The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 1:37 p.m. on Wednesday, March 11, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 John J. Lee, Chair  
Senator Terry Care, Vice Chair  
Senator Steven A. Horsford  
Senator Shirley A. Breeden  
Senator William J. Raggio  
Senator Mike McGinness

COMMITTEE MEMBERS ABSENT:

Senator Randolph Townsend (Excused)

STAFF MEMBERS PRESENT:

Heidi Chlarson, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Cynthia Ross, Committee Secretary

OTHERS PRESENT:

Shelley Hartmann, Economic Development Authority, Mineral County  
Eric Grimes, Economic Development Authority, Churchill County  
Michael E. Skaggs, Executive Director, Division of Economic Development, Commission on Economic Development  
Bjorn Selinder, Churchill County  
Pat Sanderson
SENATE BILL 155: Provides for possible funding for the Commission on Economic Development for certain purposes related to military installations. (BDR 18-721)

SENATOR MIKE MCGINNESS (Central Nevada Senatorial District): I represent Churchill County and Mineral County and part of Lyon, Douglas, Nye and Clark Counties. I also represent the Indian Springs area, the Hawthorne Army Depot and the Fallon Naval Air Station (NAS). I have more military in my district than most representatives.

Following the Base Realignment and Closure (BRAC) Commission recommendations to close the Hawthorne Army Depot and the Nevada Air National Guard Base in Reno, I became aware some states have committees in place to advocate and support their state’s military installations. This is the purpose of S.B. 155. Written testimony has been submitted (Exhibit C) in support of S.B. 155.
Former Governor Kenny C. Guinn, Senator Randolph Townsend and I traveled to Clovis, New Mexico, to testify to the BRAC Commission, as the Hawthorne Army Depot and the Reno Air National Guard facility were on the BRAC list, targeted for closure. Former Congressman Jim Bilbray was instrumental in securing a visit to Hawthorne by a BRAC commissioner. In the end, we were successful in keeping the facilities open. Next time, we may not be as fortunate.

I have an article from the Las Vegas Review-Journal dated March 11 (Exhibit D). The headline reads: “Air Force: Bases inject $5 billion.” The Air Force calculates the economic benefit of the Nellis and Creech bases to the southern Nevada economy at more than $5 billion. Further, it address payroll at $922 million. We need to recognize the contributions the military makes in Nevada with both payroll and the folks that come with them.

SHELLEY HARTMANN (Economic Development Authority, Mineral County):
I was in my position four months when BRAC happened, and I discovered we would have 75-percent unemployment. The Nevada Commission on Economic Development (NCED) and both State and federal legislators came together to fight off the base closure in Hawthorne. There was no funding for us to travel. We had to defer most aspects of our budget to fight off the closure. The base was unable to defend itself as military, but we clarified the facts. According to the Cost of Base Realignment Actions model the Pentagon used, losing 100 people in Reno was not going to hurt Reno. We agreed, but my town was going to lose 625 people, or 75 percent of its workforce. Essentially, this would have shut down Hawthorne. Because of our placement on BRAC’s list, our community has spent a lot of time diversifying the base, and through this process, we have learned we have not been documenting all facts, such as the Marine military training, for the Pentagon. Facts that we have collected over the years show the importance of the military to our economy. In short, we support S.B. 155.

ERIC GRIMES (Economic Development Authority, Churchill County):
I am in support of this bill. I work in a community where our base has not been targeted for BRAC—yet. Our State and the nation are in economic hard times. We do not know what the Department of Defense (DOD) or BRAC is going to recommend. We are not assured that the Fallon Naval Air Station is safe. One problem in Nevada is there is not a specific commission, entity or position that lobbies for the bases and the protection of the bases in our State. Fallon is a small community with fewer than 30,000 people in the entire county. The base
is one-third of Churchill County’s economy. If our base closes, we will be severely impacted. There will be a huge unemployment surge that we will not be able to absorb. Without having a set specific lobbyist, firm, or position that can promote our bases, we are far behind the power curve compared to other states. We are one of the last states that does not have a position that can go to Washington, D.C., and promote the interests of our military bases. We have an opportunity in Nevada to capitalize on the Department of Defense funding that goes to other states. We commissioned through the NCED and with local matching funds a study called the Angelo Study. This was a joint study between Mineral and Churchill Counties to look at the roles of the bases and how to enhance their roles to tap into DOD dollars going to other communities. This was looked at from two different fronts. One, local businesses can tap into the DOD supply chain, and second, we can bring defense industry businesses to our communities. This will enhance the role of the base, thereby making it less susceptible to becoming placed on the BRAC list. Whether it is NAS Fallon, Nellis Air Force Base or even the Hawthorne Army Depot, each base is a potential target for BRAC. This is especially true when looking at places in Las Vegas where there is encroachment around the base. We are trying to preserve the area surrounding the Naval Air Station in Fallon because we do not want the mission of the base hindered, thereby giving the DOD more armor to come after us for closure. The Angelo Study provided a staggering figure regarding the economic leakage going to other communities. Nevada has the potential to receive $9 billion more of DOD funding for two Nevada bases. This would have a significant impact on our State’s economy.

I encourage the Legislature to provide funding for a project to give our State the needed ammunition to get aggressive and on the offensive. If we wait to fund advocacy and support for our bases after placement on the BRAC list, it will be too late.

Senator Care:
The BRAC Commission has been around 10 to 15 years. It seems to come in waves. They meet, they compile a list, a base is placed on the list, and then comes another list. What is the status of BRAC now, and what is their status with Hawthorne? There is obvious concern that BRAC will be back. It could close a base overnight, causing economic destruction, although this process has improved. It is done over a period of months if not years. There is now time, supposedly, to help communities absorb economic loss.
Ms. Hartmann:
The BRAC Commission comes back about every five years. It is not closed down. We have been told by other communities that have been through the BRAC process that once on the list, always on the list. We are on high alert in Hawthorne, as it would devastate our community. With federal budget cuts, we have additional concern. Last time, our base was saved because the ammunition cleanup would have been a monumental task, as it would have to be guarded. It made more sense to keep the base open for training. The BRAC Commission has yet to be funded, but they can be reactivated in no time, and this is our main concern. What we did learn by our placement onto the BRAC list was Nevada was not ready. We were caught flat-footed without knowing how to defend ourselves. We did learn on the run and protected ourselves, but the presence of other states in the Pentagon is huge compared to Nevada.

Michael Skaggs (Executive Director, Division of Economic Development, Commission on Economic Development):
We concur with the importance of the military and to a plan to diversify the entire economy of this State. There is no plan for another round of BRAC, but the budget stress can make this happen. There is no mechanism in place. Last time, the private sector response from contractors quickly formed an effort, but valuable time was lost while they organized. This bill provides a mechanism to subscribe funds to fight a base closure and to retain consultants and other needed personnel to prevent a closure. The NCED supports this bill. It is better to get protection in place, ahead of the curve, than be caught off guard.

Bjorn Selinder (Churchill County):
I represented Nevada on the Nevada Military Advocacy Commission during our round with BRAC. I learned a lot about our State’s military bases and among those NAS Fallon in my county. The bases contribute a significant amount to the State’s economy and the regions where these bases are located. The BRAC process is ongoing. We were told it would occur about every five years. It is about time to come around in the next few years. We need to be ready to respond. Senate Bill 155 provides the means for making this happen.

Senator McGinness:
I tried to avoid a fiscal note. The $55,894 per biennium, I assume, is for a grant project analyst to administer and to oversee. I envision the acceptance of grants and donations to build up funds so people could apply. I do not know if this would lower the fiscal note.
MR. SELINDER:
I agree with this approach. Last time, the private sector came up with the funding to put a consultant on the project to pull the effort together. This is how it would be approached again. If we give support from the existing staff of the Commission because of its importance, I do not foresee a high cost.

PAT SANDERSON:
I was born and raised in Hawthorne and have friends and family who have worked at the base. It is a wonderful, patriotic town with hardworking people. Please support this bill to help this town. The Hawthorne Army Depot made over 90 percent of all bombs used in Vietnam and has been helping our country since World War II. Your help is appreciated.

CHAIR LEE:
We will close this hearing on S.B. 155, and we will discuss S.B. 173, which addresses the construction of bus turnouts in southern Nevada.

SENATE BILL 173: Provides for the construction of bus turnouts at certain locations in certain counties. (BDR 22-584)

CHAIR LEE:
Under existing law, the regional transportation commission in a county whose population is 400,000 or more—currently, one is in Clark County—has the authority to provide for the construction and maintenance of benches and shelters for passengers of public mass transportation. This bill requires the regional transportation commission in a county whose population is 400,000 or more to designate on or before December 31, ten bus stops at which a bus turnout, an area for loading and unloading passengers outside of the lanes of traffic, must be constructed by December 31, 2012. Such bus turnouts must be constructed on land owned by the State or a local government. This is only for public lands, not for private lands. On or after January 1, 2013, section 3 of this bill provides that the commission may annually designate up to four locations at which bus turnouts must be constructed within one year. The county and the three largest incorporated cities within the county would each fund the construction of one of these bus turnouts. For example, on busy streets, a bus will stop and significantly back up traffic. Areas will be designated where we can build bus turnouts so we can have an ingress and egress of buses into and out of the flow of traffic. It will allow time, ease and safety for people loading onto the buses and their property, including bicycles.
I have a letter from Erin Breen (Exhibit E). She is the director of Safe Community Partnership, an outreach program in the Transportation Research Center at the University of Nevada, Las Vegas. In her letter she states:

It’s difficult to decide which improvement is more important, so I’ll begin with the one that affects the most people: traffic safety. Turnouts make moving traffic more predictable. With turnouts there are no drivers jockeying to get out of the travel lane because they don’t want to stop, there are no vehicles at a stop behind the bus quickly turning their wheel and accelerating into moving traffic. The only downside for moving traffic is the bus driver trying to get back into the flow of traffic, but I see vast improvements in that area daily.

There are not vehicles stopped in a travel lane idling and omitting pollution into the air, helping us to make our clean air standards.

And bus turnouts improve pedestrian safety and the safety of those waiting for a bus. The turnout lane is another buffer between those at a bus stop waiting and errant drivers who cannot seem to maintain travel lanes in Clark County, a tragedy we have seen far too many times.

For pedestrians, turnouts help in several ways: they are usually closer to the corner, encouraging pedestrians to walk back to the crosswalk to cross the street; removing accelerating drivers looking for a gap in traffic and not looking for those on foot; making traffic flow smoother and more predictable encourages pedestrians to be more predictable too; gives bike riders on the bus a safe spot to remove their bike, out of traffic flow.

CHAIR LEE:
The issue of bus turnouts has been ongoing for six years, and we continue to move forth to having faster and safer streets. I disclose that I am a subcontractor in southern Nevada. I am a tile contractor and a plumbing contractor. Street work such as the building of bus turnouts requires a classification A Nevada contractor’s license.
TINA QUIGLEY (Deputy General Manager, Regional Transportation Commission of Southern Nevada):
The Regional Transportation Commission (RTC) has worked with Clark County, the City of Las Vegas, Henderson and North Las Vegas to require bus turnouts in new developments. In some cases, turnouts are built even if transit services will not be provided for a few years. Building a turnout when a property is first developed saves money and prevents us from having to tear up the road. The RTC applauds efforts for bus turnouts. They improve safety for motorists and transit riders. By removing the buses from a travel lane, we reduce the possibility of a vehicle hitting the bus from behind. Turnouts also allow us to set bus stops farther back from general travel lanes, improving bus rider safety. The RTC supports the intent of S.B. 173: to build ten bus turnouts over the next three years. We have identified locations on property owned by local governments where turnouts may be constructed, and we are willing to work with these entities to construct them at the expense of RTC. This is not a small expenditure. Costs can run as high as $250,000. Our general manager is committed to making funds available for this effort.

CHAIR LEE:
The RTC has selected ten locations, and the Commission is committing money to build ten bus turnouts. After the completion of these ten, members of the RTC, North Las Vegas, Las Vegas, Henderson and Clark County will build one additional turnout every year in each jurisdiction. The locations of the turnouts will be provided by the RTC and their list. The top ten locations are subject to change.

SENATOR CARE:
Why do we need a statute to authorize the building of bus turnouts when we already have bus turnouts?

CHAIR LEE:
We are asking contractors to build new bus turnouts as growth continues in southern Nevada. The building of bus turnouts in downtown or older areas are more difficult, so by creating legislation, we are giving direction to the RTC and to municipalities that bus turnouts are important. We want to continue to make street traffic moving more efficiently and quickly.
SENATOR CARE:
There is a list of ten locations and criteria established for selecting designated bus turnout locations. What is the rationale for dividing these up among the three largest incorporated cities? What happens if the five most-needed bus turnouts are located in a single city?

CHAIR LEE:
The RTC has identified ten locations they find to be the most dangerous, having the most traffic count and pedestrian count. This list can change. The first ten bus turnouts, identified by the RTC, will be built at the RTC expense. After these are built, the RTC will work with each entity to identify the ones the cities feel are most important within their area or county to get built next. We cannot build the bus turnouts faster than we can fund them. This project will be ongoing. We have a sunset for the year 2023. A person from each city or county will sit on the RTC to bring suggestions. Together, they will identify the need and locations for future bus turnouts.

DAVID BOWERS (Assistant City Engineer, City of Las Vegas):
At this time, we are neutral on this bill, as we are working together on an amendment. Some of our concerns address the ability to build these turnouts on State property in areas other than unimproved property. We also want to ensure there is flexibility in their locations. While we know it is important that locations are based on engineering judgment, there are other controls. Sometimes, there are issues outside of traffic and passenger counts. We also are concerned about financing. We have not had a chance to talk in depth with the RTC. If building the first ten through the RTC means we will lose future projects, of course, this is an issue. Another question is, if we have the capability to build two or three bus turnouts a particular year, would those count going forward? Do we have to build one per year? We want these issues resolved before issuing our support on this bill.

SABRA SMITH-NEWBY (Clark County):
We are neutral on this bill. Clark County sees a fiscal impact of building these turnouts. One dollar spent on one thing means it does not get spent on something else. We want to make clear that we want the bus turnouts to be built with funds committed to mass transit programs and not general funds, those funds that could be used to support child welfare and the like. We have questions about the time frame of building bus turnouts. Could we build two in one year rather than one? Another issue is the possible inclusion of developers.
We would not want this bill to preclude a developer from donating right-of-way or including it in a developer agreement. Ultimately, this could add to the number of bus turnouts.

RANDY DEVAUL (Deputy Director of Engineering, City of North Las Vegas): We are opposing the fiscal impact that will occur, and we want to address additional language that might assist the City of North Las Vegas. We are a big supporter of bus turnouts. We include bus turnouts on all of our developer agreements, and we include bus turnouts on all of our major roadway reconstruction projects, including through our mature areas of town. We have a dedicated bus turnout project in design that will go to construction by the end of the year where we are collaborating with the RTC.

JOYCE HALDEMAN (Associate Superintendent, Clark County School District): We are neutral on this bill. The safety issues concerning bus stops are important to us. Many of our students use buses as they go to school. I would like to put two things on the record. We recognize some of the bus stops you were talking about might require a right-of-way from Clark County School District property. Many of our schools already have bus stops contiguous to the property and some of our schools are on the streets that have major issues. We are happy to grant the right-of-way, move the sidewalk and whatever is necessary so that can be done. I also want to put on the record our concern that we will not be required to pay the cost of those bus right-of-ways. Looking at the amendment (Exhibit F) and the last sentence on page 1, under Legislative Counsel's Digest, it states the county and the three largest incorporated cities within the county would each fund the construction of one of these bus turnouts. Yet, on page 2 of Exhibit F, section 1, subsection 2, the last phrase says, “the commission and the state or local government that owns the location shall ensure that a bus turnout is constructed ... .” The School District does own the locations of some areas where you may want to construct a bus turnout. I want to ensure the School District would not be responsible for the cost.

CHAIR LEE: Correct. They are not a member of the Question 10 monies. Section 1 has to do with the first ten turnouts the RTC will build themselves, and section 3 has to do with those built thereafter.

MS. HALDEMAN: Thank you. I appreciate being able to put that on the record.
SENATOR CARE:
In the amendment as I read it, the Commission has the discretion but probably
would require one bus stop annually for any one or all three largest incorporated
cities, and given the number of bus turnouts, costs would vary depending on
the location. I am unsure how fiscal impact can be calculated. How much does
it cost to convert a bus stop into a bus turnout? Numbers will vary based on a
number of matters but generally speaking?

CHAIR LEE:
The thought is $150,000 to $250,000 pending on circumstances. Power lines
would have us run away from those areas to keep costs under or at $250,000.

SENATOR CARE:
I will disclose Sabra Smith-Newby is married to an associate in my law firm who
represents Clark County, which has taken a neutral position on this bill.

CHAIR LEE:
The hearing is now closed on S.B. 173 and we will move into S.B. 175.

SENATE BILL 175: Enacts provisions governing flood management projects.
(BDR 20-239)

CHAIR LEE:
Naomi Duerr from the Truckee River Flood Management Project will make a
presentation.

BOB LARKIN (Chair, Truckee Meadows Flood Project Coordinating Committee):
I want to add a highlight to Ms. Duerr’s presentation. This Truckee Meadows
Flood Project Coordinating Committee is a true collaboration amongst all entities
within the Truckee Meadows. This ranges from the three local governing bodies
to the University of Nevada, Reno, and representatives from Indian tribes and
from the Reno-Sparks Indian Colony.

NAOMI DUERR, P.G. (Director, Truckee River Flood Project):
Senate Bill 175 comes to you courtesy of the Legislative Committee to Oversee
the Western Regional Water Commission. Members were so impressed with our
project, they offered to put forth a bill to support our project.
Senate Bill 175 authorizes formation of a flood management authority via a joint powers authority (JPA) statute (Exhibit G, original is on file in the Research Library). It also authorizes the use of rates, tolls and charges or fees for the benefits received from the project. Further, it authorizes the use of the county bond bank to access lower-cost bonds. We have an interagency agreement. We once were a department in a county. We transitioned to an interagency agreement, and this bill will help us to form an organization, Exhibit G.

Joint powers authorities are specifically permitted for water, sewer and storm water, but the statute does not specifically say flood. We want to ensure we have your concurrence in forming a flood management authority. There are statutes that do speak about flood control; there is one specifically for southern Nevada: Clark County Flood Control District. What we are trying to do is implement a flood management project. The difference is our project is designed as a multipurpose project not solely for flood management. In addition, it is for the restoration of our river system, for the preservation of open space, for multiuse recreational areas and to provide water quality benefits, Exhibit G.

It also incorporates specific and targeted nonstructural approaches to flood management, such as home elevation and flood-proofing, features that are cost-effective. A JPA would also allow us to compensate and provide mitigation for any impacts we would have to river flows and allow access to public property by the public. The formation of a JPA would provide us a special ability to provide liability protection, such as high-hazard features, dams, levies, floodwalls and other similar features, and would also allow us to provide unified operations and management.

Our project is situated halfway between Lake Tahoe and Pyramid Lake. The river is 120 miles long. Our focus is on the Reno-Sparks area and downstream towards Pyramid Lake, an area about 50 miles.

We have upstream storage reservoirs but no storage for flood management in the Reno-Sparks area. The differences between Reno and Las Vegas are the Reno area gets twice as much rain and much more snow. We have snowpack, and this presents another issue. When rain hits the snow pack, it generates a flood. In the Reno area, floods tend to come in the winter, whereas in the Las Vegas area, they come in the summer. The Reno-Sparks area also has a river running through, causing a different type of flooding than the flash flooding that occurs in the Las Vegas area.
The Truckee River bottlenecks when it comes down from the mountains and creates a flood in Sparks, Exhibit G. Over the last 30 years, we have had three major floods, one about every ten years, and smaller floods in between. Sparks, Reno and Washoe County, in that order, have the highest number of flood-claim damages and payments in the State. Clark County has had flood management for about 20 years. They have limited claims.

The last flood in 1997 caused over $11 billion in damages in six counties, Exhibit G. This same flood, if it occurred today, is estimated to cause almost $2 billion in damages because of growth, development and increased flows due to climate change. Flood pictures are presented dating back to the year 1907, Exhibit G. Flood impact upon homes, businesses, the University of Nevada, Reno, and the Reno-Tahoe International Airport is shown.

One challenge we face is correcting damage created years ago. In our efforts to deal with flooding issues approximately 50 years ago, we cut down the river, creating unintended damage. The damage resulted in a loss of over 70 percent of our area’s species and habitats. One of our project’s goals is to restore the river. Fish passage is also a big focus of our project, as Nevada has the most endangered fish and threatened fish species in the country. The Reno-Sparks area has its share. The endangered cui-ui, living in Pyramid Lake, use the Truckee River for spawning as do the threatened Lahontan cutthroat trout. Dams present challenges, and we want to remove the dams or rework them so fish can get by.

Ms. Duerr:
We have almost 50 partners in this project, Exhibit G. Four have signed the interagency agreement. We have a 23-member board. One interesting point is all votes taken by the committee must be a 100-percent consensus in order to pass a motion. This ensures all of our partners are in agreement with the steps and directions that we are taking. One of our key partners is the U.S. Army Corps of Engineers. We want them to bring a significant portion of money to this project. The State Legislature has also been a partner. Last Session, the State Legislature enacted Assembly Bill No. 5 of the 23rd special Session, which funded $5 million. This legislation allowed us to begin our first restoration project. Also, we have a 0.125-cent sales tax that was previously enacted to support this project, Exhibit G.
We are making the river into an urban parkway available for recreation. Downtown Reno is an important feature, including the Virginia Street Bridge. We want to replace the bridge to improve flows. Another focus is on the Truckee Meadows Reach. We plan to form a living river parkway. Included is a Sparks whitewater park. Across from the park site is land owned by the Reno-Tahoe International Airport. The challenge is to incorporate all the uses along the river. The final section of the project is the Lower Truckee River Reach. We have 11 sections of the river covering almost 50 miles, where we are planning to put back the curves in the river and to replant.

We have a list of funded projects amounting to almost $10 million, and we have leveraged this to almost $33.5 million, Exhibit G. We have been breaking ground. Slides are presented providing examples, Exhibit G.

Our projects are becoming well-known throughout the country, and last year there was a national conference on floodplain management where the Truckee River Flood Project was the centerpiece.

We are estimating $1.2 billion to $1.6 billion. We want to U.S. Corps of Engineers to fund 65 percent, but we need to come to the table with our own funding. We are asking you to authorize us to raise our own money. In doing so, we can raise fees and enact fees to cover the benefits of the project. We need approximately $400 million in additional funds. We expect to take 30 years to collect this money. We need a mechanism to sell bonds.

Our project is estimated to generate 14,000 to 19,000 new jobs. We use the conservative estimate of 11.5 jobs per million. We have submitted lists of $340 million in projects that are nearly shovel-ready. Again, we are not looking for money from you, but we are working with our federal agencies.

The bill has many benefits to the community. First, it is the authority. The JPA would allow us to take the next step in the maturity of our organization, move out more quickly and provide a liability protection. It also has tremendously broad support. All 22 elected local officials from Reno, Sparks and Washoe County voted unanimously to support the concept of forming a joint powers authority. There is the benefit of construction. This will help our economy in northern Nevada by putting people to work. There are further benefits. Joint power authorities have been used several times in the area and have been successful; we can include other governments, such as Storey County. We can
establish a unified board which will save money, limit confusion and provide a nexus so we have fees for services. The public supports the concept of a regional watershed organization and payment of higher fees by those who benefit the most. Money is saved by having access to the county bond bank, which would save about $6 million for each $50 million in bonds sold.

CHAIR LEE:
This river has been forsaken for many years, and it is a beautiful gem. A legacy will be built. Are we considering the riparian areas?

MS. DUERR:
The riparian areas are right next to the river. Wherever we are repairing the river, putting the curves back in, we are also creating wetland. Riparian areas, stream zones and river systems are all a part of this restoration.

CHAIR LEE:
How are conservation groups responding to the Truckee River Flood Project?

MS. DUERR:
In the four years I have been with this project, they have been tremendously supportive. It was the conservation groups in 2000 that rejected the U.S. Army Corps of Engineers original concept for our project, which would have had levies and floodwalls close to the river. With the participation of these conservation groups, we were able to form this community coalition and rework the entire project. With their involvement, we moved the levies back from the river to create a river parkway, we lowered the walls providing an aesthetic, we set the goal of keeping floodplains opened and undeveloped, and we developed the concept of terracing the river because the banks of the river had become over-steepened by earlier flood control efforts. Conservation groups have been instrumental in helping us completely redesign the original concept developed by the U.S. Army Corps of Engineers.

SENIOR McGINNESS:
Has any of the money from the 0.125-cent sales tax gone into the ground? We heard money was spent on an emergency response center.

MS. DUERR:
It was actually a 0.25-cent sales tax. Of that, 0.125 cents went to three projects. One was to construct the emergency operations center and the
second, to build the public safety training center. These two buildings were built right away, and the bonds used for constructing those buildings are about to be repaid. The rest of the money was designated to this project. We have spent $50 million on this project, more than the cost of both buildings combined.

SENATOR MCGINNESS:
We authorized the sales tax thinking we would provide relief for businesses and homeowners that were under water.

ARLAN D. MELENDEZ (Chair, Reno-Sparks Indian Colony Tribal Council):
The colony is located in the heart of the Truckee Meadows adjacent to the Truckee River. Over the years, we have experienced the destruction and impact to our community and economy of the periodic flooding of the Truckee River, most recently in the January 1997 flood. Recently, we entered into a private-public agreement to construct the half-mile segment of the regional flood control project to protect the colony and State lands from future flooding. The $5 million project is under construction. We were successful in coming to an agreement to share in the construction funding. It is our opinion that this is not a model to complete the remainder of the flood project within a reasonable time frame. We were fortunate in our project to have willing partners including the Reno-Sparks Indian Colony, Wal-Mart, Washoe County, Department of Corrections and the Division of State Lands. It took over a year to work out details of the agreement to fund the Reno-Sparks Indian Colony Levee Project. We support S.B. 175 to allow the flood project to provide flood protection on a regional perspective instead of parcel by parcel.

ERNEST E. ADLER (Former Senator, Reno-Sparks Indian Colony):
I will address comments mentioned earlier about what is being done with the money. Money is currently funding the construction of the floodwall and levy off Glendale Avenue. As mentioned, an entire river flood project cannot be built in a piecemeal fashion, and this is why this bill is of importance.

SENATOR RAGGIO:
Senator Adler, you support this bill as written?
SENATOR ALDER:
Yes. The coming of all entities to build the section near the Reno-Sparks Indian Colony is terrific; however, I cannot see this sectional success used as a template for future projects.

LOUISE E. KEHMEIER (Senior Landscape Architect, Foothill Associates):
I am a Reno local and sat on the Truckee River Advisory Board as the chair for several years. This was an interagency group between Reno, Sparks and Washoe County to support and monitor beneficial planning and development projects on the Truckee River. I have worked in the political end of the river and with a number of nonprofit groups. The project is multifaceted and gives us a great opportunity to improve recreation, water quality, wildlife projects and aesthetics along the Truckee River. Tourism benefits from increased access and beautification of the river. In new language, it can be classified as green infrastructure and a legacy project. It is exceedingly important in light of climate change. Snowpack is reducing, increasing the floodwaters off the Sierra Nevada. Flooding in the future is going to be exacerbated. It is important the project works with natural systems. It is an effective strategy in protecting our communities and improves water quality. When floodwaters subside, they leave silt, improving the soils, recharging our aquifers and aiding in vegetative growth along the River. Cottonwood trees cannot naturally grow without the flooding process. I live near the edge of the River and having a wall constructed there would be horrible. We do not get flooded because of the elevation of our property, but we could in the future if this project does not go through. As a professional, I have worked on a recent project related to the flood project called the Steamboat Creek Restoration Project. The creek is a tributary to the Truckee River and the dirtiest contributor of water to the river system. This is not a part of the flood project, but we would see funding come available to begin this restoration. It is one of those shovel-ready projects. Environmental groups, with which I have been affiliated, are supportive of this project.

SCOTT STEVEN SMITH, PH.D., P.E. (American Council of Engineering Companies):
American Council of Engineering Companies (ACEC) is in strong support of S.B. 175. Engineers are trained to solve problems with solutions that are economical and environmentally friendly. One major problem is the flooding and assured future flooding in Washoe County and neighboring counties with both the Truckee River and its tributaries. This results in tremendous direct and indirect damage to our area. I have experienced the floods of 1964, 1986 and 1997. I have not experienced the next one yet, but it will be there—we know
that. It is in the future. The damage caused by the last flood was tremendous. Over the past several years, the community has focused on the flood problem and the solutions, and thousands of volunteer hours have been provided by stakeholders, local ACEC engineers and public works officials. It has resulted in a locally preferred flood mitigation plan and the critical involvement of the U.S. Army Corps of Engineers. Local government, Washoe County, Reno City Council, Sparks City Council, Reno-Sparks Indian Colony, the Tribes and University of Nevada, Reno, have worked hard together in an almost unprecedented manner to form the Truckee Meadows Flood Coordinating Committee that has shepherded the process. After decades, we are so close to mitigating the flooding problem. The passage of S.B. 175 is critical to a final solution of future flooding—and there will be future flooding if we do not solve the problem. Let us design and construct flood mitigation once, not design and construct to repair. The ACEC strongly supports the bill.

FRANCO CRIVELLI (Community Flood Coalition):
I am here testifying in support of S.B. 175. I have been a member of the local Community Flood Coalition for more than ten years, and I witnessed the 1997 flood and the 2005 flood as well. We have been working to solve the continuous threat of flooding in the Truckee Meadows. I am asking the local government to tax me. I am supporting this bill which will tax me to contribute financially to this project. Speaking on behalf of the residential Community Flood Coalition, we favor this bill, and our high hope is to build this project before the next flood.

JOHN PHILLIPS (President, Heron’s Landing Homeowners’ Association):
The issue with the flood control project has a direct bearing on us, as we are adjacent to Steamboat Creek. We have 162 homes in the homeowners’ association, and we have exposure to water on three sides: the south, the north and the east. We strongly are in favor of this bill and proceeding with the project. Whatever happens to the Truckee River affects us also. In the year 2005, we also had a flood that came into our neighbors’ yards. It scared a lot of people. Since that time, we have had 100-percent participation in the flood control project. We are fully supportive of the bill.

SENATOR RAGGIO:
One does not have to be right along the River to be subject to the floods. There are areas a distance from the River and streams such as the Steamboat Ditch, a
tributary into the River, and the lower part of the airport that flood. These are quite a distance from the Truckee River channel, about three miles.

JOHN SANDE IV (Reno-Tahoe Airport Authority):
The Reno-Tahoe Airport Authority supports the concept of S.B. 175. We feel it is imperative to have a comprehensive flood control program, not only to protect the airport’s access but because it also impacts the economic well-being of the greater Truckee Meadows. I believe you have some flavor for what the financial impact would be if we had a similar flood.

The Airport Authority owns a 30-acre parcel north of the runway that abuts the Truckee River. As a result of this ownership, the Airport Authority has been involved in the discussions with the Truckee River Flood Project since its inception. While we recognize this is a small piece of the overall project, our 30 acres pose unique problems this legislation does not address and should be considered as this project moves forward. We would be remiss if we did not bring to it the attention it deserves. The airport operates as an independent authority not reliant on taxpayer dollars. As a result, the Airport Authority is concerned about financial impacts improvements would have in the viability of the airport and being able to serve northern Nevada. More important, we have serious safety concerns that need to be taken into consideration. For example, the Federal Aviation Commission provided the funding for the 30 acres. Those 30 acres are part of the Airport Runway Protection Zone. A Federal Aviation Administration (FAA) regulation requires the property to be clear of structures, relatively level in grade and without congregation of people. Therefore, we would hope any proposed alteration to the property from its current state would meet with FAA approval. The group is working with the federal government already; however, we want them to work with the FAA in conjunction as it relates to this parcel. Also, as recently highlighted by US Airways Flight 1549, it is imperative to airport safety to minimize the congregation of birds around the airport where planes are taking off and landing.

We would hope that any authority established by this legislation would consider the effects that make changes to the project—especially features that would attract birds—interfere with the Airport Authority’s precautionary measures to mitigate bird travel in front of planes taking off and landing.
We support the concepts of this flood control project. We want the record to show that the group works with the Airport Authority as it relates to this single piece of property.

SENATOR RAGGIO:
Mr. Sande IV is an associate of the law firm with which I am affiliated; therefore, I have to abstain from supporting this measure which I support heartily.

CHAIR LEE:
Ms. Duerr, will you address the issue of birds?

MS. DUERR:
We have been working with the Airport Authority. We understand the Airport Authority’s concern that if we were to build a people-intensive park, across the river from their parcel, there could be a potential risk. People would be recreating at the end of a runway. To date, we have not planned any park features in this location other than a walking and biking trail to get from one side of the property to another. The trail already exists on the north side. Birds already come. I understand this area is not to be intensively terraced. Most of the terracing is further downstream in the proposed living river parkway. Our goal is to restore the river, which includes restoring plants, which may encourage fish to come, which could encourage birds, so there is a relationship. This is one reason we have made sure the Airport Authority is a member of our 23-member Flood Project Coordinating Committee. They often participate in our working group. I expect the design of this part of our project to incorporate their concerns.

CHAIR LEE:
The hearing is now closed on S.B. 175. We will move into our work session. We have one bill today, S.B. 59. This is the 911 bill of Washoe County.

SENATE BILL 59: Revises provisions governing telephone systems used for reporting emergencies in certain larger counties. (BDR 20-471)

MICHAEL STEWART (Committee Policy Analyst):
This bill requires Washoe County to adopt a five-year master plan relating to the surcharge imposed on certain telephone service for the enhancement of the 911 reporting system. The current master plan applies to counties with
populations less than 100,000, so this does fold in Washoe County. It requires these master plans be reviewed annually and updated as necessary. Finally, the fund, where the surcharge proceeds are placed, raises the Washoe County portion to $1 million and expands the purposes for which Washoe County can use the surcharge proceeds to enhance the emergency telephone system.

There are two amendments. One came from Randy Brown of AT&T Nevada, who worked with several interested parties. I have summarized the amendment, and it is attached to the work session document (Exhibit H) on page 2. In general, the amendment tailors the uses of the surcharge funds to not only include what is set forth in Nevada law but to allow for the purchase, lease or rental of systems that identify the number and location from which a call is made. The amendment expands the use of the surcharge funds for the purpose of enhancing a telephone system for reporting emergencies to those counties whose populations are over 40,000. This would not affect those counties whose populations are under 40,000. Lastly, there is a clarifying definition of telephone system for the purpose of section 2 as it relates to the bill.

The second amendment was proposed by Mary Walker, representing Carson City, Douglas County, Lyon County and Storey County, Exhibit H, last page. This amendment would fold those counties whose populations are 40,000 or more into the $1 million threshold for savings into the surcharge fund.

JOHN SLAUGHTER (Washoe County):
We have come to an agreement. On our original bill, AT&T thought we had expanded the use of the surcharge fund too far. We ratcheted it down, but the bill still allows us to accomplish our primary use of the fund, which is to allow us to use the proceeds to get us to the Next Generation (NG) 9-1-1. The NG 9-1-1 will allow us to identify and locate callers, and also will provide the use of text messaging, phone photographs, video and the like.

SENIOR MCGINNESS:
For counties whose populations are 40,000 or more to save up to $1 million in the fund, this is not a new surcharge? Rather, this new amount allows them to save more of the existing surcharge, correct?
MARY WALKER (Carson City; Douglas County; Lyon County; Storey County)
Correct.

CHAIR LEE:
When the fund gets up to $1 million, is there a fee reduction?

MR. SLAUGHTER:
When the fund hits the $1 million mark, we are required to reduce the surcharge to an amount that will keep the money below the threshold amount.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED S.B. 59.

SENATOR McGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

*****
CHAIR LEE:
This work session is now closed. The meeting on the committee of Senate Government Affairs is now adjourned at 3:12 p.m.

RESPECTFULLY SUBMITTED:

______________________________
Cynthia Ross,
Committee Secretary

APPROVED BY:

______________________________
Senator John J. Lee, Chair

DATE: ____________________________