

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

**Eightieth Session
May 10, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:20 p.m. on Friday, May 10, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Richard Daly, Assembly District No. 31
Assemblyman Greg Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Charlie Donohue, Administrator, Division of State Lands, State Department of Conservation and Natural Resources
Kyle Davis, League to Save Lake Tahoe; Nevada Conservation League
Steve Walker, Truckee Meadows Water Authority
Cassandra Rivas, Sierra Club, Toiyabe Chapter
Jim Lawrence, Tahoe Regional Planning Agency
Wes Henderson, Nevada League of Cities and Municipalities

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Ed McGuire, Director, Public Works, Parks and Recreation, City of Henderson
Kelly Crompton, City of Las Vegas
Christina Bailey, NV Energy
Bruno Moya
Andy LePeilbet, United Veterans Legislative Council
Kyle Dalpe, Nevada System of Higher Education
Lisa Gianoli, Washoe County
Alexis Motarex, Associated General Contractors, Nevada Chapter

CHAIR PARKS:

We will open the work session with Assembly Bill (A.B.) 34.

ASSEMBLY BILL 34 (1st Reprint): Revises provisions governing the investment of money held by the State or certain political subdivisions of the State. (BDR 31-476)

JENNIFER RUEDY (Committee Policy Analyst):

I will present an overview of A.B. 34 from the work session document ([Exhibit C](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 34.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill in the work session is A.B. 39.

ASSEMBLY BILL 39: Revises provisions relating to governmental financial administration. (BDR 31-477)

MS. RUEDY:

I will summarize the bill as contained in the work session document ([Exhibit D](#)).

SENATOR KIECKHEFER MOVED TO DO PASS A.B. 39.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

That takes us to the next bill in the work session which is A.B. 71.

ASSEMBLY BILL 71 (1st Reprint): Makes various changes concerning expenditures related to disasters and emergencies. (BDR 31-349)

Ms. RUEDY:

I will summarize A.B. 71 from the work session document ([Exhibit E](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 71.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill is A.B. 206.

ASSEMBLY BILL 206: Revises provisions relating to emergency management. (BDR 36-864)

Ms. RUEDY:

I will present A.B. 206 from the work session document ([Exhibit F](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 206.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill in the work session is A.B. 230.

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

Ms. RUEDY:

I will present an overview of A.B. 230 from the work session document ([Exhibit G](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 230.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill on the work session is A.B. 270.

ASSEMBLY BILL 270 (1st Reprint): Revises provisions related to transportation. (BDR 22-579)

Ms. RUEDY:

I will give an overview of A.B. 270 from the work session document ([Exhibit H](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 270.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

That takes us to the next bill, A.B. 280.

ASSEMBLY BILL 280 (1st Reprint): Revises provisions governing document preparation services. (BDR 19-254)

Ms. RUEDY:

I will present an overview of A.B. 280 from the work session document ([Exhibit I](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 280.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill in the work session is A.B. 406.

ASSEMBLY BILL 406 (2nd Reprint): Makes various changes relating to the Airport Authority of Carson City. (BDR S-50)

Ms. RUEDY:

I will summarize A.B. 406 from the work session document ([Exhibit J](#)).

SENATOR KIECKHEFER MOVED TO DO PASS A.B. 406.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The last bill in the work session is A.B. 478.

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

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Ms. RUEDY:

I will present A.B. 478 as contained in the work session document ([Exhibit K](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 478.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

That concludes the work session. We will open the hearing on A.B. 220.

ASSEMBLY BILL 220: Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. (BDR S-435)

ASSEMBLYMAN GREG SMITH (Assembly District No. 30):

Every Interim since 1985, with the exception of one Interim, the Nevada Legislature has provided review and oversight of the Tahoe Regional Planning Agency (TRPA) either through an Interim study or the Legislative Committee created in 2003: the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System.

The Lake Tahoe Environmental Improvement Program (EIP) is a partnership launched in 1997 between Nevada, California, the federal government, local governments and the private sector to protect and improve the natural and recreational resources of the Lake Tahoe Basin. The Division of State Lands, State Department of Conservation and Natural Resources is the State's coordinating entity for the Lake Tahoe EIP.

CHARLIE DONOHUE (Administrator, Division of State Lands, State Department of Conservation and Natural Resources):

I have submitted written testimony supporting A.B. 220 and explaining the authority that would be granted to the Division of State Lands to sell \$8 million in general obligation bonds for the continuation of Nevada's portion of the Lake Tahoe EIP ([Exhibit L](#)).

KYLE DAVIS (League to Save Lake Tahoe; Nevada Conservation League):

We support A.B. 220. We have worked with various agencies and other groups over the years on projects that are a part of the EIP. This is important to the projects in the Lake Tahoe Basin. The previous presenters outlined some of the projects that have occurred because of the commitment of Nevada, California and our federal partners. We encourage the Committee's support of this bill.

STEVE WALKER (Truckee Meadows Water Authority):

Lake Tahoe makes up a significant portion of the Truckee Meadows Water Authority's (TMWA) water supply. Projects that improve or maintain the water quality of Lake Tahoe benefit our customers. The TMWA supports this legislation.

CASSANDRA RIVAS (Sierra Club, Toiyabe Chapter):

I have submitted testimony supporting A.B. 220 ([Exhibit M](#)).

JIM LAWRENCE (Tahoe Regional Planning Agency):

On behalf of the TRPA, I support the passage of A.B. 220. As you have heard from previous testimony, the EIP and the partnership between Nevada, California, the federal government, local governments and the private sector is the key to environmental restoration at Lake Tahoe.

VICE CHAIR SCHEIBLE:

We will close the hearing on A.B. 220 and open the hearing on A.B. 18.

[ASSEMBLY BILL 18 \(1st Reprint\)](#): Authorizes incorporated cities to install and maintain ramps on certain public easements and rights-of-way. (BDR 21-433)

WES HENDERSON (Nevada League of Cities and Municipalities):

I have submitted written testimony explaining the provisions of A.B. 18 ([Exhibit N](#)).

ED MCGUIRE (Director, Public Works, Parks and Recreation, City of Henderson):

We have been working with the Nevada League of Cities and Municipalities on A.B. 18. Specifically, as we rehabilitate public streets within the City, the Americans with Disabilities Act of 1990 (ADA) requires us to update wheelchair ramps and sidewalks to the most current standards. That includes appurtenant items such as push buttons for pedestrian flashing signals and signage. In order

to meet these standards, we often have to extend wheelchair ramps or sidewalks from six inches to as much as two feet onto property adjacent to the street. All of our public rights-of-way are mapped with a five-foot utility easement at the back of the right-of-way. Therefore, an already encumbered easement exists. Two photos in the presentation show improvements to public streets, the widening of wheelchair ramps and the addition of a little curb at the back of the sidewalk ([Exhibit O](#)). The areas in question are circled in yellow in the pictures, pages 2 and 3 of [Exhibit O](#).

In the first photo, page 2 of [Exhibit O](#), you can see where a flashing pedestrian signal, a push button and a wheelchair ramp were added at a midblock crossing. An area on a straight stretch of sidewalk was depressed, and the ramp was added. The area circled in yellow shows the required six-inch curb and some adjustments to the landscape. In this scenario, we would not be allowed to go into that utility easement. We would have to contact the property owner in order to acquire an additional right-of-way.

The second photo, page 3 of [Exhibit O](#), shows a traditional corner with a wheelchair ramp where the ramp was upgraded to meet ADA standards. The pedestrian push button was already there. You can see how the base of the pole is about six inches above the ground. The sidewalk was lowered six inches to create a flat landing at the wheelchair ramp and the pedestrian push button. The area circled in yellow is the curb we added so the landscaping would not be affected upon completion.

The City of Henderson recently rehabilitated Arroyo Grande Boulevard from Sunset Road to Wigwam Parkway. That is about 2 1/4 miles of arterial roadway on which 50 sidewalk ramps had to be redone. About 30 of those ramps required a right-of-way adjustment. That involved about 15 private property owners, both residential and commercial. To move forward with the project, we contacted each of those owners to acquire a few square feet of land for either a permanent easement for a curb or a construction easement for adjustments. As you might expect, as we reach out to property owners, many believe our letters are junk mail; some reside out of state, especially in the case of commercial property, and some reside out of the Country. Many investors are from other locations and when we try to make a deal, some request excessive compensation. We typically end up spending a little over \$1,000 on the construction of the wheelchair ramp and \$1,000 to acquire the land; \$1,000 for 5 square feet of land works out to about \$8.7 million an acre which no appraisal

would support. To make those offers, we conduct commercial appraisals which add \$400 or \$500 to the cost, weeks to the project time and many hours of consultant and staff time in order to do this.

Assembly Bill 18 gives incorporated cities the authority to provide for construction, installation and maintenance of ramps that comply with applicable requirements of the ADA within any public easement or right-of-way, including utility easements. To be clear, this only applies if there is an existing easement. If there is no easement or right-of-way, this bill does require a dedication to the City. The City would still continue the standard property acquisition as it does now. Additionally, it has always been our practice—and it is in our contract documents and standard specifications—that anything we disturb, including utilities, landscaping, irrigation and decorative rock, would be restored to the greatest extent possible at the City's expense.

As we did additional work on this bill, we recognized that some of the ramps required pedestrian flashers, push button switches within arm's length of disabled pedestrians and sometimes more signage, so we added appurtenances within the easement. Those appurtenances are specifically required as part of the ADA compliant construction.

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas supports this bill because it will help further the City's goals to address the needs of its citizens and those who require conformance with ADA.

CHRISTINA BAILEY (NV Energy):

NV Energy supports A.B. 18. NV Energy works closely with local governments and supports their efforts to increase transparency and accessibility for those with mobility issues.

VICE CHAIR SCHEIBLE:

We will close the hearing on A.B. 18 and open the hearing on A.B. 429.

ASSEMBLY BILL 429 (1st Reprint): Enacts provisions relating to veterans.
(BDR 18-168)

BRUNO MOYA:

I have submitted a written statement supporting and explaining the importance of A.B. 429 and including a proposed amendment ([Exhibit P](#)).

ANDY LEPEILBET (United Veterans Legislative Council):

I am on the board of the United Veterans Legislative Council for Nevada. I represent 251,000 veterans, 500,000 when you count their families. We support this bill. When our young veterans come back, they go into secondary education, get their degrees and then need graduate services. The intent of this bill is to keep those veterans in the State as it continues to bring in more businesses requiring higher levels of skill and education.

KYLE DALPE (Nevada System of Higher Education):

The Nevada System of Higher Education (NSHE) supported this bill in the Assembly as a point for veterans to access higher education at the graduate level, and it supports A.B. 429 in the Senate.

SENATOR KIECKHEFER:

The Board of Regents is ultimately given authority to create a program. Have you done any evaluations of how many people may be eligible and what the fiscal implications are for the NSHE and individual institutions? Is it correct that it would only affect the universities?

MR. DALPE:

That is correct. The bill would affect graduate level education, which would be at the University of Nevada, Reno, and the University of Nevada, Las Vegas. It offers a waiver for up to 50 percent of the fees. The language is permissive, but we expect the Board of Regents to do this. If this legislation passes, we expect the Board of Regents to bring it up at one of their meetings. That would be put in motion after the passage of the bill, so in the fiscal note, we are not sure of the number. We do not expect it to be a large number. We have not put an actual number on it because we do not know how many veterans would take advantage of it. It is similar to other bills where the fiscal note does not put in a number because it is unknown how many people will access the program.

If you like and if needed, we could determine the number of graduate students who are veterans. We would have to do research on that.

VICE CHAIR SCHEIBLE:

We will close the hearing on A.B. 429 and open the hearing on A.B. 240.

ASSEMBLY BILL 240 (1st Reprint): Requires representatives from certain counties and cities to meet jointly and prepare reports addressing the orderly management of growth in their region. (BDR S-1043)

ASSEMBLYMAN RICHARD DALY (Assembly District No. 31):

Assembly Bill 240 was modeled after a bill from the last Session. It did not go very far. However, A.B. 240 is modeled after the regional planning coalition established in Clark County under *Nevada Revised Statutes* 278.02528. Unlike the coalition in Clark County, this bill does not require any changes to planning commissions, codes and so forth.

Because of the growth the five northern counties—Carson City, Douglas County, Lyon County, Storey County and Washoe County—are experiencing, they should start talking to each other. Growth does not know county boundaries and the impact it is having.

The bill requires each county, in consultation with cities within each county and other agencies that should be included, to review the impacts of growth within the county and develop a report. It then requires the counties and city managers to meet at least twice a year and produce an annual joint report with recommendations on the impact of growth and what the plan is to address that.

The bill you see today is the result of many stakeholder meetings. There was some resistance, but we considered most of the recommendations. The only recommendation I did not consider was not doing anything. No was not an answer. The stakeholders asked for a sunset, so we added a sunset. If this works, they would continue doing it anyway. At least four reports will be submitted to the Legislative Commission and to each Legislator who represents any section of the county.

After reading the bill again today, we had to create a special act which is explained in the bill's digest.

SENATOR GOICOECHEA:

The counties will submit reports to every Legislator. Would that be one combined report from the five counties or would each county submit a separate report?

ASSEMBLYMAN DALY:

When the five counties meet, the joint report is supposed to go to the Legislative Commission and to each Legislator who represents any portion of the county. The individual annual county reports only go to the representatives of that county.

SENATOR OHRENSCHALL:

Is there much collaboration now among the counties in northern Nevada on common interests or concerns?

ASSEMBLYMAN DALY:

Four counties, other than Washoe County, meet regularly on several issues but not on all of the issues covered in this bill. Washoe County is not always involved, and they do not discuss the impacts of growth that cross county lines.

We know transportation is an issue from here to Storey County. If there is a hiccup at all on the interstate, it can take two to three hours to get to the USA Parkway and out to the Tahoe-Reno Industrial Center. That is all in Washoe County. There are no real residential areas in Storey County, so all of that is impacting Washoe County. It has to plan for water and growth, police and fire services. Lyon County has similar issues. I am not saying that is bad; however, it is not getting addressed as Storey County continues to grow. Growth is good for Storey County and the region. We want them to start talking about how the region is impacted and how they can coordinate better.

Four of the counties do talk. We want to include Washoe County in a more meaningful way.

LISA GIANOLI (Washoe County):

Washoe County supports A.B. 240. Much of this is done in our region already between the two cities in the County, however, not as regularly with the other counties. We are comfortable with formalizing those meetings.

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ALEXIS MOTAREX (Associated General Contractors, Nevada Chapter):

The Associated General Contractors supports A.B. 240. A regional approach to preparing for and managing growth is the only way we can reasonably plan for the infrastructure needs caused by continued economic development in northern Nevada and the increased population that comes with it.

Remainder of page intentionally left blank; signature page to follow.

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VICE CHAIR SCHEIBLE:

We will close the hearing on A.B. 240. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 2:12 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	3	Agenda	
	B	5	Attendance Roster	
A.B. 34	C	1	Jennifer Ruedy	Work Session Document
A.B. 39	D	1	Jennifer Ruedy	Work Session Document
A.B. 71	E	1	Jennifer Ruedy	Work Session Document
A.B. 206	F	1	Jennifer Ruedy	Work Session Document
A.B. 230	G	1	Jennifer Ruedy	Work Session Document
A.B. 270	H	1	Jennifer Ruedy	Work Session Document
A.B. 280	I	1	Jennifer Ruedy	Work Session Document
A.B. 406	J	1	Jennifer Ruedy	Work Session Document
A.B. 478	K	1	Jennifer Ruedy	Work Session Document
A.B. 220	L	3	Charlie Donohue / Division of State Lands, State Department of Conservation and Natural Resources	Testimony in Support
A.B. 220	M	1	Cassandra Rivas / Toiyabe Chapter, Sierra Club	Testimony in Support
A.B. 18	N	2	Wes Henderson / Nevada League of Cities and Municipalities	Testimony in Support
A.B. 18	O	3	Ed McGuire / Public Works, Parks and Recreation, City of Henderson	Presentation
A.B. 429	P	3	Bruno Moya	Testimony in Support