

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
January 27, 2017, 9:30 a.m.
NACO Office
304 S. Minnesota Street
Carson City, NV 89703

AGENDA

Some NACO Board members may attend via video link or phone from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call, Salute to the Flag

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. Investiture of the 2017 NACO Officers
4. NACO President's Report.
5. NACO Executive Director's Report.
6. Approval of Minutes of the December 16, 2016 NACO Board of Directors Meeting. **For Possible Action.**
7. Approval of NACO Resolution 17-01 Recognizing January as National Radon Action Month. **For Possible Action.**
8. Appointment of Two Members to the Nevada Department of Taxation's Committee on Local Government Finance for Three Year Terms beginning February 1, 2017. **For Possible Action.**
9. Approval of a Letter of Support for Sarah Adler to Continue as U.S. Department of Agriculture, Rural Development Nevada Director. **For Possible Action.**
10. Approval of NACO Support for Valley County Idaho Commissioner, Gordon Cruickshank, to Represent the Western Region on the National Association of Counties Executive Committee. **For Possible Action.**
11. Presentation on the Nevada Department of Transportation's Long Range Transportation Plan.
12. Discussion and Possible Action regarding the Phase-out of Advanced Data Systems used by Nevada's Counties. **For Possible Action.**
13. Update on the Nevada Department of Health and Human Services Grants Management Advisory Committee (NRS 232.383).
14. Update and Possible Action regarding Proposed Legislative Measures (Bill Draft Requests and Bills), Budget Requests and NACO Priorities for the 2017 Legislative Session, including but Not Limited to: The Governor's Budget, NACO's Bills (AB16, AB43 and SB8), Appropriation for Construction of a New Courthouse in White Pine County (AB40), Public Notices, Indigent Legal Defense, Public Guardians, Voting Machines, Street and Highway Funding, Recreational Marijuana, Portable Recording Devices (Body Cameras) for County Peace Officers, Financial Audits and Private Activity Bonds. **For Possible Action.**

15. Discussion and Possible Approval of NACO's Federal Priorities for Discussion with Nevada's Congressional Delegation during the National Association of Counties Legislative Conference in Washington, D.C. February 25 to March 1, 2017. **For Possible Action.**

Note: The NACO Board of Directors May Interrupt the Open Meeting and Exclude the Public from the Meeting for the Limited Purpose of Receiving the Information and for Deliberation Relative to Agenda Item #16(g) below:

16. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:
- a) Discussion and Possible Approval of a NACO Federal Priority List. **For Possible Action.**
 - b) The Bureau of Land Management's Final 2.0 Planning Regulations. **For Possible Action.**
 - c) BLM's Proposed Sagebrush Focal Area Withdrawal Draft Environmental Impact Statement.
 - d) Update on H.R. 1484, "The Nevada Lands Act."
 - e) The U.S. Department of the Navy's *Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal Environmental Impact Statement*, and the U.S. Air Force's *Notice of Intent to Prepare a Legislative Environmental Impact Statement for the Nevada Test and Training Range Military Land Withdrawal at Nellis Air Force Base.*
 - f) Discussion and Possible Nominations to Fill Future Vacancies on the BLM's Wild Horse and Burro Advisory Board. **For Possible Action.**
 - g) Litigation
 - 1) NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act.
 - 2) The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the F&WS.
 - 3) The BLM's and U.S. Forest Service's Greater Sage-Grouse Resource Management Plans including the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Seven Nevada Counties, and Recent Implementation Training. **For Possible Action.**
17. NACO Committee of the Emeritus Update.
18. National Association of Counties and Western Interstate Region Board Member Updates.
19. NACO Board Member Updates.
20. Public Comment - Please Limit Comments to 3 Minutes

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: www.nvnaco.org

This agenda was posted at the following locations:

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Clark County Admin. Building 500 S. Grand Central Parkway, Las Vegas, NV 89155

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

The following links and/or pages are support for agenda
Item 6

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
December 16, 2016, 9:30 a.m.
NACO Office
304 S. Minnesota Street
Carson City, NV 89703

UNADOPTED MINUTES

Attendance: President Carson, President Elect Phillips, Esmeralda County Commissioner Bates, Washoe County Commissioner Lucey, Elko County Commissioner Dahl, Washoe County Commissioner Herman, Lander County Commissioner Waits, Storey County Commissioner McGuffey, Churchill County Commissioner Olsen, Douglas County Commissioner Johnson, Pershing County Commissioner Irwin, Carson City Mayor Crowell, NACO Staff: Jeffrey Fontaine, Dagny Stapleton, Amanda Evans and Tori Sundheim

Remote Attendance: Vice President Weekly; Clark County Commissioner Kirkpatrick; Nye County Commissioner Schinhofen; Bob Roshak, Nevada Sheriffs Association; Tammi Davis, Nevada Treasurer's Association and Nancy Parent, Nevada Association of County Clerks and Election Officials

Other Attendees: Douglas County Commissioner Thaler; Lyon County Commissioner Alt; Alex Ortiz, Clark County; Shannon Ernst, Churchill County; Mike Willden, Governor Sandoval's Chief of Staff; Cheva Gabor, US Forest Service; Sandy Gregory, BLM; Lee Bonner, NDOT; Bill Dunkelberger, US Forest Service; Matthew Magaletti, BLM; David Rosenkrance, US Forest Service; Marla Trollan, US Forest Service; Nadia Noel and Susan Howe, University of Nevada, Reno.

The meeting was called to order by President Carson at 9:30a.m.

- 1. Public Comment.** Humboldt Toiyabe Forest Director, Bill Dunkelberger, introduced David Rosenkrance as the new Deputy Director of the Forest. Mr. Dunkelberger outlined Mr. Rosenkrance's qualifications and Mr. Rosenkrance told the Board that he is looking forward to working with them as issues arise on the local level. Alex Ortiz of Clark County updated the Board on the Clark County's bid to host the National Association of Counties (NACo) Annual Conference in 2019. Mr. Ortiz informed the Board that two properties have submitted bids for the event and that NACo is putting forth an agenda item at their Legislative Conference in February. The County is moving forward on planning for their possible hosting of the event. Nadia Noel and Susan Howe of the Nevada Radon Education Program through UNR informed the Board that January is National Radon Action Month and gave them an overview of the gas and how elevated levels in homes can cause lung cancer. They noted that one in four homes in the state have elevated levels of the gas. They informed the Board that during the months of January and February free test kits will be made available and that there will be presentations throughout the State about the program and requested proclamations from the counties and the dissemination of information regarding the program by NACO. The BLM's Matthew Magaletti introduced himself to the Board as the Sage Grouse Implementation Coordinator. He informed the Board that he has been with the Bureau for eleven years and noted that he will be reaching out to the counties to bring them back to the table and acknowledged the lack of trust the counties currently have with the Bureau. He also noted a commitment to establish subgroups to determine areas of flexibility. Mr. Magaletti stated that the groups will begin in March through the Sage Brush Eco-System Council and that Cooperating Agency invitations will be sent to all the counties regarding implementation of the plan.
- 2. Approval of Agenda.** The agenda was approved on a motion by Commissioner Bates with concurrent second by Commissioners Waits and Dahl.
- 3. NACO President's Report.** President Carson informed the Board that the White Pine County Sheriff's Department has found funding for the implementation of body cameras. She thanked Nye County for hosting the conference and thanked the Board for the opportunity to serve as President of the Association.

4. **NACO Executive Director's Report.** Jeff thanked the outgoing Board members for their service and the Board in general for the wonderful year had by the Association.
5. **Approval of Minutes of the November 16, 2016 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Bates with second by Commissioner Herman.
6. **Approval of 2017 NACO Board Meeting Dates.** Jeff referred to the proposed meeting dates provided to the Board and it was suggested that the February meeting be moved to the 17th as a teleconference prior to the National Legislative Conference, December be moved to the 15th and May be moved to the 19th. The Board approved the proposed meeting dates with the suggested changes on a motion by Commissioner Waits with second by Commissioner Bates.
7. **Approval of NACO Resolution 16-01 Thanking Nye County for Hosting the 2016 NACO Annual Conference.** The Resolution was approved unanimously on a motion by Commissioner Dahl with second by Commissioner Bates.
8. **Possible Approval of an Annual Conference Performance Bonus for NACO's Office Manager.** Jeff informed the Board that they had authorized bonuses in the past and noted that revenues exceeded projections. He recommended a \$1,500 bonus. The Board unanimously approved the bonus on a motion by Commissioner Dahl with second by President Elect Phillips.
9. **Approval of NACO's 2017 Budget.** Jeff outlined the revenues which include the Public Lands Assessment approved by the General Membership as a bylaw amendment in November, projected revenues from the Annual Conference and contract for the administration of the IAF. He noted that requested expenses include a 3% increase in salaries for Dagny, Amanda and Tori, building improvements for exterior work, and a dues and subscriptions increase including legal research applications for Tori. He also noted that the requested expense increases include changes to line items for studies. Commissioner McGuffey inquired as to a specific reason for the increase to special studies. Jeff noted that typically there is between \$10-20K in that line item and it fluctuates due to legislative session and the potential for needs due to changes in Washington DC. The Board unanimously approved the budget on a motion by Commissioner Bates with second by Commissioner Herman.
10. **Approval of a Temporary Transfer of Funds Not to Exceed \$100,000 from NACO's Investment Account to its Checking Account.** Jeff explained that the item is being requested to ensure there are sufficient operating funds while dues are processed and that it is simply a safeguard if necessary, and that any funds transferred would be returned by the end of the first quarter. Commissioner Waits clarified that the funds would only be transferred as needed and Jeff stated that was the case. The item was approved on a motion by Commissioner Waits with second by Commissioner Bates.
11. **Presentation on the Nevada Division of Minerals Abandoned Mine Lands Program.** Rich Perry, Administrator of the Nevada Division of Minerals introduced Rob Ghiglieri, Chief of the Abandoned Mine Lands Program to deliver the presentation. Mr. Ghiglieri noted that there are abandoned mines in all 17 counties and roughly 50,000 are identified as dangerous. He outlined the creation of the program through the legislature to mitigate deaths and injuries due to dangerous abandoned mines. He noted that there are just over 20,000 identified abandoned mine sites and that if they are on private property the property owner is notified of the situation and is required to mitigate the danger. If the sites are on public lands the program is responsible for mitigation of the danger through fencing, filling or animal safe grating. It was noted that the county has legal authority to fine property owners and/or secure a site on private property and then charge the property owner. Search and rescue efforts for people who have fallen into abandoned mines were also discussed. Mr. Perry noted a yearly report produced by the Division and asked that any counties that have questions contact him. Mr. Perry also addressed lithium mining and exploration; he said the Division had worked to aid in the exploration of lithium without excessive regulatory issues relating to temporary sites, and noted that the Silver Peak mine in Esmeralda County is the only active Lithium mine in the country. He also addressed land

withdrawals and noted that the state is losing roughly 200K acres of multiple use land per year to various land withdrawals. Jeff thanked Mr. Perry and Mr. Ghiglieri for their presentation and noted that the Division's efforts have been of great benefit to Tori during comment periods for the land withdrawals. Commissioner Irwin asked if a county completes a search and rescue if they are required to report it to the division and it was clarified that there is no obligation to report but that the Program appreciates the information. Commissioner Kirkpatrick inquired as to the number of abandoned mines in Clark County that have yet to be addressed and if the Division has any appetite to introduce a program that the County could pay for to address the properties. Mr. Perry said that they have an office in Clark County and are currently working with Clark County Planning regarding a specific property that is having developmental encroachment. He added that most of the work in Clark County is done in the winter when the weather is more temperate for outside work, and that they would be open to working with the County. It was also noted that the Division has specialized video equipment for investigation of mines.

12. **Update and Possible Action regarding Proposed Legislative Measures (Bill Draft Requests and Bills), Budget Requests and NACO Priorities for the 2017 Legislative Session including but Not Limited to:** The Chair of the Legislative Committee deferred to Jeff and Dagny for discussion on the individual items on behalf of the Committee.

- a) **Recreational Marijuana.** Jeff noted that Mr. Willden had described the situation and that the Association has reached out to the counties regarding potential issues related to the passage of the question. He noted that he had met with the Director of the Department of Taxation and that temporary regulations will be released by June. Jeff noted that Mr. Willden specifically addressed the counties responsibility to affirm compliance with zoning laws and that as the law is written the counties might not even know an application had been submitted. Jeff stressed that it is currently up to the counties to monitor applications and that the Director believes that counties are able to zone out the facilities and that even without facilities there will be impacts to all counties. Commissioner Kirkpatrick noted that the law does not address specific social services a county provides and their ability to restrict plant ownership or marijuana use. The Commissioner also inquired as to what statutes law enforcement should be utilizing for enforcement. Commissioner Dahl noted that Elko County zoned medical marijuana out and asked for clarification on their ability to zone out recreational. It was clarified that they may be able to zone out facilities but not usage or possession. It was clarified that the Department of Taxation will provide licenses as well as regulation and that current medical dispensary licensee's will be grandfathered for recreational dispensary licenses for two years and then it will be an open application process. Commissioner Lucey also noted that if a county has a limit on the number of dispensaries then that county will be limited to that number regardless of medical or recreational designation. Jeff noted that he will be requesting clarification going forward and Commissioner Kirkpatrick noted that the LCB is struggling to find case law to address implementation.
- b) **NACO's Bills (AB16, AB43 and SB8).** Dagny referenced the bill tracking spreadsheet included in the supplemental materials and that all of the BDR's and/or Bills that may affect counties are being monitored. She asked to be notified if any members of the Board know of any other bills or BDR's that may specifically impact counties, or if they have additional information on currently tracked items. She also noted that the Legislative Committee is Chaired by Commissioner Lucey and Vice Chaired by Commissioner Kirkpatrick and meets every Friday telephonically during the session. She said that NACO's bill language is out and that she and Jeff have been meeting with leadership and committee chairs. Dagny addressed AB43 and informed the Board that during meetings in Las Vegas, Jeremy Aguero did a presentation to Legislative Leadership. Dagny noted that the AB43 is viewed as an immediate fix regarding the property tax situation but the issue is a larger one. Dagny next addressed the Board's bill regarding Cooperative Extension Funding, AB16, and told them

that NACO had heard from University Administration and a meeting would be held with the Chancellor and a member of the Board of Regents. Finally, she addressed SB8 regarding PSI's and the costs counties pay for the reports and that there is enabling language to allow for counties to take over production and/or cost of the reports.

- c) **Appropriation for Construction of a New Courthouse in White Pine County (AB40).** Jeff informed the Board that the item had been included at the request of County officials. He referred to the information included with the agenda. He noted that there are limitations of the Courthouse and that the fact that the State's maximum security prison is in Ely which makes it a state issue. Elizabeth Francis, White Pine County Finance Director stated that the County is very concerned about the situation due to the prison, the age of the courthouse and a report by the US Marshalls stating that the facility should not be used due to security and proximity to the local middle school and county library. White Pine County District Attorney, Mike Wheable noted that the prison is a state facility and that the State's maximum security prisoners are brought to the heart of Ely for legal proceedings. It was clarified that while the bill does ask for State funds, the County will be providing funds for the project as well. It was clarified that White Pine is asking the Board for support of the bill and a recognition that the project is of statewide interest. Because of the statewide interest in updating the court house it is the Supreme Court that has requested the bill. Commissioner Olsen inquired whether there was precedent for the bill and it was noted that is unknown. Commissioners Waits and Olsen said that their counties had constructed a courthouse and jail with no State funds and Jeff noted that the crux of the issue is that the prison is a maximum security facility and houses state inmates who are adjudicated at the county facility. Mr. Wheable requested that the Board support the measure and said that the Court has asked for a Resolution adopting the findings. Commissioner Lucey asked that the issue be brought to the Legislative Committee for review and recommendation to the Board at the January meeting.
- d) **Public Notices.** Mary Beth Sewald of the Nevada Broadcasters Association gave a presentation on the Association's proposed legislation to allow for broadcasters to provide a website for the posting of public notices that will comply with legal posting regulations as an alternative to posting in newspapers. Mayor Crowell noted that notices are currently published to a State website by statute and asked if their proposed option would interface with the State's site. Ms. Sewald noted that their proposed legislation would include an RFP process and that they are looking to provide a diversity of options and greater outreach. Commissioner Waits asked for clarification that the legislation would eliminate the requirement for print posting and if any other states have passed similar laws. Ms. Sewald stated that proposed legislation would allow for one or the other or both as well as that Nevada would be the first state to pass such legislation. It was also clarified that the website the Mayor had referenced was only for the posting of public meetings.
- e) **Indigent Legal Defense.** Jeff notified the Board that he is working with stakeholders to refine the language of the bill and that great feedback was received during a teleconference with rural stakeholders including District Court judges. He reiterated that it is a work in progress and that there are DA's and rural public defenders who have concerns. He noted that while the bill is not a NACO bill it is important to counties and they are being mindful of county concerns and desires. He asked that anyone with questions please reach out.
- f) **Public Guardians.** Jeff stated that a report on public guardians had been released by a taskforce convened by the Supreme Court. He said that the report includes a number of recommendations that would impact counties and that NACO is monitoring the situation.
- g) **Voting Machines.** Jeff informed the Board that the Clerks and Registrars finalized their White Paper regarding the need to upgrade voting machines, and that it is available for all interested. He noted that the Clerks and Registrars had been working with the Secretary of State on the issue.

- h) **Motor Vehicle Fuel Taxes.** Jeff noted that motor vehicle fuel tax indexing passed only in Clark County and that the item was placed on the agenda to see if there is an appetite within the Board to see if there are solutions for counties that feel they need to pursue the issue further.
- i) **Governor's Budget.** Governor Sandoval's Chief of Staff, Mike Willden updated the Board on the Governor's budget and legislative initiatives going into the next Biennium. He noted that the budget requests from the State agencies amounted to \$8.5B and that the initial projected revenues were \$7.7B; however the Economic Forum's forecast increased revenues to \$7.9B, noting that the Forum was cautious in several areas. He relayed that the main themes of the Governor's legislative agenda include draught initiatives including agriculture and forestry initiatives; licensing board reforms; prescription drug and opioid abuse; juvenile justice reforms; cyber security; education including ESA's; and issues related to the passage of recreational marijuana including its regulation, impacts on local government and the healthcare system. Mr. Willden said the Governor's budget will be in the neighborhood of \$8B and will include new initiatives on workforce development, healthcare reform and K-12 reforms. He noted that the Governor is concentrating on workforce development and higher education including community college programs surrounding manufacturing. The Governor's budget will also include capital improvements and completion of maintenance that had been deferred, technology upgrades and prison, parole and probation issues, and issues surrounding healthcare as they relate to the possible repeal/replacement of the ACA. Mr. Willden noted that there will be some surprises related to rural and tourism initiatives and that everything will be outlined during the State of the State Address on January 17th. Commissioner Waits inquired as to where the \$100M pick up may come from and Mr. Willden said that it is expected that those funds will be picked up from the GST (vehicle depreciation schedule) and from recreational marijuana taxes. Commissioner Thaler asked if the Economic Forum forecast came before the election and how much was attributed to recreational marijuana. Mr. Willden noted that the Forum did not include any potential funds from recreational marijuana because they can only look at current laws and the question had yet to pass. Commissioner Kirkpatrick inquired as to any openness to discuss stabilizing the property tax cap. Mr. Willden noted that the office is open to discussing the issue, but that it is not a priority for the Governor. The Commissioner noted that NACO has worked hard on the issue and that she would like to see a discussion with the Governor's office and Jeff and Dagny specifically on NACO's BDR, noting that there is support from the business community. Commissioner Weekly thanked the office for the support of workforce development in Clark County's rural communities and inquired as to what additional support would look like, hoping that the Governor's initiatives will include pooling resources in both the north and south of the state as well as the rurals. Mr. Willden noted that there are several initiatives trying to centralize the direction of OWEN and better analysis and financial direction of GOED and community colleges. Commissioner Weekly also noted the need to plan for the effects of healthcare reforms noting that UMC has been greatly affected by indigent care costs. Commissioner Schinhofen inquired as to impact statements to the counties and about whether the regulating departments could be combined for medical and recreational marijuana would there be a savings. He also addressed cross county fees assessed to marijuana cultivation facilities. Mr. Willden stated that there have been no impact statement received or sent and that there will be studies conducted to develop temporary and permanent regulations and that with different taxing structures and regulations it would be difficult to combine the departments. Commissioner McGuffey inquired as to the lack of legal recognition of recreational marijuana at the federal level and what issues that could cause. Mr. Willden noted that there are issues with the issue specifically in banking and that it is an unknown factor, specifically with the new administration and DOJ leadership. President Elect Phillips inquired as to law enforcement and noted that Lincoln County had just concluded an

expensive vehicular homicide trial due to marijuana intoxication and Mr. Willden echoed that they are still trying to figure out what the regulations look like including what the costs to the counties will be. Commissioner Herman inquired as to how much of the taxes would trickle down to the counties and Mr. Willden stated that the county sales tax will go directly to the counties but that excise tax percentages will be determined based upon local government impacts. Jeff stated that the Association would like to be part of the discussion on the details of the regulations and Mr. Willden said NACO will definitely have seats on the task force. Jeff informed the Board that he had a meeting regarding the zeroing of the predator control budget within the Department of Agriculture and that options are being looked at if this in fact becomes a part of the Governor's budget.

- j) **Portable Recording Devices (Body Cameras) for County Peace Officers.** Jeff stated that financial information is being prepared and that research is being done on national trends and that the news that counties are implementing the cameras on their own is encouraging.
- k) **Financial Audits.** Jeff noted that the item was included because he had been informed about a GID that had been required to do a fiscal audit due to a capital expenditure and wanted to know if there is an appetite to see about legislative exceptions to the audit rule.

Jeff also informed the Board that the League of Cities has a bill that would redistribute motor vehicle fuel taxes to towns and GID's that are responsible for street maintenance. Dagny added that there is a new grant available for body cameras. Jeff noted that Dagny has been working hard to get appointments with Legislators prior to session and that she has been successful in scheduling meetings with all of leadership and most committee chairs and that it is encouraging that Urban legislators are interested in and aware of county and rural concerns. Commissioner Lucey noted that there is a working group that will be meeting with the two RTC's and NDOT regarding electric vehicles; also he encouraged all counties to review the bill tracker and submit any notes and/or concerns so that they may be addressed by the Legislative Committee. No action was taken on item 12 or any of its sub-items.

- 13. **Discussion and Possible Approval of NACO's Federal Priorities for Discussion with Nevada's Congressional Delegation during the National Association of Counties Legislative Conference in Washington, D.C. February 25 to March 1, 2017.** Jeff encouraged attendance at the Conference and noted that with a new Administration and Delegates there is great potential for new discussions. Jeff indicated that draft 2017 priorities will be brought before the Board in January.

Note: The NACO Board of Directors May Interrupt the Open Meeting and Exclude the Public from the Meeting for the Limited Purpose of Receiving the Information and for Deliberation Relative to Agenda Item #14 (a) through (e) below:

- 14. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:

- a) **The Bureau of Land Management's Final 2.0 Planning Regulations.** Jeff gave an overview of the issue and informed the Board that the final regulations are still being reviewed but that the consensus is that the rule simply needs to go and nationally a strategy is being discussed for how to remove the rule. He noted that there are some people looking at a review and repeal through Congress as well as possible removal by Executive Order, by litigation and/or all of the above. He noted that discussions have been had with Wyoming and Utah and requested the Board give authority to join other associations in litigation and/or intervene. He also noted that there would not be a financial obligation other than Tori's time. Tori informed the Board that she has been coordinating with Utah and Wyoming and that there was already a suit filed in Utah if Wyoming files in another court. Her recommendation is to join a coalition and even if it is not needed is important because it gives more leverage. Commissioner Dahl clarified that there would be minimal cost to join an existing law suit. The Board voted to authorize joining on a motion by Commissioner Olsen with second by President Elect Phillips.

- b) **The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the F&WS.** Jeff informed the Board that Tori filed to have NACO intervene and that the Plaintiff's opposed the motion and a hearing is scheduled for January 13 in Federal District Court to determine if the Association can intervene. Tori noted that the AG's office and Mono County also filed to intervene and that the Plaintiff's did not oppose their filing; she believes the plaintiffs don't understand the Association. She also noted that the goal to get the AG & the Governor's office on board with the issue was met.
- c) **The BLM's and U.S. Forest Service's Greater Sage-Grouse Resource Management Plans including the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Seven Nevada Counties, and Recent Implementation Training.** Jeff informed the Board that there is no update on the litigation. He noted that the BLM is conducting training sessions on implementation plans and the feedback he received is that even the Agency isn't clear on their plans and implementation. Jeff informed the Board that the Association will continue to participate even if we are not in agreement with the plans. Tori informed the Board that she had directed Mr. Magaletti to specific people working on the issue and that he had been directed to issue a memo on where they can be flexible on implementation. She encouraged participation and conversation with Mr. Magaletti. No Action was taken.
- d) **BLM's Proposed Sagebrush Focal Area Withdrawal Draft Environmental Impact Statement.** Jeff informed the Board that the BLM and its contractors gave only 9 working days to review and comment on an 800 page document and after requests from several people they gave an additional 7 days for a comment period. He also informed the Board that the Delegation is aware of the situation and Tori noted that the DEIS is expected by the end of the month; she encouraged the Board to be prepared to comment on the document.
- e) **NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act.** Jeff informed the Board that there is the possibility of a hearing in the 9th Circuit Court of Appeals in early 2017, although the percentage of likelihood is small. He also informed the Board that, at their direction, the Association has joined the Wild Horse and Burro Coalition which seems to have a large social media presence to combat false and misleading information. President Carson also informed the Board that the N4 Grazing Board sent a letter to the new administration encouraging them to follow the recommendations of the Coalition.
- f) **The U.S. Department of the Navy's Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal Environmental Impact Statement, and the U.S. Air Force's Notice of Intent to Prepare a Legislative Environmental Impact Statement for the Nevada Test and Training Range Military Land Withdrawal at Nellis Air Force Base.** Jeff informed the Board that both bases were contacted regarding participating as cooperating agencies and the response was favorable; Tori sent a letter in regards to scoping comments. She noted that Tom Harris and Buddy Borden from UNR will be doing an economic impact analysis and it was agreed that NACO should be a hub of information and provide leverage because the individual priorities of the affected counties differ. No action was taken.
- g) **Discussion and Possible Approval of a NACO Federal Priority List for Public Lands.** Jeff informed the Board that the NACO Public Lands Committee met the previous day and that a draft document is in the works and will be brought back to the Board in January. The Board was asked to contact Tori with any suggestions or additional ideas for the priorities. Commissioner Dahl noted that with the new Administration he sees positive change on the horizon. No action was taken.
- h) **Discussion and Possible Approval to Enter Into a Contract with Intertech Services, Corporation to Assist in Developing Bill Draft Language for the Management of Public Lands Transferred to the State of Nevada.** Commissioner Dahl informed the Board that the item was placed on the agenda at his request and goes back to the Nevada Land Management Taskforce. He noted that the stakeholder presentations agreed on many points of the proposed land transfers but many did not trust the state to manage transferred lands and had issues with reduced public access. After additional conversations with these stakeholders it was determined that there are three ways to address the concerns, Nevada Legislative action, a Nevada

Constitutional Amendment and changes to HR1484 with guarantees for management. In his opinion the best is a fix to HR1484. Because the Task Force Report was produced by Mike Baughman, Intertech Services developed a proposal in the amount of \$20K to conduct a study on how the solution could be worked out. Commissioner Dahl suggested a contract with a cap that allowed for the selection of specific services in the amount of \$10K. Commissioner Waits inquired if there were funds left from the Taskforce or if there are funds in the NACO budget and Jeff said there are no funds left from the Taskforce but there is \$10K of unobligated funds for special studies in the FY16 budget. Commissioner Dahl reiterated that all of the funds may not be needed and Jeff echoed that a majority of the tasks within the proposal will be unnecessary. Commissioner Waits moved to approve a contract with Intertech Services Corporation to Assist in Developing Bill Draft Language for the Management of Public Lands Transferred to the State of the Nevada with a cost not to exceed \$10K. The motion passed unanimously on a second by Commissioner McGuffey. Commissioner McGuffey told Commissioner Dahl to contact Austin Osborn for any assistance needed from Storey County.

15. **NACO Committee of the Emeritus Update.** Dagny informed the Board that the second Newly Elected Officials workshop conducted at the Annual Conference was very successful and that Jeff had received an email that the National Association of Counties had taken notice of the training. She also congratulated the Committee on the production of the New Commissioner handbook and outlined the items included. She noted that the handbook is available in PDF form for whomever is interested. President Carson said the person taking her seat was very impressed with the training and feels that not only the Emeritus workshop but POWER 1 & 2 should be mandatory for all elected officials. Dagny also noted that the nominating committee is meeting to determine whom will be invited to participate on the Committee of the Emeritus in 2017.
16. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Dahl informed the Board that there are monthly calls conducted for WIR and that he has no update. Neither member of the Board of Directors were present to provide an update.
17. **NACO Board Member Updates.** Members of the Board gave updates on activities within their counties.
18. **Public Comment** – None was given.

The meeting was adjourned at 2:35p.m.

Nevada Association of Counties (NACO)
Resolution 17-01

Resolution in Support of National Radon Action Month

WHEREAS, promoting a broader understanding of the safety risks and hazards associated with radon exposure enhances public safety efforts in Nevada, as radon is a colorless, odorless, naturally occurring radioactive gas that is the primary cause of lung cancer among nonsmokers; and

WHEREAS, the U.S. EPA estimates 21,000 people in the U.S. die each year from lung cancer caused by indoor radon exposure, and radon kills more people than secondhand smoke, drunk driving, falls in the home, drowning or home fires; and

WHEREAS, any home in Nevada may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing is the only way to know if a home has an elevated radon level, and testing is easy and inexpensive, and when identified, homes can be fixed; and

WHEREAS, University of Nevada Cooperative Extension, the Nevada Division of Public and Behavioral Health, and organizations across the state and nation encourage all Nevada residents to test their homes for radon, mitigate elevated levels of radon, and have new homes built with radon-reducing materials and features.

NOW, THEREFORE BE IT RESOLVED that the Nevada Association of Counties supports the goals of University of Nevada Cooperative Extension, the Nevada Division of Public and Behavioral Health, and the other organizations and urges all Nevada counties to declare January as **NATIONAL RADON ACTION MONTH**.

PASSED, APPROVED AND ADOPTED this 27th day of January, 2009 by the Board of Directors of the Nevada Association of Counties.

Attests:

/ _____
Kevin Phillips
President

/ _____
Jeffrey Fontaine
Executive Director

The following links and/or pages are support for agenda Item 8

The Committee on Local Government Finance is composed of eleven members appointed as follows: three persons appointed by the Nevada League of Cities; three persons appointed by the Nevada Association of Counties; three persons appointed by the Nevada School Trustees Association; and two persons appointed by the Nevada State Board of Accountancy. The Committee is responsible for policy decisions and fiscal administration topics in NRS Chapters 350 and 354 as well as to advise the Department on matters of local government fiscal administration. The current NACO appointees are:

- Ms. Jessica Colvin, Clark County Comptroller
- Mr. Alan Kalt, Churchill County Comptroller
- Mr. John Sherman, former Washoe County Finance Director

The current terms for Mr. Kalt and Mr. Sherman end January 31, 2017

The following links and/or pages are support for agenda
Item 9

Thank you for offering to assist in conveying evidence of my abilities as a state director. It really means a lot to me to have the support of you and so many others across rural, urban, and tribal Nevada.

I think the most time-effective way to share my accomplishments and strengths with you is simply bullet points. Here goes:

- Led the investment of \$1.35 Billion in grants, loans, and loan guarantees during my term of office - FY 2009- 2016. I am proud of our team and most of this is due to their ability and diligence, but honestly, this is a magnitude above what was invested in the Bush years and I think that is due to me lighting the fire, getting the word out about our agency, and motivating the staff through positive leadership. I have also learned how to work the system and been able to get grant, loan, and loan guarantee dollars above our state allocations by making the case for the need; for example, we received \$9 million in grant for Storey County that is allowing us to turn a five phase project into a one phase 'get 'er done', which will save a significant amount of money.

- Produced results in all 16 counties with rural areas, including Clark and Washoe; at the same time, I have made sure that we identified in our current strategic plan places we have lower investment numbers and also higher poverty communities; those are priority locations for outreach and making connections.

- Emphasized our loan guarantee programs whenever possible. Almost \$1B of our investment is in guaranteed home loans; there are over 50 lenders in rural and urban Nevada whose jobs we are supporting by increasing the loan volume they produce, as well as 100s of realtors. The fees on the loan, which are amortized into the mortgage, entirely pay for the cost of the program. Our Business and Industry Loan Guarantee program is similarly light on the taxpayer wallet, and it has been used to upgrade the caliber of businesses in some sectors (the Marriott TownePlace and Ledgestone Hotels are examples in Elko), and to support the location of advanced technology firms into Nevada.

- Built trust and produced results for tribal Nevada. I have excellent relationships with tribal leaders across the state and that has resulted in multiple grant and loan projects to provide clean water, community facilities, and business development. Through my personal ability to obtain National Office funding for special projects, and my personal commitment and ability to design trainings and engagements, we have done an indepth Nevada Tribal Housing Training Institute and have an upcoming Western Tribal Economic Development Forum.

- Focused on leverage and empowerment. A hallmark of my work is to work with our wide range of customers - local governments, nonprofits, businesses, even families and individuals - to guide them to focusing on empowerment rather than dependency, and to think strategically about how to leverage resources to attain growth and self-sufficiency.

- Adamant about 'one size does not fit all'. I have been voted the State Director most likely to speak at a policy meeting and that is because I continuously convey to Washington-based leadership that they must allow State Directors to shape the investment approach in their states, because what works in New Hampshire is not going to be the best approach for Nevada. Frankly, no one in DC messes with Nevada.

- In fact, well known and respected by the career leadership in USDA. I have been an activist State Director and have helped shape and refine Rural Development's programs (tools) to allow them to meet needs in Nevada and rural America. As an example, I am a featured guest on two national teleconferences this week related to our transitional housing initiative.

- Passionate about this work of creating sustainable and vibrant communities and families in rural Nevada. I bring to that passion knowledge and relationships across rural Nevada and across federal and state agencies; I am excellent at connecting people and needs to other people and resources. A recent example is my work with Secretary Vilsack on the opioid crisis and the way it caused me to create transitional housing tools within RD and to bring the need for transitional housing into the broader discussions on affordable housing in rural Nevada that I have led for years. In addition, I have built an

excellent team over these years in office and I feel like we are a National or American league champion ready for the World Series; success is more likely if they get to keep the General Manager that built the team (is that right? I'm not good at sports analogies).

I feel uncomfortable singing my own praises, yet I stand behind my effectiveness and my commitment. I have a tremendous knowledge base and a tremendous network; there remains tremendous need and opportunity in rural Nevada. I would appreciate the opportunity to keep at it.

Sarah

The following links and/or pages are support for agenda Item 10

The National Association of Counties (NACo) executive committee consists of 8 member elected officials: president, first vice-president, second vice-president and immediate past president, and four regional representatives elected by regional caucuses. The officers are responsible for the property, funds and business affairs of the association in the absence of the Board of Directors, and exercise all powers and authority granted by the Board of Directors. The officers are elected each year during the Annual Business Meeting at the association's annual conference in July.

Regional representatives provide input to the president and other officers with respect to NACo policy, regional priorities and county trends, as well as keep member counties informed of the association's activities and assists in membership recruitment and retention. Regional representatives are elected by 4 regional caucuses (West, Central, South and Northeast) during the annual conference for staggered, two-year terms. The Western Region includes; Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Voting for the Western Region representative takes place at the NACo Legislative Conference on February 28, 2017. Gordon L. Cruickshank, Valley County, Idaho, Commissioner has asked for the Nevada Association of Counties support. Commissioner Cruickshank is also the Immediate Past President of the Western Interstate Region of NACo.

<http://www.co.valley.id.us/departments/commissioners/>

The following links and/or pages are support for agenda Item 12

Advanced Data Systems, Inc. which developed software programs that have been used by Nevada's 15 rural counties for many years will be phased out by the end of 2019. The attached spreadsheet details the various applications of ADS systems currently being used by the counties.

ID	Application	# of Counties	Interfaces with ID	Notes
Assessor/Building/Planning				
A	Real Property	15	B-F, G, T, W	
B	Personal Property	15	A, C, D, H	
C	Appraisal/Costing	15	A, B	
D	Personal Exemptions	15	A, B	Includes web service for State DMV vehicle registration
E	Building Permits	4	A	Custom for each client
F	Planning, Usage Permits, etc.	3	A	Custom for each client
Treasurer				
G	Secured Tax Collection	15	A	
H	Unsecured Tax Collection	15	B	Done by Assessor's office in some counties
I	Treasurer's Receipts	10	J, K	
J	Cash Receipts	1	I, X, II	
K	Bank Reconciliation	10	I, X	Old and new versions in use
Clerk				
L	Voter Registration	13	M	Includes web service for Secretary of State voter registration
M	Jury Selection	10	L	
N	Candidate Filing	9		
O	Petition Verification	10	L	
P	Marriage Licenses	14	T (for some clients)	
Q	Business Licenses	7	A (for some clients)	
R	Fictitious Firms	12		
S	District Court	9		
Recorder				
T	Document Database & Indexing	12	A, T, W	
U	Receipting	11	T	
V	Genealogy	2	T	Custom for each client
W	UCC Filings	12	T	
Comptroller/Auditor				
X	General Ledger	10	Y-DD	
Y	Accounts Payable	10	X	
Z	Payroll	10	X	
AA	Fixed Assets	10	X	
BB	Budget Prep	10	X	

CC	State Budget Report	10	X
DD	Purchase Card	7	X

Sheriff

EE	Records	5	FF	Primarily used for archive
FF	Dispatch	2	EE	Live for one, archive for the other
GG	Garnishments/Civil Service	3		
HH	Bail Accounting	1		

Others

II	Utility Billing & Collection	2	J	We have other utility clients, but most are not county-run
JJ	Gaming/Liquor Licenses	2		
KK	Welfare, Senior Center	1		

The following links and/or pages are support for agenda
Item 14

[Governor's FY18/19 Budget](#)

2017 Legislative Session Confidential

Content	Description	Sponsor	Tags	Note
	Priority Bill			
AB5	Provides for the creation of certain local improvement districts. (BDR 22-233)	Committee on Government Affairs		OFFICE OF ENERGY - Applies to counties; enables municipalities to create districts to finance energy efficiency or renewable energy projects; requires that each tract approve the project and assessment; exempts the muni fr liability for the construction as well as bidding and procurement for public works; can't bond against gen fund
AB8	Revises provisions governing the collection of delinquent municipal utility charges. (BDR 21-323)	Committee on Government Affairs		LEAGUE - A city can currently request collection of delinquent sewer fees through the county property tax bill. Expands this to say a city can collect delinquent fees for any city utility through the tax bill.
AB16	Revises provisions relating to agricultural extension programs. (BDR 49-440)	Committee on Natural Resources, Agriculture, and Mining	PRIORITY	NACO - UNCE Bill; requires NSHE / UNR to report to NV Ledge on: 1) UNCE program; funding for program; MOUs with counties; requires NSHE to match the county contribution to the UNCE program
AB21	Makes various changes relating to elections. (BDR 24-2)	Committee on Legislative Operations and Elections		SOS - If a court finds that candidates do not meet the requirements to run for office, the candidate is disqualified and may pay attorney fees; increases penalties if a candidates knowingly files false declaration to run or false residency; changes NRS language re residency requirements to reflect court decision re residency; campaign accounts have to be opened in a NV bank; PACs and other pol. committees must open a separate account if they receive more than \$1,000; all existing PACs or Committees must comply by 6/18
AB29	Revises provisions governing off-highway vehicles. (BDR 18-220)	Committee on Transportation		DCNR - Moves the Commission on OHVs to DCNR; changes the Commission makeup; abolishes the advisory members and adds 4 nonvoting members; moves the OHN account to DCNR; lowers the late for for registration renewals to \$10; changes some responsibilities of the Commission and makes changes to what the OHV account funds may be used for
AB30	Establishes a committee to review the current tax structure in this State. (BDR S-432)	Committee on Taxation		STATE TREASURER - Creates a committee to study business taxes and the commerce tax, to be completed by September 2018.

2017 Legislative Session Confidential

AB31	Revises provisions relating to the Specialist for the Rights of Elderly Persons and the Community Advocate for Elder Rights. (BDR 38-130)	Committee on Health and Human Services	AGING AND DISABILITY SERVICES (HEALTH AND HUMAN SVCS) - There exists an office of rights of the elderly, this bill changes that to an attorney for disabled older people and expands the position to include services and legal advocacy; this bill also expands the duties of the Community Advocate for Elder Rights to include persons less than 60 yrs old who do not reside in facilities for long term care.
AB32	Revises provisions governing pest control. (BDR 49-176)	Committee on Natural Resources, Agriculture, and Mining	NV DEPT OF AG - Expands/makes changes to the licensing requirement for government agencies and their employees to use pesticides; also creates additional licensing requirements for those in the private sector who do pest control.
AB33	Abolishes certain boards, commissions and councils relating to natural resources. (BDR 46-312)	Committee on Natural Resources, Agriculture, and Mining	OFFICE OF GOV - abolishes the Mining Oversight and Accountability Commission, the Garlic and Onion Grower's Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products; also changes to State Dairy Commission.
AB34	Revises provisions relating to state lands. (BDR 26-179)	Committee on Natural Resources, Agriculture, and Mining	STATE LANDS - Changes fr 2 to 1 the number of appraisals needed for sale of any state lands; other changes to state lands including removing the requirement that State Lands has to gather and distribute data to local govts including a state land inventory, population and economic trends, and a projection of lands needed in Nevada for various uses; deletion of NRS 321.570-590 re the Lincoln County Pilot Land Development and Disposal Fund
AB39	Revises provisions governing the appointment of representatives to a governing board for regional planning in certain counties. (BDR 22-433)	Committee on Government Affairs	WASHOE COUNTY - Affects Washoe County only. Changes to the required makeup of the Washoe County Regional Planning Governing Board.
AB40	Makes an appropriation to assist with the construction of a new courthouse in White Pine County. (BDR S-402)	Committee on Ways and Means	NV SUPREME COURT (WHITE PINE COUNTY) - Appropriates \$10 million to build a new courthouse in White Pine County.

2017 Legislative Session Confidential

AB42	Revises various provisions relating to public records. (BDR 19-389)	Committee on Government Affairs		AG - Changes to NV Public Records law to comply with FOIA, regarding exemptions from the law; other changes
AB43	Revises provisions governing the partial abatement of taxes levied on residential and other property. (BDR 32-441)	Committee on Taxation	PRIORITY	NACO - Fixes the the secondary calculation for the 3/8% caps on property tax - makes two changes: 1) creates a rolling average of ten years for the calculation of CPI in the formula; creates a floor of 3% below which neither of the caps can drop.
AB45	Revises provisions relating to public office. (BDR 24-426)	Committee on Legislative Operations and Elections		SOS - Allows SOS to create requirements for those who work for voter registration drives as well as for petition initiative drives and other changes to voter registration and petition drives; moves deadline up for parties to file candidates for President; also authorizes the Secretary of State to conduct investigations, subpoena evidence, and impose additional civil penalties on candidates and public officers who do not comply with the financial disclosure statement and other requirements.
AB46	Revises provisions governing services provided to persons with mental illness and other disabilities. (BDR 39-132)	Committee on Health and Human Services		DIV PUB AND BEHAVIORAL HEALTH - Creates a licensing process for in home "community based living arrangement services" for mentally ill people served by the Division to enable those people to live with more independence.
AB48	Makes various changes relating to local government. (BDR 21-435)	Committee on Government Affairs		CLARK COUNTY - Re annexation; creates definition of a service area; prohibits the denial of city utility service to county properties; prohibits charging different rates to properties outside of city but within service territory; voids local ordinances that say otherwise; adds limitations to city annexation powers and creates a county deannexation process; also requires noticing to the county if zoning boundaries that may increase density are proposed by a city and on recently annexed parcels in Clark County only.
AB50	Revises provisions relating to the imposition of certain fees, civil penalties and administrative fines by the State Environmental Commission. (BDR 40-181)	Committee on Natural Resources, Agriculture, and Mining		NDEP - TS- This bill creates a separate account in the State General Fund for administration of community and public water systems. It increases civil penalties and administrative fines for public water systems. It also allows the PUC to establish reasonable fees to adopt and administer regulations, and the State Environmental Commission to adopt regulations and establish fees to review subdivision maps for water planning.

2017 Legislative Session Confidential

AB55	Revises provisions relating to evidence collected from and the reimbursement of payment for forensic medical examinations of victims of sexual assault. (BDR 15-387)	Committee on Judiciary	?Fiscal Impact?	AG - Requires rape kits (SAFE kits) submitted to a lab within 30 days and tested within 180 days; allows the Fund for the Compensation of Victims of Crime to be used to pay counties for the cost of forensic examinations incurred by a county up to \$10,000/year or 10 examinations, whichever is less
AB57	Revises provisions relating to coroners. (BDR 20-375)	Committee on Government Affairs		AG - Re coronor's notification of next of kin and providing info to families
AB65	Revises provisions relating to medical care for indigent persons. (BDR 38-438)	Committee on Health and Human Services		CLARK COUNTY - Authorizes Clark and Washoe to use money from their funds for medical assistance to indigent persons to provide supplemental payments to public hospitals in the county; and in Clark county to use the fund to to make grants to any public hospital in the county for the construction or acquisition of capital assets and the renovation of facilities.
AB71	Revises provisions governing public employees' retirement. (BDR 23-429)	Committee on Government Affairs		STATE CONTROLLER - requires the PERS Board to establish a hybrid retirement program for all new employees who become members on or after July 1, 2018. The program must include a defined benefit plan and a defined contribution plan, and provide a procedure for members of the system before July 1, 2018, to elect to transfer into the program. Includes a cap on annual benefits, employer contribution, min retirement age, prohibition on "buying years" , actuarily sets employee contribution rate, and COLA adjustments.
AB72	Revises provisions relating to the Uniform Plumbing Code. (BDR 40-237)	Committee on Health and Human Services		STATE PUBLIC WORKS DIVISION - Allows cities/counties to make changes to the Uniform Plumbing Code (UPC) without seeking approval from the State Public Works Board or submitting any changes to that Board.
AB79	Revises provisions relating to economic development. (BDR S-404)	Committee on Government Affairs		CITY OF NORTH LAS VEGAS - Removes the designation of the Las Vegas Valley Water District and the SNWA as the exclusive providers of water service for the Garnet Valley Ground Water Basin (Apex) in Clark County

2017 Legislative Session Confidential

AB82	Revises provisions governing the responsibility for reporting the amount and payment of taxes on mineral royalties to the Department of Taxation. (BDR 32-248)	Committee on Taxation	DTAX - Changes to Net Proceeds. Adds reporting of royalties; and requires the person extracting the mineral to pay the net proceeds tax	
AB83	Makes various changes relating to insurance. (BDR 57-159)	Committee on Commerce and Labor	DEPT OF BUSINESS AND INDUSTRY - The Commissioner of Insurance can place insurers under administrative supervision; other changes to the regulation of insurance including health insurance. Looks like it may affect public hospitals; also additional regulations re financial solvency of HMOs.	
SB2	Revises provisions relating to the surrender of a newborn child to a provider of emergency services. (BDR 38-39)	Manendo	Safe Haven law requires EMS to take children <30 days old if surrendered to them - the bill creates anonymity requirements for the parent and removes the surrendering parents right to notification of termination of parental rights.	
SB5	Revises provisions relating to the issuance of certain private activity bonds. (BDR 30-420)	Committee on Government Affairs	LEAGUE OF CITIES (ON BEHALF OF NV RURAL HOUSING?) - tax exempt Private Activity Bonds, used by NRHA to finance affordable housing programs, have a State cap for the amount that can be issued. Currently the State of Nevada (Div of Housing) makes the allocations and pursuant to NRS keeps 50% for the State to allocate and gives 50% to local governments to allocate or use. This bill changes the allocation so that NRHA gets 10%, the State gets 45% and local government gets 45%.	
SB8	Revises provisions relating to presentence and general investigations and reports. (BDR 14-439)	Committee on Judiciary	PRIORITY	NACO - Re Presentence Investigation Reports (PSIs). For many years the State bore the entire cost of producing PSIs, then in 2011 shifted 70% of the cost to counties. This bill rebalances that cost, requiring the counties to pay only 30% of the cost to produce PSIs; this bill also, as requested by Clark county in a similar BDR they have proposed, authorizes the Div of Parole and Probation to enter into an agreement with any county wherein that county can choose to pay 100% of the cost of the PSIs, in which case the agreement stipulates a time by which the reports must be produced; also authorizes a county to choose to assume the duty of preparing the reports, at the county's expense.

2017 Legislative Session Confidential

SB9	Revises provisions relating to presentence and general investigations and reports. (BDR 14-437)	Committee on Judiciary	PRIORITY	CLARK COUNTY - Re Presentence Investigation Reports (PSIs), authorizes the Div of Parole and Probation to enter into an agreement with any county wherein that county can choose to pay 100% of the cost of the PSIs, in which case the agreement stipulates a time by which the reports must be produced; also authorizes a county to choose to assume the duty of preparing the reports, at the county's expense.
SB12	Repeals certain provisions relating to governmental administrative tasks. (BDR 22-241)	Committee on Revenue and Economic Development		DEPARTMENT OF ADMINISTRATION - For STAR bonds granted after 2011, removes the reporting requirements regarding out of state sales, wages, etc.
SB21	Abolishes the Nye County Water District. (BDR S-478)	Committee on Government Affairs		NYE COUNTY - Abolishes the Nye County Water District and District property debts etc. become the responsibility of the County.
SB24	Authorizes cities to enact ordinances requiring the registration of vacant properties. (BDR 21-421)	Committee on Government Affairs		LEAGUE OF CITIES - Authorizes cities to enact an ordinance creating a registry for vacant property including requiring a fee, annual renewal, local contact person for each property, and penalties. Also enables the city to create boundaries around areas where properties can be registered; and unpaid fees or penalties can become a special assessment on the property
SB26	Makes certain changes concerning governmental entities that contract with or invest in companies that boycott Israel. (BDR 27-418)	Committee on Government Affairs		LT GOV - Prohibits local government and the State from entering into contracts with entities who boycott Israel
SB28	Requires an annual review of certain rates paid by Medicaid in this State. (BDR 38-373)	Committee on Health and Human Services		NV SILVER HAIR LEDGE FORUM - Requires the Administrator of the Division of Health Care Financing and Policy to conduct an annual review of Medicaid rates in NV. This bill also requires the Administrator to submit an annual report to the Legislature that includes proposed Medicaid reimbursement rates that accurately reflect the costs of providing health and human services in NV.

2017 Legislative Session Confidential

SB36	Revises provisions relating to ethics in government. (BDR 23-230)	Committee on Legislative Operations and Elections	OFFICE OF GOVERNOR - Local govt pays an assessment for the function of the Commission on Ethics each biennium - removes the requirement that the Executive Director of the Commission on Ethics consult with the Budget Division of the Office of Finance and the Fiscal Analysis Division of LCB before determining the amount of the assessments due. Removes State Legislators entirely fr jurisdiction of the Commission on Ethics).
SB38	Revises provisions governing the State's Central Mailing Room. (BDR 33-129)	Committee on Education	DIV STATE LIBRARY/ARCHIVES - the Division of State Library, Archives and Public Records of the Department of Administration operates a Central Mailing Room for all state officers, departments and agencies located at Carson City, Nevada. This bill authorizes a local government and other governmental entities to use the services of the Central Mailing Room if the local government or other governmental entity pays the cost of the services.
SB39	Revises provisions relating to state purchasing. (BDR 27-122)	Committee on Government Affairs	STATE PURCHASING DIVISION - Removes the requirement that certain proposed state purchases be noticed in newspapers.
SB42	Revises provisions related to justices of the peace. (BDR 1-394)	Committee on Judiciary	NV SUPREME COURT - Existing law requires the board of county commissioners of each county to set compensation for justices of the peace in July of any year in which an election of justices of the peace is held. (NRS 4.040) This bill revises that date to December of any year immediately preceding a year in which an election of justices of the peace is held.
SB47	Makes various changes relating to the appropriation of water. (BDR 48-499)	Committee on Natural Resources	DIV WATER RESOURCES - This Bill changes the contents of permit applications, and changes the amount of water required to apply for an interbasin transfer from "more than 250 af" to "25% of perennial yield or 1,000 AF of water, whichever is less". Watering livestock is defined as a "pre-statutory vested right for watering livestock," and will be exempt from permit and recording fees. The State Engineer is no longer subject to any forfeiture deadline, and may also prohibit the reconditioning of a well, or require the plugging of any domestic well, which includes wells that receive water from a water district or municipality.

2017 Legislative Session Confidential

SB48	Revises provisions relating to relations between local governments and their employees. (BDR 23-428)	Committee on Government Affairs		STATE CONTROLLER - (Changes to Collective bargaining) Removing the requirement that a local govt has to negotiate with a union, and, in the event that the local govt doesn't want to negotiate they have to give notice to the union and then can set the terms of the new contract and once the old contract is expired then the new terms take effect.
SB51	Makes various changes relating to the adjudication of vested water rights. (BDR 48-180)	Committee on Natural Resources		DIV WATER RESOURCES - TS - revising provisions relating to the adjudication of certain water rights; revising requirements relating to the notice of a pending determination of certain water rights; revising requirements for hydrological surveys and maps prepared by the State Engineer; revising provisions relating to a proof of appropriation; revising the time period in which a person may intervene in a determination of certain water rights; authorizing the State Engineer to make certain documents related to a determination of water rights available on the Internet; revising provisions relating to objections to certain orders of the State Engineer; requiring certain persons to pay certain costs for a hearing on objections; authorizing a district court to require parties to file a revised map under certain circumstances
SB53	Revises provisions relating to the installation, operation and maintenance of telecommunications facilities. (BDR 18-234)	Committee on Transportation	PRIORITY	GOV OFFICE OF SCIENCE INNOVATION AND TECH - Dir of the Office will develop a strategic plan for Broadband, telehealth, and expanding fiber. Allows NDOT to grant access in their right of ways for telecommunications and create regs to govern that process including creating a compensation schedule for use of the ROWs
SB54	Authorizes certain smaller counties to approve additional uses of the proceeds of a tax for infrastructure. (BDR 32-341)	Committee on Revenue and Economic Development	PRIORITY	LYON COUNTY - Changes NRS 377B.100 & 160 to allow rural counties to expand the use of the sales tax that they are authorized to collect to fund infrastructure. The bill would allow counties to vote to use the tax for all types of county facilities as well as for operation and maintenance of those facilities.
SB57	Revises provisions relating to the Nevada Commission for the Reconstruction of the V & T Railway. (BDR S-414)	Committee on Government Affairs		STOREY COUNTY - Removes Washoe, Lyon, and Douglas Counties from membership on the Commission for the reconstruction of the V&T Railroad, along with their responsibility to provide funding for the railroad.

2017 Legislative Session Confidential

SB60	Revises provisions governing Medicaid payments for ground emergency medical transportation services. (BDR 38-411)	Committee on Health and Human Services	CITY OF LAS VEGAS - Requires the Dir of Health and Human Services to include in the medicaid plan a provision allowing a voluntary plan to allow a local govt entity or tribe to get medicaid reimbursements for ambulance trips for medicaid patients. Also requires changes to the State medicaid plan regarding "capitation" payments.
SB63	Revises provisions which govern responsibility for the costs of maintenance and repair of certain county roads. (BDR 20-324)	Committee on Revenue and Economic Development	<p>PRIORITY; UNFUNDED MANDATE/F ISCAL IMPACT</p> <p>LEAGUE OF CITIES - Requires counties to pay for county roads in towns with a town board, or, if the county does not maintain the streets, pay the town board to maintain the streets with a fraction of fuel tax money that equals the proportion of streets in the town to all streets in the county</p>
SB64	Revises provisions relating to the distribution of the proceeds of taxes on aviation fuel and fuel for jet or turbine-powered aircraft. (BDR 32-222)	Committee on Revenue and Economic Development	DMV - This bill transfers the allocation of the proceeds of aviation fuel taxes which are collected at privately owned airports from the local county government to the airport itself.
SB73	Revises provisions relating to water. (BDR 48-177)	Committee on Natural Resources	DIV WATER RESOURCES - This bill mandates conjunctive management regardless of the source and shifts who may be regulated for impacts to domestic well water from municipal/industrial uses to all new applications or changes to existing rights. It also changes the petition and majority requirements for Critical Management Areas; who may be bound by Groundwater Management Plans; and the terms that may be included in a GMP.
SB74	Revises provisions relating to water. (BDR 48-178)	Committee on Natural Resources	DIV OF WATER RESOURCES - TS - Allows rainwater to be collected without a water right; authorizing the State Engineer to consider a declaration of drought when determining whether to grant certain extensions; authorizing the State Engineer to create the Advisory Committee on Water Planning and Drought; setting forth the membership and responsibilities of the Advisory Committee; authorizing the State Engineer to impose an administrative fine for the violation of certain provisions relating to water planning and development; authorizing the State Engineer to seek injunctive relief under certain circumstances; revising certain provisions relating to the Water Planning Section of the Division of Water Resources of DCNR; revising provisions relating to a plan of water conservation; revising the membership of the Western Regional Water Commission

2017 Legislative Session Confidential

SB76	Revises provisions governing the investment of money held by the State or certain political subdivisions of the State. (BDR 31-431)	Committee on Education	STATE TREASURER - Existing law authorizes counties to invest their available money only in certain specified securities. This expands the list of authorized investments and does so also for the State's Higher Education Prepaid Tuition Trust Fund and other local entities.
SB78	Revises provisions relating to local government financial administration. (BDR 31-403)	Committee on Government Affairs	CITY OF N LAS VEGAS - Allows a local government to extend the time beyond which they can transfer Enterprise Funds to the General Fund if they meet certain requirements including approval by the Committee on Local Government Finance of a plan adopted by the local government to eliminate such transfers.
SB79	Revises provisions concerning the personal information of certain persons contained in certain records. (BDR 20-400)	Committee on Government Affairs	PRIORITY; UNFUNDED MANDATE/F ISCAL IMPACT
SB80	Makes various changes relating to the Public Employees' Benefits Program and the Deferred Compensation Program. (BDR 18-243)	Committee on Government Affairs	DEPT OF ADMINISTRATION - Creates an employee benefits div of the Dept of Administration, who will then administer PERS. Requires the Administrator of the new div to possess the same qualifications currently required of the Executive Officer of the PERS Board, and eliminates the position of the Executive Officer of the PERS Board. converts the PERS Board into the Advisory Board of the Public Employees' Benefits Program to advise the new Administrator; changes also to the administration of the Deferred Compensation Program; removes the authority of the PERS Board to award certain contracts and requires that certain PERS contracts be awarded the same manner as others in the Exec Dept.

2017 Legislative Session Confidential

[SB84](#)

Makes various changes relating to ethics in government. (BDR 23-250)

Committee on Legislative Operations and Elections

PRIORITY

COMMISSION ON ETHICS - Changes to Ethics laws governing public officials including: hearing procedures; confidentiality of those filing complaints; expands the remedies available to the Commission to include: (1) coming into compliance and receiving training (2) the issuance of a confidential letter of caution or a public admonition, reprimand or censure; gives the Commission option to defer further proceedings or dismiss; expands the definition of "public officer" to include "The holder of any other position...whose compensation is paid with public money and whose duties involve the exercise of a public power, trust or duty as defined as" ..."Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy; (b) The expenditure of public money; and (c) The administration of laws and rules of the State or any county, city or other political subdivision."; also, adds to the code of ethics for all public employees that they can't "Secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee or any other person or business entity" and anyone the employee has a commitment to in a personal capacity- also adds language for public employees re harassment or retaliation; clarifications re the cooling off period

**2017
Legislative
Session -
BDRs**

<u>BDR #</u>	<u>Requester</u>	<u>Topic</u>
24-16	Seaman	Revises provisions governing elections.
24-19	Ford	Revises provisions relating to voter registration.
24-22	Ford/Araujo	Revises provisions relating to elections.
23-33	Thompson	Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county or city.
23-35	Wheeler	Makes various changes relating to collective bargaining.
38-38	Wheeler	Revises provisions governing eligibility for welfare and supportive services.
43	Segerblom	Authorizes local governments to enact ordinances allowing for marijuana social clubs, events and concert arenas to allow the public use of marijuana.
24-45	Silberkraus	Designates certain elective offices as nonpartisan offices.
24-58	Leg. Op's & Elections	Revises certain provisions governing elections.
S-63	Woodhouse	Establishes an interim study committee to research issues regarding the behavioral health and cognitive care of older persons.
68	Carlton	Revises provisions relating to transferable tax credits to attract film and other productions to Nevada.
76	Settelmeyer	Revises provisions relating to real property.
38-77	Settelmeyer	Revises provisions relating to public welfare.
78	Settelmeyer	Revises provisions relating to governmental administration.
81	Settelmeyer	Revises provisions relating to public financial administration.
87	Harris	Makes various changes relating to guardianships.
88	Hansen	Revises provisions relating to elections.
18-92	Goicoechea Ellison	Makes various changes related to recruiting, retaining, stabilizing and expanding regional commercial air service in this State.
93	Gov't Affairs Cmttee	Revises provisions relating to business license fees.
103	Titus	Revises provisions governing public administrators.
110	Dickman	Revises provisions governing ethics in government.

153	Goicoechea Ellison	Revises provisions relating to animals impounded by counties.
53-161	Dept. of Bus. & Ind.	Makes various changes relating to the administration of workers' compensation claims.
184	Spiegel	Revises provisions relating to elections.
185	Segeberblom	Prohibits professional licensing boards from taking disciplinary action against licensees because of the licensees' professional involvement with marijuana.
190	Goicoechea	Expresses support for federal legislation to transfer recreational and public purpose land back to the jurisdiction or non-profit entity that held the land.
192	Swank	Revises provisions governing certain boards and commissions.
207	Goicoechea	Revises provisions relating to public works.
209	Oscarson	Provides for the periodic review of rates under the State Plan for Medicaid.
211	Joiner	Authorizes the creation of park, trail and open space districts.
217	Neal	Revises provisions governing economic development to encourage the growth and expansion of businesses located in this State.
27-242	Dept. of Admin.	Revises provisions relating to electronic forms, signatures, records and transactions.
11-256	DHHS-Welfare	Makes various changes relating to welfare and supportive services.
268	Hardy	Revises provisions relating to elections.
271	Hardy	Revises provisions regarding health care.
272	Kieckhefer	Exempts certain property from taxation.
274	Jones	Revises provisions governing elections.
275	Neal	Revises provisions relating to employment practices.
279	Denis	Revises provisions relating to public safety.
281	Silberkraus	Proposes to amend the Nevada Constitution to remove the Board of Regents and their duty to control and manage the affairs of the University from the Constitution.
288	Ohrenschall	Revises provisions regarding health care.
289	Spiegel	Provides for pay equity and fairness in employment practices.
290	Carrillo	Revises provisions governing collective bargaining.
291	Flores	Revises provisions governing security of personal information.
294	Bustamante-Adams	Revises provisions governing local emerging small businesses.
295	Spiegel	Provides for pay equity and fairness in government contracts.
297	Diaz	Revises provisions relating to court interpreters.
300	Spearman	Revises provisions relating to elections.

302	Hansen	Extends the requirement of quarterly reports by the Office of Economic Development relating to certain economic development incentives.
305	Benitez-Thompson	Revises provisions governing aid to certain victims of crime.
310	Spearman	Revises provisions relating to social impact bonds.
316	Carrillo	Provides certain restrictions on employment contracts relating to noncompete provisions.
321	Segerblom	Authorizes the Governor to enter into compacts with Indian tribes in Nevada concerning the regulation of marijuana and revises provisions relating to a tribal marijuana program in Nevada
325	Hardy	Revises provisions relating to taxation.
336	Leg. Public Lands	Makes various changes relating to water.
340	E. Anderson	Makes various changes relating to easements.
350	Hardy	Revises provisions relating to health care.
356	Leg. Water Cmtee	Revises provisions relating to grants for capital improvements to publicly owned water systems.
357	Leg. Water Cmtee	Makes various changes relating to water.
358	Leg. Water Cmtee	Makes various changes relating to water.
359	Leg. Water Cmtee	Revises provisions relating to water.
361		
367	Leg. Water Cmtee	Makes various changes relating to water.
370	Cmtee. Post Acute Care	Requires establishment of minimum standards of operation for provision of long-term care for certain persons.
371	Cmtee. Post Acute Care	Expands authority of Office of the State Long-Term Care Ombudsman.
20-376	AG	Revises provisions governing the confidentiality of information contained in County Assessors' records.
23-377	AG	Revises provisions governing the acceptance of gifts by certain public officers.
14-399	Supreme Court	Revises provisions relating to bail bonds.
42-412	Las Vegas	Revises provisions relating to fire safety requirements for multi-story buildings occupied by people.
22-413	Las Vegas	Revises provisions governing the use of revenue received for redevelopment purposes.
22-416	Reno	Revises provisions relating to redevelopment

422	Fernley	Revises provisions relating to taxation.
7-425	SOS	Revises various provisions relating to the licensing and registration of business entities.
22-436	Clark	Revises provisions relating to the funding of the metropolitan police department.
443	Segerblom	Increases the Clark County room tax by 2% and provides that the proceeds must be used to fund school construction bonds.
447	Segerblom	Increases the Clark County room tax by 4% for purposes of building a public stadium in Clark County that can seat 65,000 people.
448	Reno	Revises various provisions of the Reno City Charter
450	Sen Ledge Ops	Revises provisions relating to elections.
452	Farley	Revises provisions relating to elections
453	Farley	Revises provisions relating to employment
454	Goicoechea	Revises provisions pertaining to county fire districts
456	Moore	Revises provisions to provide expanded opportunities for veterans in public employment.
460	LCB	Revises provisions governing fiscal notes on legislative measures
462	Ford	Provides for additional discovery commissioners for the courts in Clark County
463	Secretary of State	Revises provisions relating to voter registration.
464	Div. of Insurance & Dept. of Bus. & Ind.	Makes various changes related to bail bonds
468	Harris	Revises certain provisions governing guardianships.
10-471	Harris	Revises provisions relating to real property
473	Sprinkle	Revises provisions governing financing of flood management projects
487	Sen Judic	Revises provisions relating to guardianships
491	Sen Ledge Ops	Makes various changes relating to elections
495	Ledge Comm TRPA/Marlette	Reorganizes provisions relating to local improvement districts
496	Ledge Comm TRPA/Marlette	Reorganizes provisions relating to local improvement districts
500	Farley	Revises provisions relating to economic development
502	Sprinkle	Revises provisions governing the guardianship of minors
506	Ratti	Revises provisions governing the Public Employees' Retirement System.
512	Sen Judic	Revises provisions relating to civil actions.

514	Sen Ratti	Revises provisions relating to revenue
515	Sen Ratti	Revises provisions relating to historic preservation
517	Settelmeyer	Authorizes mayors to perform marriages
521	Settelmeyer	Revises provisions governing elections
522	Settelmeyer	Makes certain changes relating to elections
524	Sprinkle	Revises provisions governing the administration of guardianships
533	Atkinson	Revises provisions relating to the Legislature
534	Atkinson	Revises provisions governing the use of apprentices on public works
536	Swank	Provides for transferable tax credits for the rehabilitation of historic buildings
539	Segerblom	Revises provisions relating to peace officers.
545	Segerblom	Establishes the Early Start Program for recreational marijuana
547	Settelmeyer	Revises provisions relating to election accessibility
552	Legislative Commission	Revises provisions relating to public financial administration
556	Legislative Commission	Revises provisions governing the membership of the Local Government Employee-Management Relations Board
559	Senate Judiciary	Decriminalizes possession of certain smaller amounts of marijuana and revises DUI laws with regard to marijuana.
560	Segerblom	Revises provisions governing public records
561	Hansen	AJR: Urges that the I-11 corridor not bypass Mineral County in recognition of the County's current and potential future contribution to the State of Nevada
562	Hansen	Revises provisions governing local financial administration
563	Wheeler	Revises provisions governing bail
564	Carillo	Revises provisions relating to public works
566	Hambrick	Revises provisions governing long-term care administrators
573	Daly	Revises provisions governing regulation of governmental entities
585	Krasner	Revises provisions governing local governments
587	Krasner	Makes various changes relating to elections
589	Roberson	Makes various changes to mechanic's lien laws for design professionals
593	Watkins	Revises provisions governing water controls in this State
595	Yaeger	Revises provisions governing guardianships
596	Assem Judic	Transfers the parole and probation functions of the Department of Public Safety to the Department of Corrections
597	Assem Judic	Makes various changes relating to electronic documents and electronic signatures

598	Assem Judic	Revises provisions relating to marijuana and the operation of a vehicle or vessel
599	Parks	Revises provisions relating to county treasurers
607	Parks	Revises certain fees charged by sheriffs and constables
616	Parks	Revises provisions relating to local financial administration
621	Yaeger	Revises provisions governing relations between local governments and public employees
622	Ellison	Revises provisions governing the regulation of water.
623	Ellison	Requires the Legislative Auditor to conduct an audit concerning the use of fees collected for the management and control of predatory wildlife program
624	Atkinson	Revises provisions relating to telecommunications
629	Cancela	Revises provisions relating to public works
635	Settelmeyer	Revises provisions relating to taxation
639	Titus	Revises provisions governing irrigation districts
640	Kieckhefer	Revises provisions relating to taxation
647	Titus	Revises provisions governing distribution of proceeds of certain taxes to local governments
656	Yaeger	Encourages and acknowledges the use of public lands in Nevada including state parks
658	McCurdy	Revises provisions governing sealing of records
662	Farley	Revises provisions relating to the welfare of children
663	Denis	Provides for community solar gardens
666	Ford +	Provides for the use of portable event recording devices by peace officers
667	Manendo	Revises provisions relating to public works
670	Edwards	Revises provisions governing motor vehicles and off-highway vehicles
678	Hardy	Revises provisions relating to waterfront projects
682	Ford	Requires an employer to provide paid sick leave to each employee of the employer under certain circumstances
683	Ford +	Revises provisions relating to civil actions
685	Sen Gov Affairs	Revises provisions relating to collective bargaining
696	Kramer	Revises the boundary line between Carson City and Washoe County
699	Frierson	AJR: Expresses the Legislature's opposition to the privatization of or the reduction of benefits to the programs of Medicare and Social Security
702	Frierson	Establishes certain requirements for the operation of seasonal or temporary recreation programs
703	Frierson	Revises provisions governing public works
704	Kramer	Revises provisions relating to the repair of certain roads
705	Kramer	Revises provisions relating to taxing districts
708	Neal	Reforms provisions governing bail in criminal cases

709	Assembly Tax	Provides tax credits for employers that provide paid family medical leave
710	Assembly Tax	Revises provisions relating to taxes
716	Joiner	Requires the fluoridation of water provided by certain public water systems and water authorities in certain counties
723	Joiner	Revises provisions relating to cemeteries
724	Joiner	Revises provisions relating to elder protection
725	Swank	Requires an assessment of the alternatives to window replacement in public buildings
731	Assem Gov Affairs	Revises provisions governing certain room taxes
735	Assem Nat RAM	Revises provisions relating to water.
736	Sen Nat Resources	Revises provisions pertaining to basin water budget calculations
743	Tolles	Makes changes relating to marriage licenses
747	Brooks	Revises provisions governing prevailing wage
748	Brooks	Revises provisions governing interaction of state and local governmental entities with federal immigration authorities
749	Assem Ledge Ops	Revises provisions governing elections
750	Assem Ledge Ops	Makes various changes relating to elections
752	Manendo	Revises provisions relating to public health
754	Parks	Revises provisions relating to animals
755	Assem Gov Affairs	Creates an application for mobile devices to be used as a centralized system for reporting nonemergency issues to the government
759	Cohen	Revises provisions governing vocational rehabilitation
760	Cohen	Revises provisions relating to wildlife
764	Jauregui	Revises provisions governing compensation and wages
765	Jauregui	Revises provisions governing cyber security
768	Carlton	Revises provisions governing workers' compensation
769	Assem ways	Makes an appropriation for the replacement of voting machines
770	Assem ways	Provides for certain free admission to state parks and recognition of public lands
771	Assem ways	Revises provisions governing the Southern Nevada Regional Housing Authority
772	Senator Cannizzaro	Designates Public Lands and State Parks Day

773	Senator Cannizzaro	Revises provisions relating to employment
777	Senator Cannizzaro	SJR: Urges Congress to propose an amendment to the United States Constitution to restore the authority of the governments of the United States and individual states to regulate and restrict independent political expenditures
781	Daly	Revises provisions governing public works
782	Kramer	Revises provisions relating to the investment of public money
786	Goicoechea	Revises provisions relating to certain local governing boards
787	Goicoechea/Ford	Revises provisions concerning plans for monitoring, management and mitigation relating to water resources
794	Spearman	Makes various changes relating to cyber security
796	Daly	Revises provisions relating to counties

BDRS Reviewed through #803 on 1/19/17

The following links and/or pages are support for agenda Item 16f

The BLM is soliciting public nominations for three positions on the Wild Horse and Burro Advisory Board (Board) that will become vacant on April 3, 2017. The Board provides advice concerning the management, protection, and control of wild free-roaming horses and burros on public lands administered by the Department of the Interior, through the Bureau of Land Management (BLM), and the Department of Agriculture, through the U.S. Forest Service.

Members of the Board serve without compensation. However, while away from their homes or regular places of business, Board and subcommittee members engaged in Board or subcommittee business may be allowed travel expenses. Nominations for a term of three years are needed to represent the following categories of interest:

- Natural Resource Management
- Wild Horse and Burro Research
- Public Interest (Equine behavior)

The Board will meet one to four times annually, however, there may be additional meetings in connection with special needs for advice. Individuals may nominate themselves or others. An individual serving on another resource advisory council is not eligible to serve concurrently on the Board. Any individual or organization may nominate one or more persons to serve on the Board. Nominations will not be accepted without a complete resume. Nominations must be post marked or submitted to the address listed below no later than February 10, 2017.

More information is available by clicking on the following link:

<https://www.federalregister.gov/documents/2016/12/27/2016-31216/call-for-nominations-for-the-national-wild-horse-and-burro-advisory-board>

The following links and/or pages are support for agenda
Item 16g3

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

1 Adam Paul Laxalt
Nevada Attorney General
2 Lawrence VanDyke (NSB 13643C)
Solicitor General
3 Joseph Tartakovsky (NSB 13796C)
Deputy Solicitor General
4 C. Wayne Howle (NSB 3443)
Chief Deputy Attorney General
5 OFFICE OF THE ATTORNEY GENERAL
100 North Carson Street
6 Carson City, Nevada 89701-4717
(775) 684-1100/1108 (Tel/Fax)
7 LVandyke@ag.nv.gov
JTartakovsky@ag.nv.gov
8 WHowle@ag.nv.gov
9 Attorneys for State of Nevada

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 WESTERN EXPLORATION LLC, *et. al*,

13 Plaintiffs,

14 vs.

15 U. S. DEPARTMENT OF THE INTERIOR, *et.*
16 *al*,

17 Defendants.

Case No. 3:15-cv-00491-MMD-VPC

**PLAINTIFF STATE OF NEVADA’S
(1) MOTION TO PERMIT SUPPLEMENTAL
BRIEFING AND (2) MOTION TO
POSTPONE FEB. 1, 2017 HEARING;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF SAME**

18 Plaintiff State of Nevada respectfully moves this Court to postpone the hearing set for February
19 1, 2017 to allow the parties to brief the significance of what Nevada considers a stunning new
20 document issued by Defendant Department of the Interior on December 30, 2016.¹ Buried within the
21 450 pages of this “Sagebrush Focal Areas Withdrawal—Environmental Impact Statement” are factual
22 representations that confirm Nevada’s assertions and ought to be briefed so that this Court can make an
23 informed ruling on the motions for summary judgment.

24 Nevada has consistently maintained in this litigation that the Bureau of Land Management failed
25 to assess the economic harm to Nevada and its residents when it barred mining and exploration over
26 millions of acres.² For instance, Nevada argued that the Bureau’s statements on how its decisions would

27 ¹ The report is available at [https://eplanning.blm.gov/epl-front-](https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=104273)
28 [office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=104273.](https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=104273)

² See, e.g., Dkt. 67 at 6, 7-9, 11, 22, 26, 28-29.

1 affect mining were “vague,” “amorphous,” and “trite”;³ that the BLM “segmented” its decision-making
 2 so as to put off (until now, apparently) any real consideration of the effects of land withdrawals on
 3 mining;⁴ that the BLM failed to complete an obligatory “mineral potential report”;⁵ and that the BLM’s
 4 own staff expressed concern, internally, that the agency’s analysis ignored the effect of disabling
 5 mining over such extensive territory.⁶

6 Nevada’s fear was that a candid specification of the true injury to Nevada was being withheld, or,
 7 which is no better, deliberately left uninvestigated. This new document from a few days ago justifies
 8 those fears. Now, for the first time, the Department of the Interior puts hard figures on the likely impact of
 9 its decisions. At this time, Nevada cannot confirm whether those figures are accurate—or gross
 10 underestimations. But regardless, the impact, even taking the Department’s *own* estimates as a given, are
 11 enormous. For instance, the report, in Table 2-19, declares that, without land withdrawals, the projected
 12 annual economic output “supported by future mines” is close to a billion dollars—\$845 million, to be
 13 exact.⁷ But with BLM’s proposed land withdrawals, that estimate drops to almost *one sixth* (\$151
 14 million)—a hit of almost \$700 million to the economy. This figure covers the six states affected. Other
 15 figures discuss Nevada specifically: Table 4-28 states that the “proportionate” impact of the proposed
 16 action could be as high as a \$373 million hit to Nevada’s rural economy and a loss of 739 jobs.⁸ The
 17 *lowest* economic impact estimated for Nevada is still almost \$200 million and the loss of over 400 jobs.⁹

18 One obvious legal issue that Nevada seeks to brief is that these striking figures were not
 19 disclosed or developed earlier. This new report, then, could establish that the Department possessed
 20 detailed information about liable impact on Nevada mining that it left out of its June 2015
 21 Environmental Impact Statement and related documents—despite NEPA’s requirements. A strong
 22 inference could arise that the BLM had the information only now disclosed *before* its June 2015

23
 24 ³ *Id.* at 9 & n.3, 22-24.

25 ⁴ *Id.* at 8-10.

26 ⁵ *Id.* at 9, 25-26.

27 ⁶ *Id.* at 11, 18.

28 ⁷ Ex 1 (Table 2-19 excerpted from the Dec. 30, 2016 EIS).

⁸ Ex. 2 (Table 4-28 excerpted from the Dec. 30, 2016 EIS).

⁹ *Id.*

1 decision. Alternatively, this report could itself establish that the Department improperly postponed,
2 until now, developing the facts that it now reveals—despite, again, the requirement of law. This would
3 constitute the impermissible “segmentation” that Nevada has alleged, *i.e.*, the compartmentalizing of
4 processes to reach desired results.¹⁰ The bottom line is that the Bureau of Land Management was
5 obligated to consider the cumulative impact of its proposals.¹¹ Now it specifies *how* many jobs and *how*
6 many dollars it expects will vanish as a result of its decisions.

7 Nevada seeks an opportunity, first, to brief whether the Court should take judicial notice of this
8 document or supplement the record with it, and second, quite separately, to brief what significance this
9 new document has on the disposition of this matter. The Ninth Circuit holds that judicial review of
10 agency decisions generally occurs on the basis of the agency record. But the circuit also recognizes that
11 courts have discretion to “look beyond the administrative record for the limited purposes of ascertaining
12 whether the agency considered all the relevant factors or fully explicated its course of conduct or
13 grounds of decision.”¹² The federal Defendants should naturally have an opportunity to offer their own
14 take on the significance of this new report. If the Court allows the supplemental briefing requested,
15 these Defendants will be able to provide this.

16 For these reasons, Nevada respectfully moves this Court (1) to permit those parties interested to
17 brief the questions of judicial notice, record supplementation, and significance of the December 30,
18 2016 “Sagebrush Focal Areas Withdrawal—Environmental Impact Statement”; (2) to postpone the
19 hearing set for February 1, 2017 until such briefing is complete.

20 Counsel for the federal Defendants inform Nevada that they oppose both motions. Counsel for
21 the non-Nevada Plaintiffs take no position. Counsel for the Defendant-Intervenors could not be reached.

22
23
24
25

¹⁰ Dkt. 67, 7-10; 40 C.F.R. § 1502.4(a); *West. Land Exch. Project v. U.S. Bureau of Land Mgmt.*, 315
26 F.Supp.2d 1068 (D. Nev. 2004) (BLM improperly segmented by deferring consideration of impacts).

27 ¹¹ *Kern v. U.S. BLM*, 284 F.3d 1062, 1076 (9th Cir. 2002).

28 ¹² *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 698 F.3d 1101, 1123 n. 14 (9th Cir.
2012) (quotations and citations omitted); *San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d
581, 603-04 (9th Cir. 2014); *Great Basin Mine Watch v. Hankins*, 456 F.3d 955, 975 (9th Cir. 2006).

CERTIFICATE OF SERVICE

I, Sandra Geyer, certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 19th day of January, 2017, I filed the foregoing document via this Court's electronic filing system, Plaintiff State of Nevada's (1) Motion to Permit Supplemental Briefing and (2) Motion to Postpone the February 1, 2017 Hearing.

/s/ Sandra Geyer

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28