

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

**Seventy-Seventh Session
May 8, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:43 a.m. on Wednesday, May 8, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Peggy Pierce (excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7

Minutes ID: 1082



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Jennifer Dalton, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Brett Kandt, Special Deputy Attorney General, Office of the Attorney General
Paula Berkley, representing Nevada Network Against Domestic Violence
Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association
Brian O'Callaghan, representing Las Vegas Metropolitan Police Department
Allan Smith, representing Religious Alliance in Nevada
Caleb S. Cage, Executive Director, Office of Veterans Services
John F. Warden, Jr., Commander, The American Legion Department of Nevada
Tonja Brown, Board Member, Gold Star Families of Nevada National, Inc.

Chairwoman Benitez-Thompson:

[Roll was called. Rules and protocols were explained.] We have two bills today, Senate Bill 26, which will be presented by Mr. Kandt from the Office of the Attorney General, and Senate Bill 230 (1st Reprint), which will be presented by Senator Parks and Caleb Cage. With that said, I will open the hearing on S.B. 26 and welcome Mr. Kandt to the witness table.

Senate Bill 26: Creates a statewide automated victim information and notification system within the Office of the Attorney General. (BDR 18-214)

Brett Kandt, Special Deputy Attorney General, Office of the Attorney General:

Senate Bill 26 provides for the governance and oversight of a statewide automated victim information and notification system, known as Nevada Victim Information and Notification Everyday (VINE). [Mr. Kandt provided a letter from Attorney General Catherine Cortez Masto ([Exhibit C](#)).]

Victims are afforded certain rights by Article 1, Section 8 of the *Nevada Constitution* and by statute. Many of these rights involve keeping the victim notified about his or her case, including the custody status of the offender. The VINE system assists law enforcement agencies with fulfilling these victim notification requirements. Washoe County Detention Center and

Clark County Detention Center have been using VINE for victim notification for over a decade. In 2009, the Office of the Attorney General received a grant from the Bureau of Justice Assistance to implement Nevada VINE so that all victims statewide could have the same access to timely custody status information. Victim Information and Notification Everyday is an automated notification service now available in 47 states. We have provided a map ([Exhibit D](#)) of those states that should be available to you on the Nevada Electronic Legislative Information System (NELIS).

The VINE service allows victims to go to their website <vinelink.com> or call 1-888-2NV-VINE to register a phone number or an email address to receive updates on a specific offender's custody status. It is completely anonymous and it is up to the victim whether they want to utilize the service or not. When a jail, corrections facility, or law enforcement agency enters a change in their records management system, that change is sent to VINE through an interface and the notification process begins. If the victim registers an email address, they receive an email detailing the change in custody status. If the victim registers a phone number, calls begin and will continue every two hours until a personal identification number is entered confirming receipt of the call. Live operator assistance is available 24 hours a day, 365 days a year.

The implementation phase of this project is near completion. To date, we have successfully implemented VINE in the Department of Corrections and every local jail, with the exception of Henderson Detention Center and the City of Las Vegas Detention and Enforcement, which are in progress. The Division of Parole and Probation and the Parole Board are also in the implementation process. We anticipate the entire project to be completed and the entire state to be on a unified system later this year.

In Nevada during 2012, the VINE service sent nearly 5,000 email notifications and made over 180,000 phone call notifications. Over 150,000 phone calls were made to the Nevada VINE service and nearly 30,000 of those calls were assisted by a live operator. The ultimate goal of the Nevada VINE project is to streamline the registration and notification process for victims and to allow victims to receive timely, accurate information on custody status changes we feel they are entitled to.

I have also provided the VINE brochure ([Exhibit E](#)), which has also been uploaded to NELIS. Law enforcement agencies, victim advocates, and other agencies and stakeholders have been provided with this brochure to present to victims in order to make them aware of the service and how they can utilize the service.

Under this bill, Nevada VINE will be permanently overseen by a subcommittee of the Nevada Council for the Prevention of Domestic Violence, which is established under *Nevada Revised Statutes* (NRS) 228.480. In essence, it will give this statewide system a permanent home. With the permanent oversight and governance of the Nevada VINE system, we can continue to ensure that victims receive this notification, which they deserve, they are entitled to, and that promotes victim safety.

I would be happy to answer any questions.

Chairwoman Benitez-Thompson:

Thank you for the presentation. Are there any questions from Committee members?

Assemblyman Stewart:

When a crime is committed against a victim and the perpetrator of the crime is convicted, is there a way to notify the victim of this system so they are aware of it? Is that part of the process?

Brett Kandt:

Actually, the process starts earlier than that. It begins at the time the arrest is made and from that point forward. For instance, if the offender were released on his own recognizance or on bail, that is a notification the victim would receive through the system. Likewise, the victim would receive a notification if the individual were transferred to the custody of the Nevada Department of Corrections or if the offender is up for parole. All of those notifications would be made through this system.

If I may add, this system really empowers victims, and that is an important thing. We have talked to some survivors of rape whose assailants are serving lengthy prison sentences, but every morning the first thing they do to start their day is check in on the VINE system to get the confirmation that the person who did this to them is behind bars. It is the first thing they do and it allows them to go on with their day and their lives. Another important aspect of this system is not only does it promote victim safety, but it also empowers victims.

Assemblyman Stewart:

If a crime was committed in Las Vegas and the offender is arrested by the Las Vegas Metropolitan Police Department, is it Metro's responsibility to notify the victim that the system is in place and how to get into the system?

Brett Kandt:

I believe your question is whose job is it to notify the victim of the existence of VINE. All the law enforcement agencies have certain statutory obligations with regard to notifying victims. To the extent VINE can assist with those statutory obligations, it does so. It would usually be the law enforcement agency that made the arrest that would initially inform the victim of the existence of the VINE system and how they can utilize it.

Assemblywoman Neal:

I think this is a good bill, but I have a couple of questions. In subsection 6, it states, "The failure of the System to notify a victim of a crime of a change in the custody status of an offender does not establish a basis for any cause of action by the victim" Why was it important to put that language in the bill? To me, it is self-defeating. I know the system is set up, it is supposed to notify me, but if it does not, no one is responsible for not notifying me. However, safety is the larger framework that I am empowered by and that I believe in. To me, that is a caveat in case the system does not work and the offender shows up at my door.

Brett Kandt:

Assemblywoman Neal, your legal counsel put that in the bill when it was drafted to establish some liability limitations for the state and the user agencies in the event of a failure of the system. Obviously, if the liability limitations are not in there, Nevada taxpayers could ultimately face liability in the event of a failure of the system. It is an effort to limit that liability.

Assemblywoman Neal:

Regarding section 1, subsection 2, paragraph (a), who is envisioned to be appointed to the subcommittee on the Nevada Council for the Prevention of Domestic Violence? I know there are many domestic violence groups within the Latino community, the African-American community, and the religious community. Are they some of the people who have been envisioned to be a part of that?

Brett Kandt:

I think our office would be amenable to any suggestions as to who should comprise the oversight committee. I know that representatives of the user agencies, the detention facilities, and the prison system would be a part of the oversight committee. To the extent you think there are other stakeholders that should have appropriate representation, our office is certainly amenable to considering that.

Assemblywoman Bustamante Adams:

My questions are along some of those same lines regarding, section 1, subsection 2, paragraph (a). *Nevada Revised Statutes* 228.480 states the council cannot consist of more than 30 members. How many members are there now?

Brett Kandt:

I cannot tell you what the membership of the Domestic Violence Council is currently. I am actually on the Domestic Violence Council and I can get that information for you. We have occasional turnover, so whether we are at a full 30 members now, I am not sure. I will find out and get you a list of the current membership of the council ([Exhibit F](#)).

Assemblywoman Bustamante Adams:

Nevada Revised Statutes 228.480 also states the term is for three years. Has this council gone through a full circle of membership where members have termed out? Is it a staggered membership process?

Brett Kandt:

The council itself was established in statute in 2005, so it has been in existence as a statutory body for approximately eight years. There has been turnover in the membership and periodic appointments by the Attorney General to the council during that time. Once again, I can get you the current membership so you can take a look at that.

Chairwoman Benitez-Thompson:

I believe we have folks in the audience who can speak to the Nevada Council for the Prevention of Domestic Violence, its composition, and its history.

Assemblyman Oscarson:

In section 1, subsection 5, it states, "To the extent of available funding, each sheriff and chief of police, the Department of Corrections" How do you think this is going to impact some of the smaller, rural departments? In addition, is it the responsibility of the original charging entity to enter information into the system if there are transfers or changes in the custody status, or is it whoever has custody of the inmate at that time?

Brett Kandt:

I am going to answer your questions in reverse order. With regard to your second question, both of the entities have a responsibility. The entity that is transferring out the custody of the offender would enter that information into their system, and the entity who is receiving the offender would enter that information into the system. Because it is a unified system, all of that

information is connected. That is one of the important things about a unified system, because you have offenders and inmates being transferred from the custody of one entity to another. That is why we need a unified system.

Your first question had to do with available funding. That language was purposely put in the bill because we did not want this to constitute an unfunded mandate. This has always been based upon the willing cooperation of all the participating agencies. Initially, as I indicated, we were able to launch a statewide system with the use of federal funding. However, we are nearing the end of the availability of the federal funding. However, we have been very successful in having all the participating agencies commit their own funding and build it into their existing budgets. Not all of them are at that point yet. Some are still utilizing the assistance of the Office of the Attorney General through the grant funding that was made available. Many of the agencies are now starting to build the cost of participating in the system, which is nominal, into their current budgets. I know this is not a money committee, but nevertheless, I think it is an important consideration. We have a single billing point through the Attorney General's Office and the Attorney General's Office entered into interlocal agreements with all of the participating agencies. Because we were a single entity to be billed, there was considerable cost savings. The cost of a statewide system being built through the Attorney General's Office was half the cost that it would have been if each of the agencies individually contracted with the vendor for their piece of the system.

Assemblyman Oscarson:

I want you to know, I am supportive of what you are doing. I think it is important for communities and victims to be able to track this information. While I know this is not a money committee, is there a software program that comes into play here or something the entities have to purchase in order to get into the system so they can enter the data and information?

Brett Kandt:

I do not want to veer too far away from my area of personal knowledge. However, I can tell you that the national vendor of the system is Appriss, a company out of Kentucky. Initially, there were some software and hardware needs for some of the state agencies to be able to participate in the statewide system. We utilized the grant funding, in part, to purchase those software and hardware needs for the agencies that needed the assistance.

Chairwoman Benitez-Thompson:

Anyone can use VINE, victims of crime and members of the public, so there does not have to be a nexus for an individual to be involved in the crime or with

the perpetrator in order to register and follow that person's status, is that correct?

Brett Kandt:

That is correct.

Chairwoman Benitez-Thompson:

So I, as a general member of the public, could register myself and put in any offender's name and get notification about that offender?

Brett Kandt:

That is correct. It is completely anonymous, as well. When you register, you are anonymous to the system.

Chairwoman Benitez-Thompson:

Could you talk to me a little bit more about why it would be open to all members of the public versus the person who has been involved with the crime?

Brett Kandt:

One, because it is an anonymous system. Two, because other members of the public may wish to keep track of the custody status of an offender for their own personal safety. Three, because law enforcement agencies actually utilize and sometimes register through the system to keep track of an offender they are concerned with.

Chairwoman Benitez-Thompson:

To beg the question, we are using the term "offender" for the purpose of this legislation and for the VINE program. Do you mean someone who has actually been adjudicated for a crime?

Brett Kandt:

It is actually someone who has been arrested. The custody status extends, as I said, back to their initial arrest and then all the way through the process until they have served any sentence, including parole, as well. When I use the term "offender," I am talking about from the point of arrest all the way through serving any sentence.

Chairwoman Benitez-Thompson:

A member of the public can enter an offender's name and the entry point of an offender is an arrest. According to the brochure ([Exhibit E](#)), members of the public can track that person from arrest until release, transfer, escape, and death. Does that mean indefinitely, until that person dies, there is a process to track them?

Brett Kandt:

Until expiration of sentence. They mention death because an offender may die in prison.

Chairwoman Benitez-Thompson:

I want to make sure we are clear for the legislative record about the type of information we are empowering for people to share. If an offender were arrested for a crime five years ago and someone wanted to know if that offender is ever arrested again, can they enter the offender's name and, because that person had been arrested five years ago, would they be eligible to be tracked by the public now?

Brett Kandt:

The offender would have to be in custody in the criminal justice system in some capacity. If they are not currently in the custody of some agency in our criminal justice system, there would be nothing to track in the system.

Chairwoman Benitez-Thompson:

We want to make sure the legislative record is clear. Section 1, subsection 7, paragraph (b) states, "'Offender' means a person convicted of a crime and sentenced to imprisonment in a county jail or in the state prison." That process has to happen in order for them to be tracked by the public. I am just trying to figure out where the entry point is for someone to be tracked by the public through a telephone call on VINE. It looks like the entry point is being convicted and sentenced to imprisonment. Is that the intent of the bill, or did you want a different starting point?

Brett Kandt:

Some of the user agencies are here and maybe they can provide some clarification. My understanding is the system is built and designed to track offenders from the point of arrest. If they are released on bail or on their own recognizance, that is a change in custody status that law enforcement agencies are required to notify victims about and that the VINE system is capable of tracking.

I have one point of clarification, because you were asking about the ability to track someone in the system. For instance, if you were to enter the name Brett Kandt and I am not currently in the custody, and have never been in the custody, of any of our law enforcement agencies or detention facilities, you will not get alerts if I were arrested at some point in the future. You would enter my name and it would indicate I am not someone who is currently in the system.

Chairwoman Benitez-Thompson:

That is the point I am trying to make. A member of the public could not enter an ex-boyfriend's name to see if they ever get arrested.

Brett Kandt:

Precisely. You cannot enter a name of someone with the intent of getting a future alert if he or she is arrested at some point in the future. The system does not work that way.

Assemblyman Stewart:

An offender would go into the system when he was arrested, then as he was removed as a suspect or as he was acquitted in a court of law, then his name would be taken out of the system. Is that correct?

Brett Kandt:

To the extent that the person is not held over after a probable cause hearing and does not face a trial, or their case is no longer going to move forward, they are out of the system. There would be nothing for the system to track.

Chairwoman Benitez-Thompson:

Perhaps, for the legislative record, I should give a better example. I am thinking a parent could enter their adult child's name and get a phone call if they are ever arrested. If they have been in trouble and they have been in custody at one point, I could sign up and get notifications about when they reenter custody. This system is available to all members of the public and it is not just a nexus to a victim who is involved in a crime.

Brett Kandt:

It is available to all members of the public. However, to clarify, it is not a system that allows you to enter a name and then receive alerts if at any time in the future that person is arrested. It only allows you to enter a name and determine if that person is currently in the custody of one of the law enforcement agencies and to receive alerts as to changes in the custody status.

Assemblywoman Neal:

Regarding the fiscal note from the Department of Corrections, have you worked something out with them? This went to the Senate Finance Committee already, so is this the reduced fiscal note that they came up with?

Brett Kandt:

This bill has already been vetted by the Senate Finance Committee. The Department of Corrections has had their budget supplemented to address the fiscal note, so it should be a nonissue.

Chairwoman Benitez-Thompson:

Are there additional questions from Committee members? [There were none.] I will open testimony in support of the bill. Ms. Berkley, would you talk a little bit about the history and structure of the Domestic Violence Council.

Paula Berkley, representing Nevada Network Against Domestic Violence:

We are obviously in support of this bill. When a victim is contacted by the police, the police officer will give her the brochure ([Exhibit E](#)), which tells her to register right away. The perpetrator or batterer's information goes into the system and stays in the system for 14 days after he is released, if he is released. The system does clean up after itself, but the name stays in the system long enough in case he is picked up again. Certainly, for victims of domestic violence, this is key. Sometimes the victim needs enough time to move, get assistance, or have someone move in with her, et cetera. She will know how much time she has and exactly when he has been released. It is a good system.

Chairwoman Benitez-Thompson:

Do you feel comfortable addressing Committee members' questions about the structure and some of the history of the Nevada Council for the Prevention of Domestic Violence, or do you feel that is a little out of your purview?

Paula Berkley:

I have been a member in the past. When it was first started, former Attorney General Frankie Sue Del Papa gave me a call. At the time, I was representing Indian tribes, so she told me I would represent Indian tribes on the Domestic Violence Council. I know there was a huge effort to make sure we were motley enough so everyone who had an issue was represented on the council. Since then, I have been associated with the council. I am not an active member, although the Nevada Network Against Domestic Violence is basically a permanent member of the Domestic Violence Council because we are always interested in almost everything they do.

The real value of the Domestic Violence Council is that it is made up of all of the people who are involved, such as judges, law enforcement, prosecutors, et cetera. It is such a unique committee in that regard. They meet regularly and I think it eliminates the need to come to the Legislature frequently. If we just sit down and talk about some of our issues long enough, we find a way to work around those issues and come up with a good compromise. I think the VINE system is certainly one of them. To a large extent, it is funded from the Violence Against Women Act (VAWA). All the same organizations that get money from VAWA are also on that committee, so we are always trying to figure out how to best utilize those dollars and cover the issues as much as

possible. If you do not have someone, like the Attorney General, who can basically demand that you sit down and talk, it would be very hard sometimes. Someone could just say they do not want to talk about a specific issue and be passive-aggressive about it. With the Attorney General sitting at the head of the table, it is a little harder to do that. I think it is very effective in getting us all together and working on common issues.

Assemblywoman Bustamante Adams:

Nevada Revised Statutes 228.480 states there must be representation from various geographic regions of the state. Did you see that when you served in the group?

Paula Berkley:

Yes, I did. When we first started, it was more like a cast of thousands because we were trying to come up with the rules and how to get people covered. The Attorney General at that time had two or three summits where there were a few hundred people there in order to make sure that we were designing the council in such a way that it could be effective. Sometimes someone will fall out and it would take a while to get someone else willing to come in. I know they try to fund those positions if they have to travel and do not have the money to do so. I think a lot of things you have heard this session regarding the Nevada Office of Suicide Prevention and the Domestic Violence Fatality Review all came out of ideas from the Domestic Violence Council.

Assemblywoman Neal:

I think all of those statements you just made are good; one thing spiraled into several different things. Over the interim, I went to many NAACP events and there was a Latino-based domestic violence group. They were constantly trying to find traction for their group, so that is why they associated themselves with NAACP. They were looking to me to try to help them elevate what they were doing, but they never mentioned what was going on with what you are talking about. Sometimes I think we find ourselves doing good things in one area, but things do not filter down to the communities that actually need to know what is happening and how they can access that information. This is not a new issue that only happened this year; it is something I have seen during my entire life. I want to know, in terms of outreach, how do we get the message to the communities that do not necessarily spend time in certain circles? What happens is we have a group of people who are advocates and those advocates are in the same circles. We play in and out of the same circles and the other circles are not a part of those circles. Those are the people who need it. If you hang out on 28th Street, Civic Center Drive, or Bruce Street, it is an entirely different environment of people who want to advocate for themselves but do not have access to what you are talking about. I think we need to change that.

Paula Berkley:

I totally agree with you. I think it is a frustration for all of us as domestic violence advocates. We wish we could reach those people who need our help specifically because of those cultural differences or experience differences. They are always underrepresented. I scratch my head on how to find, engage, and facilitate those people. I do not have an answer, but I would love to have one.

Assemblywoman Neal:

While sitting in this hearing, I sent the information to my group to make sure the dots are connected through the Attorney General's Office. I am going to make sure that connection happens.

Paula Berkley:

If you would email it to me, I would email it to the Attorney General's Office and make sure they reach out as well. That is probably what has to happen.

Assemblywoman Neal:

Agreed.

Chairwoman Benitez-Thompson:

Are there any additional questions from Committee members? [There were none.] Is there additional testimony in support of the bill?

Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association:

We are in support of VINE. Our agencies are participating, and the Nevada Sheriffs' and Chiefs' Association is also on the governance committee that helped work this out within the state.

With regard to your earlier question, VINE cannot be used, for lack of a better term, as a fishing expedition to see if you get a bite down the road.

Chairwoman Benitez-Thompson:

I am looking at the VINE system now because it actually helps to get into a system and play with it a little bit. What is consistent with the bill is I can only look up people who are currently incarcerated. The system only searches for folks who are currently in county jail or state prison. I think the default for Nevada is the Department of Corrections, correct?

Robert Roshak:

That is correct.

Assemblywoman Swank:

I am actually on VINE right now. I searched for Johnson because it is a common name. It actually shows people who are out of custody and their sentence has been served. I was wondering, how long do they stay in the system after they have been released and their sentence is served?

Robert Roshak:

I do not have an answer for that, but I can research it and get back with you.

Chairwoman Benitez-Thompson:

Any additional questions from Committee members? [There were none.]

Brian O'Callaghan, representing Las Vegas Metropolitan Police Department:

We are in support of this bill. It streamlines the process and also gives victims all over the state access to this.

Chairwoman Benitez-Thompson:

Are there any questions from Committee members? [There were none.]

Allan Smith, representing Religious Alliance in Nevada:

We are here in support of this measure. Religious Alliance in Nevada is obviously an advocacy group that looks out for those who do not have a voice and need a voice. This fits our area of interest, so we are in support.

Chairwoman Benitez-Thompson:

Are there any questions from Committee members? [There were none.] Is there any further testimony in support of the bill from Carson City or Las Vegas? [There was none.] Is there anyone wishing to testify in opposition to the bill, either in Carson City or Las Vegas? [There was no one.] Is there anyone wishing to testify neutral to the bill, either in Carson City or in Las Vegas? [There was no one.] Mr. Kandt, do you have any closing comments?

Brett Kandt:

Thank you, Madam Chairwoman and members of the Committee. We really appreciate your ability to engage us on this bill today and your careful consideration of it. Just to make it clear, the Department of Corrections has informed me that someone whose sentence has expired stays in the system for 14 days after the expiration of the sentence.

It is my understanding that I need to follow up and get you a list of the current composition of the Nevada Council for the Prevention of Domestic Violence. I will send that to Ms. Ruedy. Is there any other information you would like me to provide you?

Chairwoman Benitez-Thompson:

Any thoughts or direction about the subcommittee; it does not have to be anything specific. As long as we are asking the Attorney General to appoint a subcommittee, is there a vision she has of the composition of that subcommittee? We will give the Committee members an opportunity to look at the VINE system and play with it a little bit, and then we can follow up with you off-line.

Brett Kandt:

I am going to send Ms. Ruedy a list of the current composition of the Nevada Council for the Prevention of Domestic Violence ([Exhibit F](#)) and I will send a list of the current composition of the Nevada VINE Governance Committee ([Exhibit G](#)) that is currently overseeing the system.

Chairwoman Benitez-Thompson:

I will now close the hearing on Senate Bill 26. I will open the hearing for Senate Bill 230 (1st Reprint) and welcome the bill sponsor, Senator Parks, to the witness table.

Senate Bill 230 (1st Reprint): Authorizes the construction or installation of a memorial dedicated to Nevada's fallen soldiers. (BDR S-553)

Senator David R. Parks, Clark County Senatorial District No. 7:

I appreciate your hearing Senate Bill 230 (1st Reprint). This bill authorizes the construction and installation of a memorial dedicated to Nevada's fallen soldiers. This was a bill that was brought to my attention by Ms. Tonja Brown, who will be speaking shortly. The bill has certainly received a lot of interest. At this time, we do not have a state fallen soldier memorial, and the hope is to locate one here on the Capitol Complex. This bill does put in process the requirements to design, construct, and maintain such a monument, as well as how to fund it. With that said, I would like to turn it over to the experts. We have Caleb Cage from the Nevada Office of Veterans Services and John Warden with The American Legion who have comments for you. In addition, Ms. Brown can give you some background on how this came to be.

Caleb S. Cage, Executive Director, Nevada Office of Veterans Services:

We have been working with Senator Parks and members of the veteran community for some time on the details of this bill. It allows for The American Legion to take this initiative forward on capitol grounds honoring our fallen service members. It establishes an account that is overseen by my office, which is fine with us. We have several others that are similar, and it allows the Nevada Veterans' Services Commission to decide the criteria for the definition of fallen service members in the state of Nevada. We staff the

Veterans' Services Commission, we oversee the account, and we work closely with The American Legion and other organizations here in northern Nevada. We would be happy to continue to do so if this bill passes.

John F. Warden, Jr., Commander, The American Legion Department of Nevada:
Einstein once defined being an expert as "ex" as the unknown, and "spurt" as a drip under pressure. The American Legion Department of Nevada and its 10,000 members support this legislation and are honored to act as the lead veterans' service organization in establishing this memorial for our fallen citizens. This legislation gives us legitimacy.

Memorials are stepping stones from the past to the future. They link the generations. Memories of those who lost their lives in the service of this country are precious and it is appropriate to share them with future generations. This tribute strengthens the bonds among our veterans, their families, their friends, and the community. Thank you for allowing me to testify today.

Assemblyman Elliot Anderson:

For full disclosure, I am a member of the Veterans' Services Commission. Would it not be appropriate to also have the Veterans' Services Commission not just approve how the names are being placed, but also the design of the memorial just so the community can have a part in the approval process?

Caleb Cage:

I believe the mock-up for the amendment ([Exhibit H](#)) covers that issue in section 1, subsection 2, stating, "The American Legion Department of Nevada, or its successor, shall, in consultation with the Nevada Veterans Services Commission, and such other volunteers, as it may deem desirable, establish a committee to design the Nevada Fallen Soldier Memorial."

Chairwoman Benitez-Thompson:

For your reference, the amendment is on the Nevada Electronic Legislative Information System (NELIS). It is a little difficult to read because the new language is in the same color and font as the existing language. We can actually have our policy analyst adjust it so we can identify the amended language. Section 1, subsection 2 is the new language that Mr. Cage just read. Section 1, subsection 3, the last sentence is new language and states, "Upon approval of the design, the construction or installation of the memorial may begin." In section 1, subsection 4, the new language is the last sentence, as well. Section 2 in the amendment is all new language regarding the gift account.

Assemblyman Elliot Anderson:

I am looking at the difference in the language between section 1, subsection 2 of the mock-up and subsection 3, where it talks explicitly about approval of the administrator versus consultation with the Veterans' Services Commission. Can you explain the intent of that language and how that would work? Would the commission have a representative and then instruct the representative by taking a vote?

Caleb Cage:

The administrator of the State Public Works Division does currently oversee memorials placed on public property. They have an extensive application process that deals with making sure it fits the needs of Nevada, that it is funded, and that it is taken care of. That is a process that is handled expertly by Public Works and the Buildings and Grounds Section. The Veterans' Services Commission serves in an advisory capacity. I think the language in section 1, subsection 2 demonstrates that as well. I think Public Works is going to be held accountable for memorials and have the processes and expertise to do that. I believe that is the genesis of that language.

Assemblyman Elliot Anderson:

I think my preference would be to have more of an explicit approval process for the Veterans' Services Commission. I am not saying they would have the final approval, but at least the preliminary approval before it goes to the administrator. I feel that is something we should let the entire commission have a say in because there are a number of veterans' groups represented there. I think it would be better to have more people and more organizations be a part of that approval process before we go ahead with this.

Assemblywoman Bustamante Adams:

In the original bill, it required the Gold Star Families of Nevada National, Inc. to submit the design, but it was changed. Can you explain why the change to The American Legion?

Caleb Cage:

I can, and I know the members of both organizations are here at the table as well. Basically, it came down to a brief change from the previous organization that is listed in the bill that was not situated to take over this responsibility, so a new organization was being formed to do so. However, there was no 501(c)(3) status or recognition for that yet, so The American Legion, with its nearly 100 years in existence and credibility, as well as 501(c)(3) fundraising capability and statewide network, stepped up and said they would be happy to

do that in coordination with this new organization and in consultation with the Veterans' Services Commission.

Assemblywoman Bustamante Adams:

I know the Veterans' Services Commission is regionally diverse, which is great, but not necessarily ethnically diverse. Also, for gender representation, there is only one female and she is not a veteran. Is that correct?

Caleb Cage:

That is correct.

Assemblyman Ellison:

I want to thank the bill sponsor for bringing this forward. We have a memorial in front of our courthouse in Elko. It was not about how we did it or who did it, but it is there. You can see the names from the beginning, when they started keeping records. On the back of the memorial is the list of names of who paid to have it built and the different sponsors. There is a lot of pride as you walk in front of that courthouse to see this memorial with the names of those who gave their ultimate sacrifice for this country. I think it is important and I do not really care who built it or who takes the credit, as long as it is there.

Assemblyman Stewart:

I would like to commend Senator Parks, as well. He has always been very supportive of veterans' groups. Commander Warden, as a member of The American Legion, I would like to offer my support in helping to raise these funds.

Chairwoman Benitez-Thompson:

Thank you, Assemblyman Stewart. That is very kind. Are there any further questions from Committee members? [There were none.]

Tonja Brown, Board Member, Gold Star Families of Nevada National, Inc.:

I am a board member for Gold Star Families of Nevada National, Inc. I just want to briefly explain how this came about. Roger Varella is the founder of the Gold Star Families. He was also instrumental in getting the Gold Star license plate that is now displayed for those who have lost a loved one in the line of duty.

Brad Williams is an officer in Lake Tahoe and it was his concept for the memorial wall, along with Roger Varella. Phillip Brandon Williams, Mr. Williams' son, was killed by a sniper in Baghdad in October 2006. On May 19, 2007, Mr. Varella lost his only child, his son, in Baghdad. It was because of this that they wanted to do something so people did not forget their sons. They came

up with the idea of a memorial on our capitol grounds so that everyone would remember and never forget that their child paid the ultimate sacrifice to defend our country. This is what they would like to see done. On behalf of these two gentlemen, I went to Senator Parks with this idea and we are here today to discuss that and, hopefully, have it passed.

Chairwoman Benitez-Thompson:

Any questions from Committee members? [There were none.] Is there any additional testimony in support of the bill, either here or in Las Vegas? [There was no one.] Is there anyone wishing to speak in opposition to the bill? [There was no one.] Is there anyone wishing to speak neutral on the bill? [There was no one.] I will invite the bill sponsor back for closing comments.

Senator Parks:

I have just a few brief comments. First of all, this is a memorial that will be built at no cost to Nevada taxpayers. It will be done strictly by contributions. One of the changes I suggested was to have the design of the memorial involving other individuals. I was contacted by individuals who offered to provide their services, not only to help with the design but to generate revenue to build this memorial. One of those offers of service was that of Frank Adams, who is currently a legislative police officer, but he was also a lobbyist here previously. He was the driving force to get the Police Officers Memorial put on the Capitol Complex grounds. He has offered his services, as have a number of other people.

One of the other changes made was to create the gift account and place it under the executive director of the Nevada Office of Veterans Services. The reason for that change was because I was contacted by several people who informed me they would feel much more comfortable making a contribution if they knew it was going to stay within the confines of the Office of Veterans' Services as opposed to any other state agency.

With that, I will conclude unless you have any further questions. I would like to thank you for giving S.B. 230 (R1) a hearing this morning.

Chairwoman Benitez-Thompson:

Thank you for your comments and the clarification on the amendment for the legislative record. I will close the hearing on S.B. 230 (R1) and will open the microphone for public comments, either from Carson City or Las Vegas. [There were none.]

This hearing of the Assembly Committee on Government Affairs is adjourned [at 9:42 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 8, 2013

Time of Meeting: 8:43 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 26	C	Brett Kandt, Office of the Attorney General	Letter from Attorney General
S.B. 26	D	Brett Kandt, Office of the Attorney General	Map of states enrolled in NV VINE
S.B. 26	E	Brett Kandt, Office of the Attorney General	NV VINE brochure
S.B. 26	F	Brett Kandt, Office of the Attorney General	Nevada Council for the Prevention of Domestic Violence committee member list
S.B. 26	G	Brett Kandt, Office of the Attorney General	NV VINE Governance Committee member list
S.B. 230	H	Senator Parks	Proposed amendment