

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Eightieth Session  
May 1, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:12 p.m. on Wednesday, May 1, 2019, in Room 2149 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 David R. Parks, Chair  
Senator Melanie Scheible, Vice Chair  
Senator James Ohrenschall  
Senator Ben Kieckhefer  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Assemblyman Jason Frierson, Assembly District No. 8  
Assemblywoman Heidi Swank, Assembly District No. 16  
Assemblyman Tyrone Thompson, Assembly District No. 17

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Heidi Chlarson, Committee Counsel  
Becky Archer, Committee Secretary

**OTHERS PRESENT:**

Jordan Ross, Constable, Laughlin Township; Southern Nevada Rural Constable's Alliance  
Brian O'Callaghan, Las Vegas Metropolitan Police Department  
Mitch Roach, United Veterans Legislative Council  
Jim Hoffman, Nevada Attorneys for Criminal Justice

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Emily Paulsen, Executive Director, Nevada Homeless Alliance  
Michele Fuller-Hallauer, Manager, Social Service Department, Clark County  
Nina Taylor, Director, Resident Services, Nevada HAND  
David Dazlich, Las Vegas Metro Chamber of Commerce  
Mendy Elliott, Nevada Rural Housing Authority  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Anne Cory, Community Health Alliance  
Mike Cathcart, City of Henderson  
Shani Coleman, City of Las Vegas  
Mike Dyer, Nevada Catholic Conference  
Arash Ghafoori, Nevada Partnership for Homeless Youth  
Audrey Peral, Make the Road Nevada  
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence

CHAIR PARKS:

We will open the hearing on Assembly Bill 478.

**ASSEMBLY BILL 478**: Requires annual completion by all peace officers of continuing education in certain subjects. (BDR 23-1002)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I am presenting A.B. 478. This bill started out with the placement of de-escalation training in Peace Officers' Standards and Training Commission (POST) and annual training for law enforcement. In looking at what other states have done, it became apparent other measures were being required of law enforcement across the County. I reached out to law enforcement throughout the State who have been cooperative and understanding, recognizing this largely reflects what their agencies are already doing.

Whenever I see Nevada on a list that does not shine a positive light on the State, it is worthwhile to address. This bill ensures our community is provided with the best law enforcement protection possible but also provides our officers with the best training to be as effective in their jobs as they can be.

Assembly Bill 478 requires the Nevada Commission on Peace Officers' Standards and Training Commission to include certain courses of study and minimal standards for the training of peace officers in Nevada. These courses include racial profiling, mental health, officer well-being, implicit bias recognition, de-escalation, human trafficking and firearms. The training must be

conducted annually and at least 12 hours in total length—not an additional 12 hours. The mentioned topics must be a meaningful part of the training.

Some of the course topics are obvious needs—such as firearms. But the other aspects of the bill are worthwhile. In the other House, it became apparent these training courses are already largely done. I was proud our law enforcement community is already providing this training. Our State needs to see this training as important enough to place into statute to ensure law enforcement agencies continue to do it.

Other aspects of training are in statute, such as choke-hold training from a lot of incidents in the 1980s. Statute requires annual training, but the only expressed element is with respect to attendance. Although law enforcement agencies are already completing the training listed in the bill, it is still worthwhile to make a statement about our value both to the community and on behalf of our law enforcement officers.

The Peace Officers' Standards and Training Commission is the regulatory agency establishing minimal qualifications in training and standards. The POST also develops training, conducts the basic training academy and provides other training to peace officers throughout the State.

Assembly Bill 478 proposes several items. The first is racial profiling. In 2000 or 2001, I had the honor of writing a law review article regarding racial profiling, which required the State to conduct a study, and submitting it to then-Speaker of the Assembly Barbara Buckley and Assemblyman Wendell Williams. The State conducted a study and concluded racial profiling did exist. Legislation outlawed the practice after having monitored and collected data. Racial profiling and implicit bias are not ever intentionally done but are subconscious things which we all do. It is worthwhile to have this addressed with training. Law enforcement personnel are the face of our safety and our community. We want our officers to feel confident in reaching out to the community but also want our community to know that these officers are trained to deal with every aspect of the community.

The next item is mental health. Increasingly, peace officers are becoming the first line of contact for people with serious mental illness. Research indicates approximately 10 percent of calls in law enforcement involve someone who is mentally ill. Research also shows mental illness is a part of approximately

25 percent of law enforcement confrontations that end in death. How officers handle these calls can make the difference between life and death. Lack of training on how to safely interact with people experiencing a mental health crisis leaves both the officer and the community at risk of tragedy. This training will benefit both sides. This training is worthwhile for the officers' own well-being as well as to recognize mental illness in others.

The next item is officer well-being. Physical, mental and emotional stress can have serious consequences on a person's health. Law enforcement is particularly stressful. Our officers often take this aspect of the job for granted and end up with a mental or emotional crisis of their own as a result of what the officers see every day. Research shows police officers live an average of 15 years less than the average person. In addition, cardiovascular morbidity is greater with law enforcement officers than the general population. Something we talk about and need to address is suicide. In looking at suicide rates, more officers died by suicide than in the line of duty for three years straight. Less than 10 percent of the United States police departments have suicide prevention training programs. This issue is worthwhile to include in the annual training.

The next item is implicit bias, which refers to the attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner. As stated earlier, this is not pointing the finger at anybody for intentional acts. This training is to identify biases based on a person's background, so officers can be aware of it and act accordingly.

The next item is de-escalation training. De-escalation is a reduction in the level of intensity of a situation. This topic was the original factor which started my looking into this bill. During every encounter, officers must work to de-escalate hostile or challenging circumstances and are constantly engaging in de-escalation. Examples of de-escalation techniques include: slowing down an encounter or backing off; being compassionate, although firm; and using discretion in decreasing the action taken by law enforcement to enforce the law, depending on the circumstances. I have been honored to participate in several Hope for Prisoners graduations. At one of the graduations, a graduate woman had her arm in a sling and was thanking an officer who had previously shot her in the arm. The officer had de-escalated a prior confrontation when the woman was having a drug episode. Because of the officer's action, the woman did not lose her life. The officer was at the graduation ceremony for the woman to hug

somebody who shot her and saved her life. Those are things law enforcement could benefit from in de-escalating a situation, not only for the benefit of the subject but for themselves as well.

Human trafficking has been an ongoing challenge for Nevada because of our transient and tourist population. The State is always on the edge trying to mitigate aspects of human trafficking coming through the State. Frequently, young people—teens in particular—are involved and recognizing they may be victims of solicitation or victims of a panderer. Human trafficking is growing in our criminal justice system. We continue to address it both in our criminal and juvenile justice systems. With then-Attorney General Catherine Cortez Masto, the State started addressing this problem in 2013. It is important for law enforcement to understand the dynamics so the officers do not further victimize the victim but recognize the signs. As a State, we have made wonderful progress. In taxicabs and at the airport, a person will see flyers and posters providing numbers to call if someone recognizes the signs of human trafficking. This topic is worthwhile to include in the training.

Firearms are something already done but not expressly stated. This is a commonsense addition compared to other states' annual training.

We compiled information on what other states require regarding de-escalation training. The aspects of this bill came from a majority of other states that have these components as part of their mandatory training both for the community and the officers' safety and well-being.

SENATOR GOICOCHEA:

The bill indicates the training may be carried on at an institution. How will this apply in rural areas? As an example, will the Elko Police Department or Elko County Sheriff's Office be able to internally train as an agency, or will they need to attend the 12-hour training in another institution?

ASSEMBLYMAN FRIERSON:

I left the language flexible to allow departments to address the training components however they deem necessary. The departments can handle it in-house, contract with a training facilitator or whatever works for their jurisdictions. I also intentionally did not place a specific amount of time for each category. The departments can be flexible and do what works for their districts while making sure the categories are included in the training.

SENATOR GOICOECHEA:

This bill is worthwhile as police officers can never have enough training due to the rigors of their jobs. I was curious if the State would end up with a regional institution rather than having the officers go back to POST for 12 hours which would be expensive for the rural communities.

ASSEMBLYMAN FRIERSON:

It is not my intent to require any particular way to facilitate this training, other than making sure the training occurs.

SENATOR SCHEIBLE:

Thank you for bringing this bill. It is excellent public policy. I do not see law enforcement in the room to speak to my question. Did you have the conversation to ensure parsing out these different pieces will not be a problem? For example, a department completes two to three hours of training on mental health and the well-being of officers and another half hour on racial profiling and so forth. I get the purpose is to be flexible in and adapting to the needs and timing issues of different organizations. Are you concerned with ensuring the departments hit all 7 requirements in the 12-hour time frame?

ASSEMBLYMAN FRIERSON:

I am conscious of this concern, but my conversations with law enforcement on this issue, which started before Session began, have given me a great deal of comfort that our agencies are in good hands. The law enforcement agencies have been responsible and responsive. I would rather not tie the agencies' hands and let the agencies take appropriate action to provide the level of training in the amount of time that fits the districts. The overall amount of time already exists. This bill states within that time, certain topics must be included and be part of the training. It is easy once the State gets its hands in the process to micromanage. What works in 2019 is probably going to be outdated in 2029. I want to give the folks in charge of providing this training the flexibility to adapt. As we graduate from only choke-hold training and attendance requirements, we are now talking about things affecting us today. I am comfortable with the extent of which I can rely on the agencies to be responsible with the training requirements.

SENATOR SCHEIBLE:

That answers my question. If you are comfortable, then I am comfortable. Thank you for your diligence.

ASSEMBLYMAN FRIERSON:

Constable Jordan Ross will speak on this issue. He has been helpful in reflecting not only what the practice is but the needs moving forward. I appreciate him coming from Laughlin to Las Vegas to be part of the presentation.

JORDAN ROSS (Constable, Laughlin Township; Southern Nevada Rural Constable's Alliance):

I thank Speaker Frierson for allowing me to participate in this process. I have heard minor criticism that this bill might be considered micromanaging. My response to that concern is people through their duly elected State legislative representatives are making a statement of legislative intent that these are critical issues and wanting to make sure agencies understand these are critical and give due attention to them.

This bill emphasizes that agencies, particularly category II law enforcement agencies such as my own and other constables, need to conduct training reflecting what the agencies are doing rather than conducting generic boilerplate training. For example, in the case of human trafficking, law enforcement officers are in people's homes serving eviction notices or executing evictions. This is a prime time for situational awareness where, with the right kind of training, deputy counsels can identify a sweatshop with trafficked workers who have had their passports taken or a pocket brothel inside an apartment complex.

Placing specific training topics into statute, instead of the usual training on the administrative code, will be important. If the Legislature says this is important enough to lay the particular details out, agencies will no longer go through the motions with generic boilerplate training but will provide training with significant substance.

I will conduct this training with my own agency and recommend the same to the members who belong to my organization—which also sponsors the law enforcement academy.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department already conducts this type of training. We thank the Speaker for coming forward prior to the Session to learn what our agency does in our training. It is not only good for our Department, but it is good for our officers and the community. We support this bill.

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MITCH ROACH (United Veterans Legislative Council):  
We support this bill.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):  
This is a good bill. We support it. When you get police officers and defense attorneys on the same side of an issue, that is evidence of a good bill.

CHAIR PARKS:

On somewhat of a lesser issue, four years ago, I submitted a bill dealing with training related to animals—especially to dogs. I submitted the bill because so many dogs were being shot by police officers. Since then, an up-to-four-hour training was added, and the number of incidents relative to unnecessary shooting of an animal has practically vanished. These things do work.

For the benefit of everyone, POST sets up training modules and provides training to local police officers and trainees. The POST also develops training materials for other functioning academies throughout the State. It sets up guidelines as to the types of training, finds training materials and makes them accessible on its website. My hat is off to the Peace Officers' Standards and Training Commission, all the work it does and support it provides to local governments on this issue.

I will close the hearing on A.B. 478 and move on to A.B. 174.

**ASSEMBLY BILL 174 (1st Reprint)**: Establishes the Nevada Interagency Advisory Council on Homelessness to Housing. (BDR 18-94)

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

I am excited to present A.B. 174 establishing the Nevada Interagency Advisory Council on Homelessness to Housing. It is fitting to hear this bill today because it is Nevada HAND Day. Nevada HAND does a lot of the affordable housing projects throughout our State. Today is also Rural Housing Day.

I will start off with a quote from the president of the Corporation for Supportive Housing, Deborah De Santis, who this morning is in Indianapolis for its annual Supportive Housing Summit. She said, "I'm mad as heck," but of course she used a different word and I was not sure I could use that word on the record, so I am going to use "heck." "I'm mad as heck that people of color are



overrepresented in everything negative. I'm mad as heck that there is [*sic*] not enough resources to help people who really need assistance. I'm mad as heck that we are told to—just deal with it. It's important to partner and connect, especially across systems. Let's build a better system of care where people can thrive." That is everything this bill embodies.

I previously served as a regional homeless coordinator for Southern Nevada Regional Planning Coalition. Collectively and at a Statewide level, we have or can gain the resources to create a functional zero homelessness State. Complementing these resources, the State has the talent, expertise and, most importantly, a passionate village.

A few areas in the State accomplished functional zero with our homeless veterans' population. No veteran is forced to live on the street in a well-coordinated and efficient community system which assures homelessness is rare, brief and nonrecurring. Every veteran has access to the support needed to avoid staying on the street and move quickly to permanent, supportive housing. In the functional zero case in our communities for veterans, it required a communitywide plan to organize all resources and programs. The same can be done for all categories of homelessness but must be done on a Statewide level.

The narrative around homelessness is huge throughout our State. It is not in any one city or town. It is throughout our State, and we have to work collectively together.

I am handing the presentation over to Emily Paulsen, who is the Executive Director at the Nevada Homeless Alliance, and Michele Fuller-Hallauer, who is a manager at Clark County Social Service and the Continuum of Care Coordinator in southern Nevada, to give further framework for the bill. Julia Peek, who is the Deputy Director of Programs for the Department of Health and Human Services, is providing technical support. Anne Cory, who is the Grants Director at Community Health Alliance, will testify. Dr. Stephanie Woodard, who is the Senior Advisor on Behavioral Health for the Department of Health and Human Services, also provided support.

EMILY PAULSEN (Executive Director, Nevada Homeless Alliance):

I will begin covering information in the presentation ([Exhibit C](#)). Homelessness is a Statewide crisis that leaves our most vulnerable citizens without needed resources. This includes families with children, youth, veterans, elderly and

disabled Nevadans. Nevada has the third-highest rate of unsheltered people experiencing homelessness in the Nation. One-half of Nevadans who are homeless do not have access to shelter or other housing assistance.

The causes of homelessness are complex, and the needs of people experiencing homelessness are diverse. Different systems of care and State agencies are charged with responding to specific aspects of the needs people experiencing homelessness face.

Effectively addressing homelessness requires collaboration among State agencies, local government, the cities and counties, the private sector, service provider networks and more in order to coordinate program developments, deliver essential services and provide housing.

MICHELE FULLER-HALLAUER (Manager, Social Service Department, Clark County):  
In 2013, then-Governor Brian Sandoval issued Executive Order 2013-20 establishing the Nevada Interagency Council on Homelessness (ICH). That executive order is set to sunset in 2020. The ICH was established to coordinate and focus our State's efforts to effectively address the challenges of homelessness. The ICH has participation throughout the State from every county and city. Participation includes sitting on the Council, being part of working groups, participating as members at large or being in the audience. The ICH provides an opportunity for Nevada to engage in an integrated approach regarding the issue of homelessness and promote interagency cooperation.

The ICH successfully developed a Statewide strategic plan to end homelessness. It provides eight different strategies for stakeholders and systems across Nevada. Those eight strategies include housing, homelessness prevention and intervention, wraparound services, education and workforce development, coordination of primary and behavioral health services, coordination of data and resources, policy, and long-term planning.

The ICH leveraged nearly \$5 million in federal Cooperative Agreements to Benefit Homeless Individuals (CABHI) grant funding. A state is required to have an Interagency Council on Homelessness to be eligible to receive the federal CABHI dollars granted by the Substance Abuse and Mental Health Services Administration.

MS. PAULSEN:

The executive order which established the ICH is set to expire in 2020 during the Interim Session. This bill is important to establish the Nevada Interagency Advisory Council on Homelessness to Housing in statute so the work of the Council can continue with the necessary administrative resources.

Assembly Bill 174 requires the Department of Health and Human Services to provide administrative support to the Council. It also authorizes the Council to coordinate the response of State and local agencies around the issue of homelessness and promote collaboration among federal, State and local agencies. This is important because the ICH will provide the vehicle for counties and cities to work together. Homelessness does not just happen in certain zip codes, especially in southern Nevada. Therefore, it is important to have a vehicle for our cities and counties to work together, and the ICH will provide that.

The bill will also require the ICH to develop a Statewide strategic plan for addressing homelessness in Nevada. This plan will be updated at least once every five years.

The bill will establish a technical assistance committee to provide advice and information assisting the Council in developing the strategic plan. This is important because it will ensure service providers and people working on the frontlines can drive the strategic plan.

The bill will increase awareness of issues related to homelessness in this State. It will authorize the ICF to collaborate with and request the assistance of service providers as well as State and local agencies to provide relevant data and information to the ICF.

The bill will also prescribe the membership of the Council to include representatives from various systems of care in the State that are charged with responding to homelessness.

The bill is sponsored by Assemblyman Thompson and a diverse number of sponsors from both Houses. Further, the bill is supported by the Policy Council on Homelessness in southern Nevada, the Nevada Homeless Alliance and many community partners and agencies.

NINA TAYLOR (Director, Resident Services, Nevada HAND):  
I will read from my written testimony in support ([Exhibit D](#)).

DAVID DAZLICH (Las Vegas Metro Chamber of Commerce):  
We support this bill. The continuation of this entity will help coordinate those who work on this complex and multi-faceted problem. The ability to continue utilizing information gathered up to this point and forward, rather than having a break in the continuation, is more efficient and will yield better results as we deal with the issue of homelessness.

MR. ROACH:  
The United Veterans Legislative Council supports this bill as it will do a good job.

MENDY ELLIOTT (Nevada Rural Housing Authority):  
The Nevada Rural Housing Authority works with State, local and private partners to identify and work on homelessness issues as well as affordable housing issues. I thank Assemblyman Thompson for working with us on technical questions on the initial reprint. He was able to work with us and provided amended language, which made a better bill as it relates to the collaboration requirements between the entities with a vested interest in homelessness in our communities and our State.

It is important for the work to continue. We do not want a break in the process. We also know the value of the federal grants and the dollars the State can apply for. Having the coalition and council in place provides the State an opportunity to tap into those various grants at the federal level as well as attract dollars from the foundations that have an interest in this State. We support the efforts of this bill and would like your support.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):  
We support [A.B. 174](#) and thank Assemblyman Thompson for bringing the bill. Homelessness is a problem across the State and the Nation. Our members look forward to continuing to be part of the solution through this bill and the technical assistance committee.

ANNE CORY (Community Health Alliance):  
The Community Health Alliance is a federally qualified health center. My experience with the ICH goes back to when it was started in the early 2000s.

We had a working council and made progress on strategic planning. The council was then abandoned during one of the administrations; we lost a lot of momentum and had to start over. I urge you to support A.B. 174 to prevent interruptions in the future.

CHAIR PARKS:

I enjoyed the work we did together on this issue in years past. For everyone else's benefit, this was something that then-Governor Kenny Guinn emphasized and pulled together about 18 years ago. He supported it through his administration.

MIKE CATHCART (City of Henderson):

We thank Assemblyman Thompson and all the sponsors for bringing this bill. Homelessness is an issue that affects governments of all shapes and sizes, including all local governments in the State. This bill will bring structure around the approach to tackle the problem. We support this bill.

SHANI COLEMAN (City of Las Vegas):

We support A.B. 174. In southern Nevada, a number of homeless services are located in the City of Las Vegas proper in the downtown area. Homelessness is an issue we deal with on a daily basis. Having a coordinated effort to address homelessness is important.

MIKE DYER (Nevada Catholic Conference):

We support this bill. We suggest amending the bill to allow large service providers to be on the advisory council. In particular, Catholic Charities of Southern Nevada is involved in the homelessness issues and interested in being part of the council formally. I have provided written testimony outlining this request ([Exhibit E](#)).

CHAIR PARKS:

We will take that up with the bill's sponsor.

ARASH GHAFoori (Nevada Partnership for Homeless Youth):

I thank Assemblyman Thompson for bringing this bill. Nevada Partnership for Homeless Youth is one of the most comprehensive providers for homeless youth services in southern Nevada. We are actively involved not only in providing direct services but systems-level contributions to improve the efficiency, robustness and the output of the entire system of homelessness delivery.

Homelessness for decades has been an issue at the National and local levels which becomes hot and cold in a repeated cycle and, sometimes, gets swept under the rug. There is a growing momentum, both at the National and local levels, where homelessness is gaining traction and more of the spotlight. Presidential candidates are focusing on homelessness as their issue and the intersection with affordable housing.

Nevada has an opportunity with this bill. Speaker Jason Frierson stated earlier that it bothers him when he sees Nevada on lists which tarnish its name. I could not agree with him more. Nevada has the opportunity to be a leader on the issue of youth homelessness in the entire State. We must acknowledge not one system, sector, or agency can solve this problem on its own. Therefore, we need a permanent Statewide systems level council, which A.B. 174 is proposing, to coordinate and create new opportunities and resources throughout the State and be connected in its response to the homelessness epidemic experienced in our communities.

Allowing this Council to enter into statute will create a permanency to allow the Council to go uninterrupted. This bill will formalize the importance of the work needed by the Council to improve the State's response and coordination on the issue of homelessness.

We support A.B. 174.

AUDREY PERAL (Make the Road Nevada):

I will read my written testimony in support of A.B. 174 ([Exhibit F](#)).

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

Individuals experiencing domestic violence have a need for rapid, safe and affordable housing. Unfortunately, all too often, domestic violence survivors and their families become homeless when fleeing an abusive home. Being homeless greatly increases an individual's risk of sexual assault and exploitation. For these reasons, we support A.B. 174.

CHAIR PARKS:

We will close the hearing on A.B. 174 and open A.B. 230.

**ASSEMBLY BILL 230 (1st Reprint)**: Revises provisions governing historic preservation. (BDR 22-298)

ASSEMBLYWOMAN HEIDI SWANK (Assembly District No. 16):

Assembly Bill 230 is a cleanup bill. I will provide a little history of this bill. In 2009, A.B. No. 304 of the 75th Session placed in statute a second and parallel means for designating a group of homes as historic. The bill created the term "historic neighborhood" as distinct from historic district as laid out in *Nevada Revised Statutes* (NRS) 384.005.

This was then-Assemblyman Tick Segerblom's bill. I have talked with the now Clark County Commissioner Tick Segerblom about the proposed changes to NRS, and he is good with the changes being proposed.

I understand the intent of the past legislation. It created a more streamlined way of designating neighborhoods. But it has created some confusion and unclear oversight of what are called "historic neighborhoods."

Assembly Bill 230 clears up the lack of clarity and creates a clear path for designating and overseeing designated historic neighborhoods. The bill also inserts the word "landmark" in various historic preservation chapters of NRS in order to clarify landmarks are under the purview of the State Historic Preservation Office. Landmarks are places or buildings that represent an outstanding aspect of Nevada history and culture. This is a small change and functions only to ensure the statutes are clear.

Section 1, subsection 1 merges section 3 of the bill with parts taken out of NRS 384.005 for Historic Districts. Section 1, subsection 1 gives counties and cities the ability to designate historic neighborhoods. Section 1, subsection 1, paragraph (a) states a historic neighborhood must have 10 or more residential dwelling units and two-thirds or more must be 40 years or older.

Section 1, subsection 1, paragraph (b) states the areas must have a distinctive character or traditional quality, such as cultural, social, political or economic history of the area—such as the growth of a city and the like. An area can be associated with a significant person, group or event in local, State or national history. For example, the Liberace Mansion is on the Clark County Register because it is associated with an important person in history. An area could also represent a familiar visual feature because of its location, design or architecture. An area could also meet the eligibility requirements for the State or National Register of Historic Places which are higher bars for entry.

Section 1, subsection 2 covers notice and meeting requirements. Notices must state the purpose of the hearing and boundaries of the proposed historic district. This section also provides an opportunity for a public hearing where support and opposition for a historic neighborhood can be given.

Section 1, subsection 3 states the designation timeline. Within 15 days after the hearing, a decision is required either to designate the historic neighborhood and fix its boundaries or determine not to designate as historic.

Section 1, subsection 4 states the requirements for an ordinance to designate a historic neighborhood. This section of the bill does not specify what those requirements must be but leaves that decision to the local jurisdiction. The local jurisdiction has to provide some guidelines such as design guidelines, processes for informing and reaching out to homeowners in proposed neighborhoods and the like. The criteria for getting on a local historical neighborhood listing is determined by communities and local jurisdictions. For example, the rulings in Wells would not be the same as the rulings in Las Vegas.

This section also states a designated review board is required to review alterations to homes. This is the key part missing from past legislation. There was no clear oversight or direction on where to go when a person wanted to make alterations to his or her home in a historic district. This bill lays out that a person goes to the local review board.

Section 1, subsection 5 allows for additional ordinances to be adopted. Section 3 removes the language from A.B. No. 304 of the 75th Session which is now in section 1, subsection 1 of this bill.

Section 2, section 4, section 5 and section 8 make conforming changes. Section 12 adds landmarks to the list of resources that can be placed on the State Register of Historic Places. Section 6, section 7 and sections 9 through 11 make conforming changes to NRS regarding landmarks.

SENATOR KIECKHEFER:

Is the definition of "landmark" in statute? I do not see one in the bill, but it may be somewhere else in statute.



ASSEMBLYWOMAN SWANK:

It may be somewhere else in statute. It is usually a single building that has a particularly outstanding aspect of Nevada history or culture. At this point, it has not been called out in our statutes but is defined at the federal level. This bill is making the parallel to the federal level so the State can designate landmarks.

SENATOR KIECKHEFER:

Section 12, subsections 2 and 3 state the Office shall prepare and maintain the State Register of Historic Places and add landmarks on both public and private land to eligible sites. Is this bill giving the Office new authority to create this designation on private property?

ASSEMBLYWOMAN SWANK:

No. This bill just clarifies that landmarks are under its purview. This makes it more parallel to what is in federal law.

SENATOR GOICOECHEA:

Why does this bill list historic criteria as 40 years instead of the 50 years which is typically the historic designation?

ASSEMBLYWOMAN SWANK:

Forty years is what is in NRS 384. Local districts tend to go with the 40-year mark. The City of Las Vegas, Clark County and Boulder City work this way. A common practice in Nevada is historic at the local level can be 40 years or older.

SENATOR GOICOECHEA:

Does the National Register of Historic Places require at least 50 years to be considered historic? Is 50 years required at the State level as well? Most of the northern locations are more comfortable with the 50-year requirement.

ASSEMBLYWOMAN SWANK:

You are correct. At the federal and State level, it is 50 years. This bill does not include new language. This is existing language from elsewhere in NRS. The intent of this bill is to make the two sections of NRS work together to be parallel. It is taking what is in NRS 384.005 and placing it in NRS 278 to eliminate disparity across those two.

SENATOR OHRENSCHALL:

How will the designated review board called for on page 3 of the bill differ from what is done now in Huntridge or Marycrest, which are historical neighborhoods in southern Nevada? A review is done to maintain the historical nature of the neighborhood. How will things change if this passes?

ASSEMBLYWOMAN SWANK:

It will not change. The City of Las Vegas's historic preservation ordinance falls under NRS 384.005. Clark County falls under this bill and will need to provide for a review board. I have been talking to Commissioner Segerblom about this, and we have been working on the issue.

SENATOR GOICOECHEA:

Will local governments administer this? Section 12 states the Office shall prepare and maintain a registry. I want to ensure local governments have control of this process.

ASSEMBLYWOMAN SWANK:

Yes. The process in this bill is optional. Several towns and cities in the Las Vegas Valley as well as throughout Nevada do not elect to have historic preservation ordinances. It is up to the local jurisdictions. This bill allows local jurisdictions to establish a process but also ensures a key review board is part of the process. Review boards are comprised of all volunteers almost everywhere I have seen, especially in Nevada.

CHAIR PARKS:

On the bottom on page 2, line 34, within 15 days after the hearing is referenced. Is there a time element before the hearing? Is 15 days a little short relative to the fact that certain months have holidays and it might be a challenge to meet the 15-day limit?

ASSEMBLYWOMAN SWANK:

I can tell you the way it works in the City of Las Vegas. It is a two- to three-year process from beginning to end to get a neighborhood designated as a historic district. When a neighborhood decides to embark upon this endeavor, a designated person reaches out to all the homeowners in order to, what I call, collect votes. Fifty-one percent of the homeowners must sign in support. In the City of Las Vegas, the endeavor fails if 20 percent are in

opposition. Obtaining 51 percent in support is usually achieved through community meetings and a lot of canvassing.

An application process is next. The application includes providing the entire history and why the neighborhood should be on a register. The application process is lengthy. Usually, there has been a lot of interaction with the homeowners in the area. Once the application is at the Las Vegas Historic Preservation Commission and planning commission of the City Council, those decisions are usually made immediately at the meetings. The application is presented to the planning commission which gives an up-or-down vote at that time. This bill provides a little bit of a buffer for local commissions and city councils to take more time should they need to. The general practice I have seen is an immediate decision is made at that point because it has been a long process.

SENATOR GOICOECHEA:

You mentioned 51 percent of the property owners are needed. Is 51 percent of the assessed property value involved similar to the general improvement district process?

CHAIR PARKS:

"... or a special improvement district or however they lay it out?"

ASSEMBLYWOMAN SWANK:

I must have been unclear. As an example, a district has 100 homes it wants designated as historic. Fifty-one percent of the homeowners must decide they want this. It has nothing to do with assessed values. It is the number of homes and homeowners. The agreement cannot be from a renter or somebody occupying the home. It has to be the actual owner on the assessor site which has nothing to do with the value of the home.

MR. HENDERSON:

We support A.B. 230. We thank Assemblywoman Swank for bringing this bill and for her whole body of work on historic preservation throughout the State. She is a true champion of historic preservation. One benefit of my job is to travel the State and go to all the cities and towns. There are neighborhoods in each city this bill will help benefit. We appreciate your support.

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CHAIR PARKS:

We will close the hearing on A.B. 230. Hearing no further business, this meeting is adjourned at 2:18 p.m.

RESPECTFULLY SUBMITTED:

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Becky Archer,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	6		Attendance Roster
A.B. 174	C	8	Emily Paulsen / Nevada Homeless Alliance	Presentation
A.B. 174	D	2	Nina Taylor / Nevada HAND	Testimony in Support
A.B. 174	E	1	Mike Dyer / Nevada Catholic Conference	Proposed Amendment
A.B. 174	F	1	Audrey Peral / Make the Road Nevada	Testimony in Support