a small grant from NDOT to maintain the very popular historic marker program. However, there is no State General Fund support for the program and the office is prohibited from spending any federal funds or matched General Funds on markers. We are unable to install new markers and the maintenance costs of existing markers exceeds the current grant amount.

I thank you for your time and I would be happy to answer any questions.

Chair Swank:

You mentioned the Section 106 review; will you explain what that means?

Rebecca Palmer:

When the National Historic Preservation Act was established in 1966, Congress wanted to make certain that all of the citizens of the state in which the federal government was working had an opportunity to comment on projects. They were very concerned that the federal government might be working in a vacuum and not necessarily be responsive to the public. Section 106 of the National Historic Preservation Act says that the federal agency will take into account cultural resources. This comes from the original inner city demolitions that were occurring in the 1960s as part of the interstate highway system. We facilitate that. We review federal projects for compliance with Section 106. We are the state's voice in federal undertakings. The citizens have an important role to play in Section 106, and we help them navigate that process and provide their comments to the federal government. I shared a citizens' guide in packets that I prepared for you and it answers many of the questions that we get on a daily basis. Section 106 requires the federal agency to take into account the effect of their projects on cultural resources. What we do is help the federal agencies to comply with the regulation; we also help the local governments and citizens to have a voice in that process.

Chair Swank:

Before I became interested in historic preservation, I was not fully aware of how much your office interfaces with both the local and the federal governments and acts as an intermediary to pull everything together.

Assemblywoman Carlton:

How many historical markers are there in the state?

Rebecca Palmer:

There are 268 historical markers in place.

Assemblywoman Carlton:

You said there were no dollars available to do basic maintenance, is that correct?

Rebecca Palmer:

There currently are no General Fund dollars available for the marker program. We have a \$45,000 grant through NDOT to maintain existing markers. An individual marker can easily cost well over \$8,000, so we do not get a lot of bang for the buck. We are also prohibited from the terms of our federal grant from using any federal money or our matched General Fund money to put towards the marker program.

Chair Swank:

Having stopped at many historical markers, I can attest that they are in need of some love, especially the one in Gerlach.

Assemblywoman Peters:

I think the marker program is a great example of intrinsic value in cultural resources, even the bang for the buck translates differently for people and their experience with those markers. My question has to do with your statement on resources in your office—that you have a lean budget and a lean staff. I would like a day-to-day look at what tasks your staff handles. How long do those tasks take, and can you streamline them? I have worked with Section 106 before and I understand a little bit about it, but I would like a little glimpse into a day in the life of.

Rebecca Palmer:

The thing to keep in mind is that we have a mix of requirements. We have federal requirements and we have state requirements. We have eight different federal programs that are required as part of a "minimum level of effort" to maintain the federal grant. Only one of those is the review and compliance program. There are seven others that are equally as important. We try every day to streamline that process—to both reduce the burden it places on someone interested in a federal permit or working on federal land and the burden it places on my office. The other seven programs still require effort. On a daily basis, we could be doing anything from working on a national register listing, or a state register listing, to answering questions about the historical marker program, to conducting a survey of inventory in small communities around the state that cannot afford to do the survey of inventory themselves. We are lean, but we are pretty effective for the number of full-time employees we have.

Assemblywoman Peters:

I know in working with the industry that the Section 106 program can be one of those many areas in a Net Environmental Benefit Analysis that feels like it takes a long time in the process. I was looking to see if you had any examples where your staff does not get to spend enough time on specific projects.

Chair Swank:

I see no further questions; thank you for your presentation. I will now open the hearing on Assembly Bill 96.

**Assembly Bill 96: Requires the creation of a passport program for historical sites.
(BDR 33-505)**

Assemblyman William McCurdy II, Assembly District No. 6:

I had the opportunity to serve on the interim Legislative Committee on Public Lands. I learned so much about our beautiful state; so many beautiful sites as we had a chance to travel all across the state for meetings and to hear from constituents. From that committee, we were able to have a bill brought forward that has been referred to your Committee to create another passport program—this one for historical sites. Before I move forward, I would like to have Rebecca Palmer walk through the amendment ([Exhibit D](#)).

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources:

I am here with a friendly amendment to Assembly Bill 96 that has been discussed with the bill sponsor and was developed after several conversations with members of the interim Legislative Committee on Public Lands. During these conversations, the conclusion was that the proposed program was best rolled out as a pilot program to highlight the important cultural resources listed in the Nevada State Register of Historic Places.

One reason we all thought that the program should start as a pilot is that while Nevada has a wealth of cultural resources listed in the Nevada State Register of Historic Places, it is unclear how many resources are publically accessible and, if accessible, how many of the owners of those resources would agree to participate in the program.

We have completed a quick review of the state register and identified 29 potential resources that are publicly accessible. The office will consult with the land managers or property owners of those identified resources for initial program participation. The pilot program would also allow for private owners of listed resources to voluntarily participate. With the support and consent of the public and private owners of listed resources, and in consultation with the Department of Tourism and Cultural Affairs, the office would develop, design, and distribute a historic sites passport booklet for Nevadans and other tourists to use when traveling around the state and learning about cultural resources.

Lastly, as a pilot program, it is not necessary to establish the program in statute or require the office to develop regulations to carry out the program at this time. As such, we are proposing to remove those requirements from the original bill language and replace the bill with an amendment written as an appropriations bill for the purpose of developing a pilot program. The amendment would also require the office to report to the Legislature with the results of the pilot program and for a determination of the next step.

I would now like to walk through the amendment. Section 1 shows that this bill is now identified as an appropriation. Again, it is described as a pilot with identifying accessible resources, and identifying what privately owned listed buildings would be eligible for the passport program.

The amendment to A.B. 96 still has our office designing the stamps, the website, and a hard copy format for the passport.

Section 2 states that my office, in consultation with the Nevada Department of Tourism and Cultural Affairs, prepares the report to the Legislature at the end of the term.

Section 4 says that the act becomes effective upon passage and expires on June 30, 2021, with any remaining balance returned.

Assemblyman McCurdy:

You have just heard what the amendment entails, and we welcome any questions.

Assemblywoman Bilbray-Axelrod:

I think this is a great idea. I am curious, with the two-year pilot program, will there be any opportunity for people to join the pilot after it has started?

Rebecca Palmer:

Yes, there probably would be an opportunity for property owners to join. The plan is to develop an electronic passport that can be downloaded from our website. It could be updated by adding an additional page. We intend to do the hard copy printing in two phases, so there would be an initial print of a certain amount. If there were a new resource to add, I think it could be added for the second printing.

Assemblyman Watts:

Since this is a concept to create a pilot program, do you envision any public participation or thoughts on prioritizing the initial sites? It seems that the register is quite large. Do you have any thoughts on what sites you would be prioritizing for the first edition of the passport?

Assemblyman McCurdy:

When we initially began looking at implementation of the historic sites passport program, we quickly found that we would not be able to utilize all of the sites for many reasons, from safety to accessibility—it was appropriate for us to narrow it down. After that discussion, we had 29 accessible sites which I am willing to share with the Committee if they would like.

Rebecca Palmer:

We have identified 29 resources, but we have not approached any of those property owners. We wanted to focus on publicly owned property and publicly accessible property first. There are provisions for private property owners who understand the requirements of the program and want to participate; they may as well. We would probably seek out those parties by sending a blanket email to all of the known property owners we have on our list.

Assemblywoman Titus:

Thank you for your presentation. Many of the buildings that you identified are in my district. This has changed a little from the original bill—we will talk about the money at the right

time and in the right committee, but I am wondering what you are going to do with that appropriation. It is unclear to me. In the amendment ([Exhibit D](#)), section 1, subsection 3 states, "The pilot program must include, without limitation: The identification of accessible sites, structures" It also talks about "publically owned" and "privately owned," then I hear you say you have already identified 29 resources. Is that 29 private locations?

Chair Swank:

Just to clarify, we are talking about the task, not the money.

Rebecca Palmer:

In order to put a fiscal note together, we had to create a population. How many would be eligible, accessible, and publicly owned? The 29 resources that we have identified to create our fiscal note initially, are publicly owned and accessible. They are things like courthouses, museums, state parks, et cetera, which the public could access as they are publicly owned by the federal, state, local, or county governments.

Assemblywoman Titus:

Have you already identified them? The bill is stating that you will create a pilot program to identify these, but it sounds like you have already identified them.

Rebecca Palmer:

We have not identified them formally. We were trying to get an idea of what the universe looked like in order to prepare a fiscal note. The 29 are the universe that we thought would be good candidates for this passport. Again, we have not spoken with the property owners, and we do not know if this will be compatible with their current management of their buildings, resources, or sites. It was just a list that we thought could work.

Assemblyman McCurdy:

I want to underscore "pilot." This is a pilot program. This is going to have a report that will be transmitted back before the Legislature for review.

Chair Swank:

Seeing no more questions, I will move on to those in support of [A.B. 96](#).

Kelly Crompton, Government Affairs Manager, Office of Administrative Services, City of Las Vegas:

The City of Las Vegas is in support of the bill because we believe the premise of the program supports the objectives and goals of the city's 2020 master plan. We are very dedicated to retaining valuable and historical structures and sites within the City of Las Vegas. We would be honored and happy to help identify locations that could be part of the program. As an advocate and lover of passport programs, I have five or six passports throughout the country and I love to get stamps. These are fun to use to travel the road less traveled and see some of the sites that you would otherwise never have seen. I enjoy these types of programs and am very excited about my state having one.

Tom Clark, representing the Nevada Outdoor Business Coalition; and Friends of Black Rock High Rock:

Friends of Black Rock High Rock support the 799,000-acre Black Rock Desert-High Rock Canyon National Conservation Area north of Gerlach. It has come to my attention recently that we have a lot of historic places in Gerlach—and apparently a sign that needs to be fixed. Most important, my No. 1 client is my 11-year-old daughter. She has a state parks passport and a federal parks passport—she grabs these passports and uses them all the time. This would be one more arrow in her quiver as she explores with her grandparents and me around this great state. This is a great program. I hope that it is not just a pilot and it becomes a permanent program. If there were a way that we could have people visit historical markers and mark their passports because they have read that particular sign, that would be pretty cool. We are very much in support of this piece of legislation.

Steve Walker, representing Eureka County:

How many people have been to the Eureka Opera House? Eureka County is very interested in this bill because of the historic buildings there and would like to participate in the program. The county is also in support of the amendment, since the bill's intent and the amendment's intent are the same. Please support this and come to Eureka County to get your passport signed.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

We support this bill. It might seem strange for an environmental group to support cultural tourism, but frequently in rural Nevada, cultural tourism and outdoor tourism are the same thing. Folks will go to see cultural sites and then experience the natural wonders of our state. In addition, rural tourism is a sustainable economic base for rural communities. At a time when extractive industries boom and bust, rural tourism provides the sustained economic opportunity. Rural tourism, in turn, promotes conservation of our natural resources to sustain that tourism base. We support cultural tourism as a component of Nevada's rural tourism economy.

Chair Swank:

Is there anyone else in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone in neutral? [There was no one.] Assemblyman McCurdy, would you like to make closing remarks?

Assemblyman McCurdy:

I would like to take the opportunity to thank the Chair and the Committee for your time and attention this afternoon. I am also very thankful for Ms. Palmer presenting with me. I hope that the Committee will support this issue.

Chair Swank:

With that, I will close the hearing on A.B. 96.

[Assemblywoman Bilbray-Axelrod assumed the Chair.]

Vice Chair Bilbray-Axelrod:

I will now open the hearing on Assembly Bill 229.

Assembly Bill 229: Requires the establishment of a technical advisory program for the protection and preservation of certain buildings and structures. (BDR 33-299)

Assemblywoman Heidi Swank, Assembly District No. 16:

I am here to present Assembly Bill 229. This bill is based on a program that I learned about while attending the National Alliance of Preservation Commissions forum in Iowa last year. I had the opportunity to talk with Iowa's state historic preservation officer—Ms. Palmer's analogous position—about the program and learned that it is a low-cost way to ensure that our historic buildings get the right advice. A challenge for historic preservation in Nevada is that the care of our older buildings in some parts of our state is rather new. Buildings from 1969 and earlier are in the historic period, especially in southern Nevada and in some parts of Reno. We are just getting to the point where we have a good number of these buildings that have passed the 50-year mark. Even for locations that have a large number of older buildings, the availability of people who know how to work on these buildings is a bit scarce. Unfortunately, this sometimes results in well-intentioned owners hiring firms that are excellent with new buildings, but do not necessarily understand how to work with historic ones.

We also sometimes have buildings that are overengineered, replacing historical features due to a lack of knowledge on how to reuse them. This is the same trouble that Iowa had before they put this program in place.

The first aim of this bill is to create resources for building owners that will get them experienced advice on their projects and most likely will keep costs down because the reuse of historic features is almost always less expensive than putting in new. Most often, you can reuse what you have.

The second aim is to grow our own. Currently, we have some engineers and architects who do a lot of good work on older buildings. We do not have enough of them. We need folks who are well-versed in the Secretary of the Interior's Standards for the Treatment of Historic Properties. A program like this, a technical advisory network, will incentivize learning those standards. In addition, having projects that reuse these historic features will create examples in Nevada that firms can learn from.

I will now step the Committee through the bill.

Section 1, subsection 1, states that the program is run through the Office of Historic Preservation, State Department of Conservation and Natural Resources, and is only available to buildings that are 50 years and older. These buildings do not need to be historically significant or on the Nevada State Register of Historic Places. That would be a very big burden for the Office of Historic Preservation to have to determine if they are historically significant if they are not on the Register, but also, it would unnecessarily narrow the list of

qualified projects. The idea is that these are small bits of money to help out any building that is over 50 years old.

Section 1, subsection 2, states that the Office of Historic Preservation will create a list of technical advisors who have expertise in relevant fields and who may or may not be a resident of Nevada. We are not keeping the requirement to just firms in Nevada because we do need to grow our own.

Because there are liabilities, if the Office of Historic Preservation is providing a list of names from which building owners can select, they will not be recommending any individuals. They will have a vetted list that building owners can look at. We are also going to add into this section that there is no liability on the part of the Office of Historic Preservation for the work done by folks on that list.

Section 1, subsection 2, paragraph (d), says that grants will be allocated to a person or an entity to cover two pieces of the expense, the cost of the technical advisor and travel expenses. The building owner covers the cost of lodging and meals. This is to ensure that we have building owners who have a bit of skin in the game also.

Section 1, subsection 3, says that the Office of Historic Preservation will provide the administrative services for the program.

Section 1 subsection 4, says the administrator may accept gifts and donations for the program.

Section 1, subsection 5, says that the Office of Historic Preservation will outline workings for the program through regulation.

Section 1, subsection 6, defines the term "technical assistance."

Section 2 allocates \$20,000 for the program.

We are making a change in section 3. As you heard in the presentation, the Office of Historic Preservation is a lean program, and we want to ensure that we are not overly burdening them by getting this program up and running. We are going to have a period of six months to a year in which they can develop regulations and work with an advisory committee to put together the list of technical advisors with the program going live either early next year or the next fiscal year.

Assemblywoman Peters:

I have a question about the list and how firms can be put on the list. I think you said there would be recommendations, but is there an application process in which a smaller firm could apply and meet these standards?

Assemblywoman Swank:

The idea is that they would go through a process with the advisory committee to vet all of the applications that come in.

Assemblywoman Cohen:

I want to know more about some of the buildings that you think we could be losing in the next few years in Nevada.

Assemblywoman Swank:

I can give the example of the Union Pacific Depot 1923 in Caliente. I know that is a building that is definitely in need of some love on the exterior. It has received a grant from the Commission for Cultural Centers and Historic Preservation to help fund that restoration. One of the very important features of that building are the windows. If you look at the windows, they have wood frames and wood muntins. To the lay person, they look like they are in terrible shape. If you find someone who knows how to work with the wood windows, it is really just a matter of scraping them down to the wood, spackling them, maybe reglazing them and putting them back in. We need someone who has that technical advice, that ability to understand how to work with wood windows—there are folks who do this across the country. There is a great company in Salt Lake City that does this. There are some folks in Iowa who have a great program who do this. There are folks who know how to work with these historic features to ensure we do not lose them.

The Caliente railroad depot is a very visible building. Another great example from that building are the drain spouts. Often people will look at the drain spouts and think they need to be replaced. You actually do not want to replace them if you do not need to. The drain spouts on the Caliente railroad depot just need patching, they do not need replacing. But if you get the wrong piece of advice, you are going to take another historic drain spout. You want to keep as much of the building intact as possible. By bringing in the right kind of advice, you will be able to retain those pieces and save a lot of money in doing so.

Assemblywoman Titus:

I am happily supportive of this bill. I need clarification on what this bill does and does not do. First, you are creating an information resource to citizens of the state of Nevada if they should choose to use it. There is no mandatory requirement that someone who has a building over 50 years old has to turn to the state and have restrictions on what they are going to do. If someone like myself, who has a house over 100 years old, thinks I do not know what to do with a portion of my house, I could reach out to the technical advisory group who would then come give advice. The next caveat, this is creating the "Angie's List" for historic preservation builders. So there would be a list of potential people you could turn to, but no mandatory requirement that the person who reached out to you is obligated to do any type of historical work.

Assemblywoman Swank:

This is totally voluntary. You can also have someone give you the advice and you can totally ignore it. I will clarify that the way the program would work is that the Office of Historic

Preservation would have a list of people; they would not be recommending any individual from the list. There would be a list that a building owner could choose from. That is the person who would be coming out to visit you and give you advice. You could look through a list of structural engineers, for example, and call someone on the list. You would then apply for a grant through the Office of Historic Preservation to pay for part of the cost. You could choose from different lists, depending on the type of work you would like done. Again, this is your building and you can follow the advice or not.

Assemblyman Ellison:

Everything here is on a voluntary basis, correct? This is just a helping hand if the owner needs help.

Assemblywoman Swank:

I concur.

Assemblywoman Hansen:

I am excited about this bill. I have a confession. I know people in this building are worried about having two Hansens; really they should be worried that there are two people who get windows. I will not allow hating on windows at any time. I appreciate the clarity. Is the Office of Historic Preservation going to gather the trades people who have the ability to do these sorts of projects?

Assemblywoman Swank:

That is correct.

Assemblywoman Hansen:

How does the word get out to the community in other states? As you mentioned, there are indeed craftsmen who do these sorts of things. How do we get those resources here?

Assemblywoman Swank:

I would like to have Ms. Palmer answer that for me.

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources:

We have an existing list and would simply send notes out to our colleagues in other states for information about vendors or experts that they have on their list. Many states maintain a list of qualified specialists. That might be one of our first goals, to gather all those lists together to ensure we have that information.

Assemblywoman Hansen:

So this is not a matter of reinventing the wheel. This process is waiting for us to get on board.

Assemblyman Watts:

Understanding the interplay between the different levels of government when it comes to historic preservation, are there any federal resources that we can leverage? Not just financial resources, but also in terms of qualifying and training and coming up with the standards.

Assemblywoman Swank:

I do not believe so. I will look into that.

Vice Chair Bilbray-Axelrod:

I have a comment to make. I was in the Yerington/Smith Valley area this weekend and saw so many houses. Some of them were picture-perfect and others could definitely use some love. I would also say that in Las Vegas, we are at that 50-year mark with the mid-century modern homes. The Committee would also like to offer what you would hopefully consider a friendly amendment. We would like to call this "HEIDI's List," which would be the "Historic Equivalency Inspection Determination and Investment List."

I will now call up anyone who is here in support.

Tom Clark, representing the Nevada Outdoor Business Coalition; and Friends of Black Rock High Rock:

I am going to speak specifically from the Friends of Black Rock High Rock perspective. We have this little town of Gerlach. It is about 1 1/2 hours from here. I encourage every one of you to go take a look at this little town. It is more than just Bruno's raviolis that are a great attraction. I have learned recently that a number of the structures, including our own office, should be listed on the list of historic places. We need some improvements to our own office. With this type of asset—to call on someone to come out and help with identifying how we can best go about improving the facility with what it has and what we need to preserve it—I think that would be incredibly invaluable. I would also suggest that if that one person comes up and looks at our building, word spreads quite quickly. Others would use them as a resource to work on their buildings as well. We have a lot of wonderful buildings that are residences and businesses. Many times owners really do not know what they have, and I think if we encourage those owners before they make any type of improvement or renovation to have an expert tell them exactly what they need, whether it be gutters, windows, foundations, or facades, that would be fantastic. We are very much in support of this bill.

Vice Chair Bilbray-Axelrod:

Is there anyone else here in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in neutral?

Rebecca Palmer:

I am testifying today in the neutral position. Assembly Bill 229 requires the Office of Historic Preservation to create a technical advisory program to qualify persons as technical advisors. The bill also directs the Office to develop regulations to carry out the program. There will be a fiscal impact to the Office and we are currently researching the cost to

administer the program. Our fiscal note deadline is March 20, and we anticipate having the fiscal note completed well before the deadline.

Making a determination as to who may or may not qualify as a technical advisor could have a financial impact to an individual or business. That being said, it is critical to develop clear and defensible criteria as it relates to qualifications. We have reached out to other agencies that administer certification programs. They suggest that the Office hold a series of stakeholder workshops to ensure those impacted have a voice in developing the qualification criteria. The associated costs of stakeholder meetings as well as the costs for adopting regulations will be included in our fiscal note.

Regarding the policy aspect of the bill, the Office supports the sponsor's amended language as we share her concerns with section 1, subsection 2, paragraph (c). This paragraph requires the Office to provide a name and contact information of a technical advisor to either a private or public party. We have reservations about making a specific recommendation for several reasons, including liability and the equity of choosing one individual over another. We recommend removing this paragraph so that the agency compiles, maintains, and provides a list of technical advisors but stops short of providing a specific name or recommendation.

Vice Chair Bilbray-Axelrod:

Is there anyone else here in neutral? Seeing no one, Assemblywoman Swank, do you have any closing remarks?

Assemblywoman Swank:

I would like to thank the Committee for their time. I am continuing to work with the Office of Historic Preservation to ensure we make this an easy process and not something that will be a burden to them to get up and running. It may take a little more time, but slow and steady wins the race.

Vice Chair Bilbray-Axelrod:

I will close the hearing on A.B. 229.

[Assemblywoman Swank reassumed the Chair.]

Chair Swank:

I will open up for public comment. Seeing none, this meeting is adjourned [at 5:01 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Nevada State Historic Preservation Office Overview," dated March 11, 2019, presented by Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 96](#), presented by Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources.