

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

**Seventy-Third Session  
March 30, 2005**

The Committee on Government Affairs was called to order at 8:15 a.m., on Wednesday, March 30, 2005. Chairman David Parks presided in Room 3143 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. David Parks, Chairman  
Ms. Peggy Pierce, Vice Chairwoman  
Mr. Kelvin Atkinson  
Mr. Chad Christensen  
Mr. Jerry D. Claborn  
Mr. Pete Goicoechea  
Mr. Tom Grady  
Mr. Joe Hardy  
Mrs. Marilyn Kirkpatrick  
Mr. Bob McCleary  
Mr. Harvey J. Munford  
Ms. Bonnie Parnell  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Eileen O'Grady, Committee Counsel  
Michael Shafer, Committee Attaché

**OTHERS PRESENT:**

Irene Porter, Executive Director, Southern Nevada Home Builders Association, Las Vegas, Nevada  
Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada  
Jennifer J. Lazovich, Attorney, Kummer Kaempfer Bonner & Renshaw, Las Vegas, Nevada  
Dean Leavitt, Planning Commissioner, City of North Las Vegas, Nevada  
Stephanie Garcia-Vause, Legislative Advocate, City of Henderson, Nevada

**Chairman Parks:**

[Meeting called to order and roll called.] We have one bill on the agenda. We do have a planned work session, so we will go ahead and start off with the work session on A.B. 16, A.B. 179, A.B. 187, and A.B. 235.

**Assembly Bill 16: Changes date by which metropolitan police departments must submit budgets to governing bodies of participating political subdivisions. (BDR 22-329)**

**Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:**

[Distributed Exhibit B.] Assembly Bill 16 was sponsored by the Assembly Committee on Government Affairs on behalf of Clark County and was heard in this Committee on February 14, 2005.

Assembly Bill 16 changes the date by which metropolitan police departments must submit their annual operating budgets to the appropriate governing bodies from April 1 to May 1. There were no amendments proposed to the bill. There was no testimony in opposition to the bill. Several persons spoke in support, and also several Committee members did express concern over the schedule change, but they were assured that the police department would continue to submit a tentative budget in February—as is currently the practice—so that local governments would be able to file their tentative budgets in April, with the benefit of the tentative police budgets. There was no identified fiscal impact at the state or local level.

**Chairman Parks:**

Committee members, are there any questions on Assembly Bill 16? It does not appear that there are any needs for any amendments. It's pretty much as we had the bill presented to us. I just have to say, personally, I think I still have nightmares from some of those Metro [Las Vegas Metropolitan Police

Department] budget hearings between 1974 and 1981. In 1981, we solved the problems, or I think we solved the problems.

ASSEMBLYMAN HARDY MOVED TO DO PASS  
ASSEMBLY BILL 16.

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**Chairman Parks:**

The next bill for consideration today is A.B. 179.

**Assembly Bill 179: Exempts certain local governmental purchases of personal safety equipment from requirements for competitive bidding. (BDR 27-355)**

**Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:**

Assembly Bill 179 exempts certain government purchases of personal safety equipment from competitive bidding requirements. This bill was sponsored by Assemblyman Ocegüera and was heard in this Committee on March 23. Assembly Bill 179 expands the existing exemption to purchase safety equipment to include certain first responders, essentially agency responders, as identified by the Homeland Security Department. This bill is a follow up to Assembly Bill 147 of the 72nd Legislative Session, which first allowed this exemption for fire and police departments. Clark County, in presenting the bill, also proposed amendments that had been agreed to by the sponsor, and a mockup of those amendments is attached to your work session documents ([Exhibit B](#)). There was no testimony in opposition to the bill.

State Purchasing spoke in support of the bill, as did the Nevada Public Purchasing Study Commission, Carson City, Truckee Meadows Water Authority, and Washoe County. There was testimony in support of the bill that indicated the need for the exemption for the competitive bidding process for the specified personal safety equipment in the bill, due to the urgency of responding to terrorist threats or other emergencies. Also cited were the limited number of vendors and the uniqueness of the equipment needed in tough situations as reasons for the exemption. With that, I'd be happy to answer any questions and remind you that although the language proposed in the mockup before you may look differently when it comes back from Legal, this would be a conceptual amendment.

**Chairman Parks:**

With regard to the mockup that is in our packet, as backup to us, the revised language following the hearing, that is in green as I read this?

**Susan Scholley:**

The amendments proposed by Clark County would be in the green underlining, and the strikeouts proposed by Clark County, as an amendment, are the green double knockout ([Exhibit B](#)). I would call your attention to page 3, starting at line 28. Section 2 of the bill is removed at the request of the State Purchasing Division, which indicated that they already had this authority. So, this amendment was unnecessary in their view.

**Chairman Parks:**

So as we see it, this would apply to NRS 332, and not to NRS 333.

**Susan Scholley:**

That is correct. It would apply to local governments, not to the state.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO  
PASS ASSEMBLY BILL 179.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**Chairman Parks:**

The next bill for consideration today is Assembly Bill 187. This was a Government Affairs Committee bill.

**Assembly Bill 187: Authorizes governing body of local government to revise procedure for adopting certain minor amendments to master plan. (BDR 22-591)**

**Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:**

Assembly Bill 187 was sponsored by the Assembly Committee on Government Affairs on behalf of the Nevada Association of Counties, who sponsored it on behalf of Washoe County. Assembly Bill 187 allows local governments to amend their master plan without going to the planning commission phase for certain specified minor matters, as follows:

- A boundary change due to an improvement in geographical mapping

- To reflect the change of name of another entity
- To update statistical data in the master plan, based on more recent studies

[Susan Scholley, continued.] The bill also exempts these minor amendments from the annual limitation on master plan amendments. In terms of amendments to the bill, a clarification was requested by Assemblywoman Parnell to confirm that this bill did not give an entity the authority to change the name of another entity. So, you will see in the bill, when we get there, that there is a clarification to that point. There was no testimony in opposition to the bill.

Speakers emphasized that the legislation was enabling, but local governments were not required to use this process if they chose not to. Several representatives of local government spoke in support of the bill as listed there. Madelyn Shipman, representing Southern Nevada Home Builders, also spoke in support. There was no fiscal impact identified at the state or local level.

Turning to the mockup ([Exhibit B](#)), you will see at the bottom of page, 1 line 16—and this is my attempt to capture Assemblywoman Parnell’s concerns, so Legal is going to make this look better when she does the amendment—the idea would be that a jurisdiction cannot change the name of another jurisdiction through this process. This would simply allow them to reflect a name change made by that jurisdiction.

**Chairman Parks:**

I’d like to ask Ms. Parnell if she’s satisfied with the wording as presented.

**Assemblywoman Parnell:**

Very much so. I’d like to thank Ms. Scholley. I just didn’t want it to end up being something that could happen, and when it was explained that this could just be changing it after the name had been changed by the jurisdiction or whoever had the authority to do that, this would just allow a master plan to reflect action that had already taken place. I feel much better.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 187.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**Chairman Parks:**

We’ll move to A.B. 235. This is Mr. Grady’s bill.

**Assembly Bill 235: Revises provisions governing changes to boundaries of wards established in certain cities. (BDR 21-1394)**

**Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:**

Assembly Bill 235 revises provisions changing boundaries of wards established in certain cities. It was sponsored by Assemblyman Grady and heard in this Committee on March 25. This bill clarifies the timing of changing ward boundaries in general law cities, so that the change in ward boundaries does not conflict with voter registration and voting schedules. Further, A.B. 235 changes the basis of ward boundaries from registered voters to a population basis, which is consistent with the current case law under the "one person, one vote" constitutional provision. No amendments were proposed to the bill. There was no testimony in opposition to the bill. The Nevada League of Cities and Municipalities and the City of Fallon spoke in support of the bill. There is no fiscal impact at the state or local level.

**Assemblyman Grady:**

I just really appreciate the work that Legal did to work with me when we found this, and we're glad we can bring this in with statutes so everyone will have an equal playing field.

ASSEMBLYMAN GRADY MOVED TO DO PASS  
ASSEMBLY BILL 235.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**Chairman Parks:**

With that, that concludes our work session for this morning. Today on our agenda, we have Assembly Bill 165. This is Assemblywoman Kirkpatrick's bill.

**Assembly Bill 165: Revises provisions governing continuances of matters before planning commissions in larger counties. (BDR 22-843)**

**Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1, Clark County:**

Assembly Bill 165 is a bill that defines "just cause" for the planning commissions in Clark County. The reason that I bring this bill forward is that as a former planning commissioner, I sat on the board, and we would get books that came before us, and on any of the continuances, whether it was the neighbors that wanted to work with the developer more or they needed to

redraw the plan so that they could accommodate things, some of the attorneys were unable to define "just cause." Therefore, a continuance wasn't granted, or it was granted when we were at kind of a standstill, not knowing what "just cause" was. The legislative intent of this is to allow everybody to work together to come up with a good proposal that can move forward, because the neighbors could be happy, and the developers could all work together. Sometimes, when you limit it to just 2 continuances, the neighbors can't go back and say, "Well, why don't you put the park over here? You changed the plan to put bigger homes to all but us."

[Assemblywoman Kirkpatrick, continued.] So, with that legislative intent, I've actually come across a couple of amendments that I think need to go back into this bill. One of the amendments comes from a group of my constituents ([Exhibit C](#)), which you all have a copy of. I'm not quite clear on some of them, as I just received them this morning, and I haven't had much time to read them. With that being said, I'd like to ask that I have more time to work on that. Also, Clark County has submitted an amendment ([Exhibit D](#)) to define a little bit more of who the applicant really is.

That is the legislative intent of this bill, to allow the planning commissions the true discretion on whether to continue something or deny it.

**Irene Porter, Executive Director, Southern Nevada Home Builders Association,  
Las Vegas, Nevada:**

I'm pleased to be here this morning in support of Assemblywoman Kirkpatrick's [A.B. 165](#). I have seen the amendment from Clark County ([Exhibit D](#)). I don't have a copy of it, but I believe the county will be testifying that they are going to rewrite that amendment. I have not seen the other amendment on the bill, so I will be addressing only the original bill at this point.

We have done some research, just for your general information, and have found that Nevada is the only state in the United States that limits continuances by state law. It is normally the province of the local government to the local planning commission. With that said, it is the law in this state, and we believe Assemblywoman Kirkpatrick's bill provides balance to better define who can apply for those continuances and under what circumstances. There are many occasions that you need to go beyond the two continuances in revising the plans, engaging negotiations, and having more opportunities in the community and the neighborhood to find out what you are going to do with a project. Sometimes they retain counsel. We believe her bill gives those opportunities, gives that balance when you're limiting these continuances, and provides for a better overall circumstance for the planning commission to deal with applications and gives them a better legal stand.

**Chairman Parks:**

Committee members, are there questions for Ms. Porter? I have a question. You made a comment about Nevada being the only state that, in statute, actually has a limitation on continuances; could you go into a little more detail on that? It seems a little astounding, and having been through the planning process and having dealt over many years with the numerous continuances, for whatever reason, that there seem to be a large number of them.

**Irene Porter:**

We were a little surprised ourselves when we had the research done, and we didn't just trust private-sector research on this. We asked someone in local government to also research the statutes, given all the state's laws in the planning department. They came back and found that, in fact, we were the only state that limited continuances by state law. Normally, that's done at the local government level. They do it in their planning ordinances, or the county commissioner, or the city councils can pass the ordinances. One local government may want to limit continuances, and others may not. So, they normally do it depending on the planning program within their jurisdiction.

I think that this bill was brought forth a session or two ago by some local governments that felt there were too many continuances on various items. They felt, therefore, there should be some limit on the amount of continuances. I think at times that does get out of hand. There are too many continuances asked for by too many people. It's not properly defined, and maybe there should have been some action. There probably should have been some action at the local government level to handle the problem instead of having to pass it on to the Legislature, but since that was done, and the Legislature did pass the two continuances, it was too rigid. As a result, it didn't give those planning commissioners the flexibility they needed in addressing the items. Since Mrs. Kirkpatrick had served on the planning commission, she had seen firsthand what the problems were and that there was more flexibility needed. It's pretty amazing that, no matter if they are charter states, home rule states, or Nevada law, they have decided that it's better for the local areas to do it, and in Nevada, we have decided that it's better if we have a state law.

**Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada:**

We did pass out an amendment ([Exhibit D](#)), and we had gotten it to the sponsor early on, and also to Jennifer Lazovich with KKBR [Kummer Kempfer Bonner & Renshaw] earlier, but in our discussion this morning, we think that, perhaps, it needs further amendment. My amendment needs further amendment, because I think they made some very valid points this morning on what we are actually really trying to do. The purpose of the amendment is really just to try to clarify



who the applicant really was. I think we may have missed it a little bit, in that, perhaps, we just need to actually remove that word “applicant” and go with our suggestion of “the property owner or their representative.”

[Dan Musgrove, continued.] With Ms. [Eileen] O’Grady’s consent, perhaps—depending on the statutory construction—we could either define it or, wherever we find “applicant” in the legislation, we just replace it with “property owner or their representative.” We even missed it on line 21 on page 2, where you’ll see they talk about desire by the applicant, and then a little bit further down on line 28, where it says, “applicant” again. I apologize for not making our amendment more inclusive, but also with the discussions this morning, I thought that maybe we ought to look at that property owner or their representative as a more definitive description of who the applicant really is. What my folks in Clark County were attempting to do is just kind of narrow that definition of what “applicant” was so that it was better expressed in the statute. That would be what we in the committee would ask you to consider.

**Chairman Parks:**

Questions for Mr. Musgrove? I like the word “applicant.” It seems like it was all inclusive. “Property owner representative of the applicant before the commission.” We’ll look at that and see where we’ll go.

**Jennifer Lazovich, Attorney, Kummer Kaempfer Bonner & Renshaw, Las Vegas, Nevada:**

We see the effects of the bill that’s before you today on a weekly basis. When we go before each jurisdiction on behalf of our clients to work on the projects that come before the planning commission, the thing that we have found—and I think Ms. Porter summarized everything that I would say, and what Assemblywoman Kirkpatrick is trying to do is a very, very good thing and a very, very needed thing—that “good cause,” since it was not defined when this bill was originally passed, created vast inconsistencies in interpretations between the jurisdictions. So, city attorneys and county attorneys would determine “good cause” in different ways, and therefore, we could never really predict with neighbors that might be involved in the process whether or not we could still continue to hold the item to work out those concerns.

By way of example, putting the restriction of only two holds per applicant as a limit becomes very difficult in a town such as Las Vegas, which is growing so rapidly and where you have land use cases that are much more complex. That’s not a bad thing. What it means is that you have a lot of input from a lot of neighbors that are surrounding your potential project, and it just takes some time to work out those issues. As we all know, the details really work, and those details take time to work out. You have to have new plans. You then

have to take the plans back to the neighbors and get their input. You then have to give those papers to staff, get their input, and then sometimes, you still have to take it back to the neighbors before you actually bring a project back to the planning commission.

[Jennifer Lazovich, continued.] I think that this bill is very important. We do support it. We think that it gives the flexibility that's needed, yet preserves the integrity of the process, and with respect to the amendment to the amendment offered by Clark County, I think we're on the same page with that. We just have to work out how the details are going to be, but we do support the direction they are headed.

**Chairman Parks:**

I have a question, and this takes me back to when I served on the Paradise Town Advisory Board. I know we had applicants that would come in front of me, walking into the meeting at 7:00 or just before 7:00. They would look around the room, and they'd see residents who were in opposition to their application. They would proceed to the front and ask for a continuance for two weeks, until the next meeting, to bring their project forward.

The concern that I had was that we had residents who had taken time out of their schedule to come and speak, and I know when I saw that we had a large enough group of residents that wanted to speak on it, we wouldn't grant them that continuance. We'd grant them a continuance, but we'd say, "We're still going to keep your item open on the agenda and allow for public input." I don't know whether or not that discouraged too many applicants from asking for further continuances, but it was kind of an ongoing thing with certain applicants that were trying to push their projects, kind of ramming it down the throats of their neighbors. By having the opportunity for the applicant to at least hear the concerns of the neighbors in a public forum, we did make it part of the record. Do you have any thoughts on that?

**Jennifer Lazovich:**

In Clark County, which is the only jurisdiction in southern Nevada that has the town board process, oftentimes, you can handle the town board one of two ways. Our firm's approach is, if we are aware that there are neighbors present prior to the hearing, we'll go up to them and ask them if they would like us to hold it or would they like us to have the hearing and then before the next hearing, which in this case would be the planning commission hearing, we would have a neighborhood meeting. We think, in the end, bringing projects forward where the neighbors either haven't had any input at all—have been blown off; I know that has happened in cases not handled by our firm—really doesn't result in a project that, maybe, never ultimately goes forward at all.

[Jennifer Lazovich, continued.] My thoughts on that: in the other jurisdictions where you're not able to have a town board as your first step, sometimes the first time you know that there are concerns is when the public hearing is noticed and you go to present your item. I think that it is in good form to at least offer the neighbors the option of letting them know the applicant is willing to hold it and work with them—the key word being work—before bringing the project forward, for fear the neighbors may feel the applicants wouldn't listen to them to begin with, and they're just going to push the project forward. That's kind of the idea of wanting the ability to hold the item, if it needs to be held for the neighbors and the applicant to get together to work out their issues.

**Dean Leavitt, Commissioner, City of North Las Vegas Planning Commission, North Las Vegas, Nevada:**

I had actually not planned on giving testimony, but Ms. Lazovich's testimony—working with her and hearing her talk about the neighbors—gave me a reason to give you something to think about in support of this bill. Neighbors, by nature, are skeptical. They have limited knowledge, and limited knowledge sometimes can be dangerous. It seems a lot of them are aware that the applicant, as we are talking about today, is allowed two continuances, and then on the third, they have to give just cause, with currently no definition of what "just cause" or "good cause" is. Through their skepticism, there's an applicant requiring or requesting an additional continuance. It is perceived by the neighbors that skullduggery is in process of being committed. They are going to be sold down the river. The project that they're opposed will even end up being worse than what is the perceived project will be. I think that, by giving definition and clarity through this bill, this can be eliminated. In one small measure, we can allow the residents to have a feeling of confidence in their city government and in the overall legislative process.

**Stephanie Garcia-Vause, Legislative Advocate, City of Henderson, Nevada:**

I wanted to speak on behalf in support of this proposed bill, and we would also support the proposed Clark County amendment, even with the amendment to the amendment. However, I would like to be on record. I don't think we would support the other amendment ([Exhibit C](#)) to the bill. It's kind of confusing in terms of the insertion of line 3, in terms of "municipalities with different wards." When the planning commission is having meetings, our planning commissions look at the entire city as opposed to ward-specific. If you go down to some of the other proposed amendments, lines 14 through 28, it deletes the definition of "just cause," which, we've all heard, really helps the planning commission what would qualify as "just cause." So, we would support the Clark County amendment ([Exhibit D](#)), but not the other.

**Chairman Parks:**

Are we looking at doing a revision to the definition of "good cause?" Maybe that's a legal question. We have the wording "upon good cause shown," and maybe I should direct it to Mrs. Kirkpatrick. Were we looking at revising or putting a more detailed definition in for "good cause?"

**Assemblywoman Kirkpatrick:**

Currently, the law states that you can't have more than two continuances without just cause. If you look on the bills—page 2, subsection 5 of Section 1—it does now define "good cause." Then you have subsections a and b, and the amendment Clark County was wanting to change was defining the word "applicants."

**Chairman Parks:**

Just the word "applicant" within that.

**Assemblywoman Kirkpatrick:**

Correct. My intent was to define "just cause," because we were running into some problems throughout Clark County, where each jurisdiction has a different definition of "just cause."

I just would like to recognize that North Las Vegas was able to send up 5 planning commissioners who actually have to enforce these laws, so they wanted to see the legislative intent from the start.

**Chairman Parks:**

Since we have them in the audience, would they kindly wave to us? Thank you, good morning, and thank you for making the trip to Carson City. If there are no further questions or concerns before us on Assembly Bill 165, we'll go ahead and close the hearing. We'll look forward to any revisions to Clark County's proposed amendment ([Exhibit D](#)). As soon as we have that, we can go ahead and act on this bill. We'll close the hearing on Assembly Bill 165. At this point, I don't have anything further to come before the Committee. We are adjourned [at 9:00 a.m.].

RESPECTFULLY SUBMITTED:

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Michael Shafer  
Committee Attaché

APPROVED BY:

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Assemblyman David Parks, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** March 30, 2005

**Time of Meeting:** 8:15 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
N/A	A	Government Affairs Committee	Agenda for the Day
AB 16, AB 179 , AB 187 , AB 235	B	Susan Scholley, Committee Policy Analyst	Work Session Document on the Assembly Bills including new proposed language, and the impact of the revisions on different parts of the bill.
AB 165	C	Assemblywoman Marilyn Kirkpatrick	Proposed Amendment to <u>Assembly Bill 165</u> from Ed Gobel
AB 165	D	Dan Musgrove, Director, Intergovernmental Relations	Proposed Amendment to <u>Assembly Bill 165</u>