

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Eighth Session  
May 7, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 3:02 p.m. on Thursday, May 7, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Lynn D. Stewart, Chair  
Assemblywoman Shelly M. Shelton, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Michele Fiore  
Assemblyman John Moore  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblywoman Victoria Seaman  
Assemblyman Tyrone Thompson  
Assemblyman Glenn E. Trowbridge

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senate District No. 19  
Assemblyman John Ellison, Assembly District No. 33  
Senator Moises (Mo) Denis, Senate District No. 2  
Senator Ruben Kihuen, Senate District No. 10

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Assemblywoman Irene Bustamante Adams, Assembly District No. 42  
Assemblyman Edgar Flores, Assembly District No. 28  
Assemblywoman Olivia Diaz, Assembly District No. 11  
Assemblyman Nelson Araujo, Assembly District No. 3  
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27  
Assemblyman Richard Carrillo, Assembly District No. 18

**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Committee Policy Analyst  
Patricia Hartman, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Demar Dahl, Commissioner, County Commission, Elko County; and  
Chairman, Nevada Land Management Task Force  
Mike L. Baughman, President, Intertech Services Corporation,  
Carson City, Nevada  
Steve K. Walker, representing Eureka County, Lyon County, and  
Douglas County  
Jeff Fontaine, Executive Director, Nevada Association of Counties  
K. Neena Laxalt, representing Nevada Cattlemen's Association; and  
Private Citizen, Reno, Nevada  
Cliff Gardner, representing Rural Heritage Preservation Project  
Janine Hansen, representing Nevada Committee for Full Statehood; and  
State President, Nevada Families for Freedom  
James "Hank" Combs, President, Nevada Farm Bureau Federation  
Warren Hardy II, representing the City of Mesquite  
Kyle Davis, representing National Wildlife Federation  
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.  
Mike Reese, President, Southern Nevada Coalition for Wildlife  
Rudy Moertl, Private Citizen, Mesquite, Nevada  
Robert Gaudet, President, Nevada Wildlife Federation  
Terri Robertson, Private Citizen, Las Vegas, Nevada  
David von Seggern, Chair, Toiyabe Chapter, Sierra Club  
Shaaron Netherton, Executive Director, Friends of Nevada Wilderness  
Janet Carter, Private Citizen, Reno, Nevada  
Jose Witt, Private Citizen, Las Vegas, Nevada  
Jaina Moan, Executive Director, Friends of Gold Butte  
Jim Boone, Private Citizen, Las Vegas, Nevada  
Bob Clifford, Private Citizen, Fallon, Nevada

John Wagner, representing Nevada Committee for Full Statehood; and  
State Chairman, Independent American Party of Nevada  
Juanita Clark, representing Charleston Neighborhood Preservation  
Jim Falk, Private Citizen, Fallon, Nevada  
J. J. Goicoechea, Chairman, Board of County Commission, Eureka  
County; and Chairman, Sagebrush Ecosystem Council  
Jake Tibbitts, Natural Resources Manager, Department of Natural  
Resources, Eureka County  
Jim Barbee, Director, Division of Administration, State Department of  
Agriculture  
Tyre Gray, representing Las Vegas Metro Chamber of Commerce  
Alex Tanchek, representing Nevada Cattlemen's Association  
Andrew Zaninovich, representing Nevada Conservation League

**Chair Stewart:**

[Roll was taken.] We will start the meeting today with the hearing on  
Senate Joint Resolution 1 (1st Reprint).

**Senate Joint Resolution 1 (1st Reprint): Urges Congress to enact legislation  
transferring title to certain public lands to the State of Nevada in  
accordance with the report prepared by the Nevada Land Management  
Task Force. (BDR R-451)**

**Senator Pete Goicoechea, Senate District No. 19:**

Senate Joint Resolution 1 (1st Reprint) pertains to the transfer of public lands in  
Nevada from the federal agencies to the state. During the 2013 Session, we  
brought Assembly Bill No. 227 of the 77th Session which allowed for the  
creation of a task force. That task force was represented by a member of each  
of the 17 counties. It was funded and staffed by the Nevada Association of  
Counties (NACO), which facilitated the Nevada Land Management Task Force  
Report ([Exhibit C](#)). There is a copy on the Nevada Electronic Legislative  
Information System (NELIS) for the Committee to review. I know it has been  
around for over a year. The Task Force reported to the Interim Legislative  
Committee on Public Lands. The Task Force did a tremendous job as they  
moved forward with looking at the lands in Nevada to determine what lands  
should be transferred and what lands were suitable to remain in the state.  
In the end, they came up with a little over seven million acres in Phase 1.

In Phase 1, the lands designated for transfer were lands inventoried for disposal,  
covered under recreation and public purposes, were already encumbered, and  
were split estate, checkerboard lands, or rights-of-way. There are 58 schools in  
Clark County that are built on recreation and public purpose properties.

Technically, we have dollars invested by the state and by the Clark County School District, and buildings built with bond revenue on property they did not own. If we can get congressional action on this legislation, those lands would be transferred back to Nevada and to the school districts. Those savings alone are huge. A lot of the rights-of-way that are encumbered in Clark County are worth millions of dollars. In Phase 1, 7.2 million acres are lands that this state can manage at a profit for our education system.

The resolution also addresses subsequent transfer of lands which would have to be included in the amended bill and managed for multiple uses. They would not be disposed of. The checkerboard lands are lands that even the Bureau of Land Management (BLM), of the Department of the Interior, will admit are problematic to administer because every other section or parcel are private-public lands. It makes sense that those lands be transferred to the state and could be blocked up one way or the other in order to become an asset for this state. The checkerboard lands were granted by the railroad, and it is a huge swath that crosses northern Nevada and follows the railroad. At the table with me is Demar Dahl, who chaired the task force, and Mike Baughman, who compiled much of the study that shows the feasibility of these lands in state management.

**Demar Dahl, Commissioner, County Commission, Elko County; and Chairman, Nevada Land Management Task Force:**

We met 13 times and were determined to get as much information as we could. We decided not to vote until we got information about what implications might exist for the transfer of public lands from the federal government to the state. We started in June, and on March 28 we began to vote. To begin with, I said let us vote on whether or not it would be a good idea to transfer the public lands. About half of the Task Force thought it was not a good idea. By March 28, we voted again and everyone was in agreement to make the transfer.

**Chair Stewart:**

How many people were on the committee?

**Demar Dahl:**

Seventeen members were on the committee. One of the first things that came up with the transfer of the public lands was the cost and the determination of whether it was affordable. We contracted with Intertech Services Corporation who provided us with a study that determined it was affordable. In addition, it is expected that there will be a net revenue available to the state as a result of Nevada managing its own public land.

The other concern was that if the land was sold, there would be No Trespassing signs posted on it. One of the Task Force's recommendations was that among the 7.2 million acres mentioned by Senator Goicoechea, there is a considerable amount of land already designated for disposal by the federal agencies which, yes, we would sell, trade, or block up the railroad corridor while the balance would remain public land. So, there would not be trespassing signs on the property. Whatever is presently allowed on public lands, we want to ensure it is allowed after the transfer.

I will now turn the time over to Dr. Baughman who, along with Intertech, did the economic analysis and helped with our process as a task force determining the implications of the transfer.

**Mike L. Baughman, President, Intertech Services Corporation, Carson City, Nevada**

I was retained by the Nevada Association of Counties, which acted on behalf of the Nevada Land Management Task Force to prepare the report on the feasibility of transferring lands to the state. I will attempt to address 18 months of work in three minutes.

On the screen is a presentation of our report for the Nevada Land Management Task Force to the Interim Legislative Committee on Public Lands. The 132-page report ([Exhibit C](#)) is on NELIS. On this slide [same as page 5 of the report] the federal lands are shown in black, and state and private lands are shown in white. First, the Task Force identified which lands should not be transferred to the state under any circumstances. Those lands include primarily wilderness areas, nationally designated lands, and those lands administered by the Department of Defense, Bureau of Indian Affairs, Fish and Wildlife Service, and National Park Service. Those are all important national assets serving important national purposes. At the request of Clark County, lands not listed here are those identified by BLM as areas of critical environmental concern for desert tortoise management and would not be transferred to the state.

The recommendation of the task force is to transfer 7.2 million acres in Phase 1. The majority of that is checkerboard lands. One million acres have been identified as suitable for disposal by the BLM because they do not want to manage them. The recreation and public purposes (R&PP) and the right-of-way leases classification idea came to us from Clark County because of their encumbrances with schools and other public facilities. We estimated the

totality of them across the state. There are two BLM-designated soil energy zones in Esmeralda County, one in Nye County, one in Clark County, and one in Lincoln County. These are identified as preferable for solar energy development. We believe, if transferred to the state, the state could attract investment in those areas.

There are 250,000 acres of land identified in the state through congressional pending acts to be disposed of which would be transferred to the state for rapid disposal. These are the checkerboard lands in northern Nevada, which are the old Central Pacific Railroad lands that were deeded to private owners when the railroad was built.

The question is how did we determine the feasibility of the land disposal and what kind of revenue could be generated from that? Nevada has very little state land itself, about 3,000 acres, so we could not look to our own state for an example of how this might work. We looked at Arizona, Idaho, New Mexico, and Utah, who all manage state trust lands. They manage them in perpetuity. All the revenue goes into a trust fund, and there are special beneficiaries identified by law to whom the revenues from those management activities would go. We used those states as surrogates for what might happen in Nevada and chose them because of their similar resources and characteristics. These are the operating characteristics of those states during the period 2008 through 2012, and on a five-year average, they generated \$223 million in net revenue. Their total acreage averaged 6 million [see page 9 of the report ([Exhibit C](#))].

We were asked by the Legislature to determine what those states did with the net revenue they generated. We were also asked to make a recommendation as to how Nevada might use its net revenues. This slide shows an example of net revenues generated by New Mexico for their state school trust lands [page 13 ([Exhibit C](#))]. New Mexico generates the most amount of revenue among all of the states because of oil and gas. Most of those revenues are dedicated to education with other uses being health care and public safety. The task force used that information to come up with a recommendation for the Legislature on determining how net revenues generated in Nevada might be used.

We took the experience of the other five states around Nevada and came up with various scenarios. One is the four-state average net revenue per acre model which is an average of \$28.59 per acre. If this is applied to the 7.2 million acres identified in Phase 1, it would yield \$206 million in net revenues after expenses. On the other hand, in the most conservative case and lowest amount of net revenue generated per acre among the four states

across the five-year period of this study, we found the highest per acre management cost was a net revenue per acre of \$7.78, which if applied to the 7.2 million acres would generate \$56 million per year. So, the range we came up with for the 7.2 million acres is \$56 million up to \$206 million [page 10 ([Exhibit C](#))].

How would the Task Force recommend that net revenues generated in Nevada be used and be dedicated by law to a trust fund? This trust fund is already established in Nevada because we presently have school trust lands and we also put various fines and fees into the trust fund. The Task Force recommended that the following beneficiaries [page 12 ([Exhibit C](#))] would share from the net revenues and that they would be funded from these net revenues year in and year out to augment their other sources of revenue. These beneficiaries include public K-12 education, public higher education, public specialized education, public mental health services, public medical services, and public programs for candidate and listed threatened or endangered species recovery. In our state, we have two species of particular concern, which are the desert tortoise and the sage grouse. In addition, the net revenues would augment local government to mitigate the loss of Payments in Lieu of Taxes (PILT).

This is the business plan for initially determining how to finance the management of these lands. The Task Force was challenged by the Interim Committee to come up with a mechanism for funding this process without tapping into the General Fund. The business plan proposes to sell up to 30,000 acres in the first year. We already have over 1 million acres identified for disposal by the BLM, but we would sell up to 30,000 acres at an assumed value of \$1,000 per acre [page 15 ([Exhibit C](#))]. We estimate the first-year cost of managing the 7.2 million acres at \$26.8 million. Then a portion of the lands transferred could be collateralized in order to borrow against it to jump-start the program, and then in the first year, sell 30,000 acres to pay for the management costs. We know parenthetically that if the 25,000 acres of land identified for disposal by the BLM was to be sold in Las Vegas Valley, they would sell for a lot more than \$1,000 an acre. There could be as few as 300 acres of land sold in the Las Vegas Valley and you could recover your \$30 million of management costs in one year.

Those are the high points of the conclusions from the Task Force and why they recommended going forward with [S.J.R. \(R1\)](#), and why they encourage the Legislature to request Congress to enact legislation to transfer these lands to Nevada.

**Assemblyman Ohrenschall:**

My question concerns taking the average revenue that the other states were earning off their federal lands from oil and gas. Since Nevada does not have oil and gas revenues, is it being overly optimistic to average the revenue in those other states and assume that this is the kind of revenue that could be earned in Nevada? In Arizona, most of their revenue comes from the sale of their land. As I understand from Commissioner Dahl, the intent is not to sell off the majority of the land or to allow people access. Is that figure overly optimistic since we do not have oil and gas reserves in Nevada?

**Mike Baughman:**

Yes, that is why we have two cases. The \$28.59 per acre case reflects the average in New Mexico, which is primarily composed of oil and gas revenues. On the other hand, the \$7.78 scenario reflects the lowest amount of net revenue generated per acre with the highest amount of expense generated per acre. That is not the scenario in New Mexico. Arizona, for example, makes a significant amount of revenue from their land sales, but in a year their land sales are 1,900 acres out of millions of acres listed in their portfolio. The reason they can generate a lot of revenue from that 1,900 acres is because the land sales are in Tucson and the Phoenix area. We have Las Vegas where land sales could bring in significant, similar revenues.

**Senator Goicoechea:**

The other side of this is the ability to access those resources, whether they are oil and gas or mineral resources. It is a complicated process through the federal land managers and it can take up to seven years to obtain a mine permit. I think we are getting into the weeds about how we are going to spend the money and where it is coming from. This resolution is requesting a congressional act. I believe that if this was in the hands of the state, it would facilitate and speed up the process as far as permitting an access to those resources that we need to have to develop and maintain this state.

**Assemblyman Ohrenschall:**

Recently I was in Osino, Nevada, and I talked with people who live in that checkerboard area. Their backyard backed up to the mountains and was close to Sherman Creek. While I see the need for development, they liked their neighbors being a mountain, a creek, and sagebrush. I know that the checkerboard is a historical anomaly in the way the railroads and the federal government decided to apportion that land, but I am curious to hear your response.



**Senator Goicoechea:**

I agree, but I think there are problems with people who live in the sagebrush, who are close to the creek, and who do not realize that the railroad or a private entity might own that property. Someday there is the chance for someone to develop the area in their backyard, so I think we are better served by having those lands be state lands. This legislation would ensure that the land in their backyard, if it was public land, would remain public land, and we could block it up. I have more faith talking to you than going to Washington.

**Assemblyman Trowbridge:**

You said that in the first year it would cost \$28 million to manage the property, but to offset that, we would have to sell 40,000 acres, which would net \$2 million assuming we can sell 30,000 at \$1,000 per acre. I do not know what land values are in the railroad corridor, but I do not believe they are selling for \$1,000 an acre. We are going to have to sell the acreage for what we can get out of it. That is when the buyer may want to put in a condominium development next door to that poor rancher who is out there. That is where the loss of control occurs. If we are going to rely on Clark County to sell this land at more than \$1,000 per acre, we need to look at the sales records of BLM land over the last five years. You will see that it is flat. There is also the water issue in southern Nevada. I assume that you support shipping water to southern Nevada for the development that will be required to justify the land prices figured into your calculations.

**Senator Goicoechea:**

If you look at the corridor, all the white is private property [referred to page 5 ([Exhibit C](#))] and is truly the good lands. If anyone tells you that is worth \$1,000 an acre, most of the land outside of that area is clearly not. It makes sense to block up the white area and the public land better, does it not?

**Assemblyman Trowbridge:**

Who is going to buy it and what will they use it for?

**Senator Goicoechea:**

A lot of these lands will continue to be used as grazing lands and they will not generate the hundreds of thousands of dollars that would be generated through land sales. The federal government is managing those lands today at a loss out of your pocket.

**Assemblyman Trowbridge**

That is the point. The federal government, which means everyone in the United States shares in that loss. If we accept it, the state would have to eat those costs. Maybe it could be prorated out on a county-by-county basis.

**Senator Goicoechea:**

Maybe we could do a better job.

**Assemblyman Trowbridge**

Of fighting fires?

**Senator Goicoechea:**

I believe we can do a better job of fighting fires with fuel suppression and addressing it on a smaller basis.

**Assemblyman Thompson:**

In the event that this happens, is it a federal mandate that the land has to have environmental studies on it, and if so, has your committee researched the cost?

**Senator Goicoechea:**

If it was state lands, we would not be under those federal requirements and that would facilitate part of the operations.

**Assemblyman Thompson:**

I think prior to accepting and receiving the lands, there would have to be some type of environmental study on the lands. If Nevada owns the lands, would the state be responsible for paying for the study, and if so, has your committee researched the cost?

**Mike Baughman:**

The lands identified by BLM as suitable for disposal have gone through the National Environmental Policy Act (NEPA) process. So that analysis has already been done. The same is true for all the R&PP and right-of-way grants. When they become state lands and the decision is made to do a condominium project, if those lands were federal lands, they might require another environmental impact statement (EIS). The Nevada task force report on page 39 ([Exhibit C](#)) shows a list of the environmental capabilities that we do now. When a large casino project is built on Main Street in Las Vegas, the county goes through a process to look at those impacts. We have that capacity in our state and that is what the task force determines.

**Assemblyman Thompson:**

I am familiar with urban planning and the process. How long are the studies you are referring to valid because sometimes there are time frames within the studies? Would we be within the time frames of those NEPA studies or will we have to redo the studies?

**Mike Baughman:**

My familiarity with the NEPA process is that typically when these studies become ten years old or older, BLM gets nervous about their applicability. Under law, their applicability remains valid unless conditions have changed. Even after ten years, if conditions have not changed in the area being considered, BLM can reach a NEPA sufficiency analysis and make a decision based on a NEPA analysis that is older than ten years.

**Assemblyman Elliot T. Anderson:**

In the report regarding firefighting, did I miss any costs associated with firefighting? What discussion did the Interim Committee have on those costs? With the drought, our lands will be more of a tinderbox. How much would the drought situation add to Nevada's financial liability?

**Mike Baughman:**

Yes, this issue was addressed by the Committee. Fighting fires was a very important issue, and they had a lot of people come before them during the course of this 18 months of work testifying on a variety of issues. I would be remiss to suggest that at every meeting fire was always brought up as a big issue. Starting on page 17 of the report ([Exhibit C](#)), there is a section regarding fire suppression. We went through a complete process to determine what it would cost the state. For example, for 7.2 million acres, we needed to determine how much additional money we would have to budget, in terms of our overall budget for managing these lands, to cover the additional risk of wildfires occurring across those 7.2 million acres. Obviously, all 7.2 million acres would not burn in a single year, but we did complete the process and we applied that cost per acre. For the 7.2 million acres, the estimated cost that should be budgeted to provide for fire suppression for that additional 7.2 million acres of state land was about \$2.6 million. We definitely addressed that.

**Senator Goicoechea:**

Assemblyman Anderson, we are talking about 7.2 million acres, which is 10 percent or less of the total lands in this state, and we have more than a 10 percent variation on an annual basis of those lands that the Nevada Department of Agriculture (NDA) or local jurisdictions are responsible for. On the flip side, I believe that with the initial attack by the state and county resources, and with a better management of fuel loads, that fire is not a threat if we are talking about an additional 10 percent of these lands.

**Assemblyman Elliot T. Anderson:**

I have seen estimates that the Carpenter 1 Fire on Mount Charleston, northwest of Las Vegas, in 2013, cost an estimated \$25 million. Obviously, I know that

we are not going to be taking on all the land under this proposal, correct? Is it possible that the cost for that fire could have been underestimated? Do you think Nevada has the will to raise the amount of money that we would need, in some of those worst-case scenarios, to take care of those firefighting costs?

**Senator Goicoechea:**

Mount Charleston is not one of those areas that would be transferred since it is U.S. Forest Service lands.

**Assemblyman Elliot T. Anderson:**

I am just using that fire as an example. Firefighting costs, even on small areas of land, can get out of control.

**Senator Goicoechea:**

I agree, and if you look at the checkerboard lands, you need to understand that every other section there is private-public land. The exposure to the state is far greater there because if a fire starts on private property and burns the public lands, then that is where the ignition source was that can be held responsible for the cost of that fire. So let us manage it and block it up.

**Assemblywoman Seaman:**

How many Western states are doing this now?

**Demar Dahl:**

All the states except for California because the people in California said they would love to do this except that they are even less comfortable with the state than they are with the federal government administering their lands. Similar legislation such as this has been passed in a number of other states.

**Assemblywoman Seaman:**

How many Nevada schools are on BLM land?

**Senator Goicoechea:**

I believe the number was 58 that came out of the Task Force report. I do not know if that was actually documented or if it came from Tom Collins, the Clark County Commissioner.

**Assemblyman Trowbridge:**

From those 58 schools, how many have been reclaimed by the federal government?

**Senator Goicoechea:**

They have not been reclaimed. You are paying a lease payment on them. You can never own the property that you are on. If that facility is not being used for a school building, then it has to be relinquished back to the federal government.

**Assemblyman Trowbridge:**

Yes, you are correct, except that after the school is built, you would notify BLM that you are in significant compliance with your application and then they would give you a deed of trust. You cannot take the school down, rebuild, and sell it for something else. It has to be used for public purposes. None of the schools have been reclaimed. Formerly, I was responsible for thousands of acres of park space that was on BLM land, and never once did they write me a letter that they were thinking of taking it back.

**Senator Goicoechea:**

That is an additional expense because you never own the land, and you have to stay on top of the R&PP and keep those documents in place.

**Assemblyman Trowbridge:**

Yes, and the fee is \$2 an acre which is fairly affordable.

**Senator Goicoechea:**

I believe it would be fee title simple from the state if we were in control and that is the only point I am trying to make.

**Assemblyman Ohrenschall:**

You are aware there is a bill that came from the Senate and is sitting on the Chief Clerk's desk in the Assembly pertaining to vested water rights that predate the creation of the Office of the State Engineer and the recordation with the State Engineer of any water rights. That bill is causing a lot of concern because I do not believe that anyone's water rights should be taken away. I look at this situation and wonder if any entity has looked at what private water rights might exist, such as rights-of-way, grazing rights, or mining claims. Do we have any inventory as to what might be on the lands that we are asking Congress to turn over to us? When I looked at Senate Bill 485, I realized that there are water rights that exist and are legal but not according to the State Engineer, which concerns me.

**Senator Goicoechea:**

This bill is specific and is subject to all existing rights, whether they are vested or deeded.

**Assemblyman Ohrenschall:**

Yes, but we do not know what is out there. That inventory has not happened yet, correct?

**Senator Goicoechea:**

That is really what the Senate bill you are talking about on the desk is all about. At some point, we are going to have to establish what those claims are and that bill is only intended to address those claims, not to take anyone's rights away.

**Chair Stewart:**

Is anyone in support of S.J.R. (R1)?

**Assemblyman John Ellison, Assembly District No. 33:**

I do not know how many people here have been to Washington, D.C., trying to get a bill passed, but it takes anywhere from 15 to 20 years to get anything passed out of Washington, D.C. I can show you the number of counties and cities that have tried to expand in order to keep their infrastructure whole. It took the City of Elko 15 years trying to expand to the west for commercial and residential development and parks. This is still not done and is just one little piece of the pie. Assemblyman Trowbridge seems to think that the federal government can better manage our public lands, and I believe that is crazy. The reason is because when you go back and forth to Washington, D.C., trying to get a bill through, hang on, because it will not happen.

Last session, this Committee passed Assembly Bill No. 227 of the 77th Session and asked for a study. There were two studies; the Public Lands Steering Committee did one, and the Legislative Committee on Public Lands did one. This was discussed in great detail. All 17 of the counties reported back to the Legislative Committee on Public Lands, and the outcome was the same as what we are discussing here today. All we are asking is that we can send this to Washington along with other Western states and tell them we have a problem in Nevada that we are not allowed to manage our own lands. We need the people of Nevada to have a voice in their own state, and right now that is not what we have. We can go on and on about this problem, but we are not asking for any more than the BLM already asked for, which was disposal. We are not asking for anything that we cannot operate, but when you go to Washington and try to get a town expanded that is dying because it is landlocked, it is impossible. The decision should be from the people of the state. That is why we elect county commissioners, elect a governor, or elect this Assembly: to get the voice of the people heard. That is all we are asking, that their voice be heard in this Committee.

**Steve K. Walker, representing Eureka County:**

I provided a resolution from the Eureka County Board of Commissioners on NELIS ([Exhibit D](#)) which provides testimony for Eureka County's support of the Task Force document.

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

The management of public lands is vital to our counties, especially those that have extensive lands in their counties and find that their economies, fiscal conditions, and quality of life are considerably influenced by those federal management land decisions. I want to address a question that was raised by Assemblyman Trowbridge regarding the R&PP lease lands. I do not know what the Regional Flood Control District in southern Nevada is paying for their annual lease, but because they are on R&PP lease land, they have problems with operational issues. So if they need to go in and clear debris from a flood control channel, for example, they may have to get special permission to do so.

We have five counties in our state where 90 percent of their total acreage is administered by the federal government. These are among the poorest counties in our state and because of the vast amount of federally managed lands, much of their growth and economic development is severely constrained. We believe that the state has the ability and incentive to be a good steward of public lands and can be more responsive than the federal government.

We also believe that the recommendations developed by the Task Force are reasonable and provide a framework for how the state manages public lands. We think this needs to be a collaborative effort and is something that is oftentimes missing in the process with the federal government, including transparency and efficiency.

Even with the transfer of 7.2 million acres, Nevada would still have the largest percentage of public lands in the country.

**Assemblyman Trowbridge:**

Let me make myself clear. I do not know if anybody could do a worse job of managing public lands than BLM. I personally have been involved in spending almost ten years trying to get enough acreage from BLM to build a shooting park that had to have a one-acre perimeter around it. They did the EIS and other environmental studies to death. The issue is not BLM being able to manage the lands better, because obviously the locals could do a much better job. There are different issues between managing public lands for public purposes rather than acquiring public lands for the sale to develop the growth of city, commercial, or residential property. It is a pain in the neck, but it is doable.

The concerns that I have relate strictly to the financial issues. They do not pencil out. Yes, the flood control district has problems whenever they have something like a flood control district that was approved down a lane, but then all of a sudden, someone built on a piece of property resulting in drainage problems that have changed, so let us conduct another flood or environmental impact study. The BLM can do that to death on you. But those studies are coming from feds in higher places, and I am not so sure they would automatically disappear if the state was managing the public lands. There would still be federal requirements that would have to be complied with. It is just a money issue.

**Assemblyman Ellison:**

I think Assemblyman Trowbridge hit it right on the head. Clark County has been trying to put in a park for 15 years. In Las Vegas, the county applied, applied, and applied to put in a soccer field and according to the testimony from the Las Vegas County Commissioners, to this day, they still cannot get that park built. If that was a state issue, they could go to the state, come back to the Legislature, say that they needed this park, and request it be built for public youth. It might be another 20 years before we get that back. I just ask you to consider that and please consider this request. I think it is important to allow us the rights to operate within our own boundaries.

**Chair Stewart:**

The next three testifiers in support of the bill, please come forward.

**K. Neena Laxalt, representing the Nevada Cattlemen's Association:**

We strongly support this bill.

**Cliff Gardner, representing Rural Heritage Preservation Project:**

I have lived in Ruby Valley, Nevada, all of my life. In regard to this bill, my sentiments are that it does not go near far enough. Beginning in the 1960s, I and others began collecting all the data that we could regarding the history of public lands, the law, and the scientific data. Our greatest concern is that all of this data is showing we should be more concerned about wildlife because the actions of the agencies such as the BLM, the U.S. Forest Service, and particularly the U.S. Fish and Wildlife Service on our Ruby Lake National Wildlife Refuge have done more harm than the strongholds which are the private lands. These lands and even some of the land trades were transferred with better control on the state level. The majority of that land is going to go over to private control. Just like the founders knew when they founded this country, the best stewards of the land are always private landowners. I have



been looking for the opportunity, at any level of government, to get involved in a due process hearing where we could definitely decide these issues on facts, rather than on politics, because it is politics at the national level that is causing our wildlife and our people the greatest harm.

**Janine Hansen, representing Nevada Committee for Full Statehood:**

I was a founding member of the Nevada Committee for Full Statehood in 2000 and have worked on this issue since the 1970s. The reason for that name is because Nevada is not a full state. We are not like Pennsylvania, New York, Texas, or Florida. We are only a territory and are treated that way. Only 13 percent of our land is in private hands. We have a very small tax base. For instance, in Lincoln County, only 1 percent of the land is private land. They do not have enough money generated by taxes to pay for their schools or anything else. It is incredible to think that we are not just as capable—that you are not just as capable as legislators in any of the other states eastward in the United State of managing our own lands. From the study, the facts show that it will be a net profit to Nevada and we are better stewards of our land than those who are in Washington, D.C., and who do not care about what we need.

Since I moved to Elko County, I have seen the BLM repeatedly close the roads no matter what the county commission had to say about the closings. They closed the roads anyway. It does not matter about the fires and the information they have been given about how to reduce the fires. I have had three fires within a mile of my own home in the last several years, and it does not matter to them because they are not accountable to the people in this state. This bill goes a long way to returning accountability to the people instead of unelected, unaccountable bureaucrats who do not care about our state.

It is an economic issue. I talked with a county commissioner in Lincoln County who told me he has been trying for over ten years to get a mine open there so that they could have jobs for their people. They do not have jobs because the BLM and the federal government squelch economic development in our state. We do not have access to our own lands—we are serfs on the land of the federal government. We are living in a territory and not in a state. We need to start reclaiming our rights like all the people in the rest of the United States. I encourage you to start by supporting this legislation.

**Assemblywoman Fiore:**

I just wanted to say to Mr. Gardner that I appreciate his research because I have looked at it; it is diligent and it is a lot.

**Assemblyman Ohrenschall:**

My question is for Ms. Laxalt. Do any of the lands proposed to be turned over to the state fall into herd management areas?

**Neena Laxalt:**

I do not know.

**Assemblyman Ohrenschall:**

My concern is that a lot of the management of wild horses, burros, and strays is paid for by the folks in Washington, D.C. If we are successful with passing this legislation, and Congress hears this plea, and these lands are turned over to our state, do you know if the Nevada Cattlemen's Association or the Department of Agriculture have the resources and manpower to manage the wild horses and burros? Even in Las Vegas when I was a child growing up, I saw the wild horses in Red Rock Canyon and thought they were cute, but now as an adult, I realize how dangerous they can be when they walk out in the road, and how they can affect the cattle industry. Has there been any communication with the Nevada Department of Agriculture regarding the cost and if they have the manpower to handle that issue?

**Neena Laxalt:**

According to Mr. Dahl, none of those properties are in the Phase 1 properties, and I cannot speak for the Department of Agriculture. My understanding is that the Cattlemen's Association's point of view is that we like to be able to have our lands managed in the areas that we are running our cattle on by the state and closer to the people. I would be happy to find out that information for you from the Department of Agriculture.

**Cliff Gardner:**

I would like to address the wild horse issue. There is a tremendous number of horses across the valley from Ruby Valley. They have been the poorest managed resource in our state in all of the years that the BLM has had control of them since the 1970s. We have had to witness up to 50 percent of them die from harsh winters because of an overabundance of wild horses out there. If these animals were brought back under the control of the state like in the early days of federal management, the ranchers would have more input and influence on the process. It would be better managed; those animals would be healthier, and the range would be in better condition. I wish I could show all of you some of the ground where the white sage has been eaten so far down that you cannot tell what kind of plant it is. The horses have to resort to eating

rabbit brush, and some of them have died from compaction because of eating woody vegetation. That is what happens when these lands are managed by those who are not here in our state. Let us not forget the lessons of our forefathers when they formed the New England states.

**Chair Stewart:**

We are going to Las Vegas for those who are in support of this bill and then back to Carson City for those who are opposed to the bill.

**James "Hank" Combs, President, Nevada Farm Bureau Federation:**

Nevada Farm Bureau represents farmers and ranchers throughout Nevada, including all aspects of agriculture. We have over 18,000 members and a lot of those members use these public lands for their operations and support the wildlife that is on them. On a daily basis, we experience the mismanagement of these lands and our members meet yearly to formulate policy. We have policies that strongly support S.J.R. 1 (R1).

On a personal note, to elaborate on Assemblyman Ellison's testimony about access to BLM lands, our family bought a hog farm 50 years ago in Las Vegas. After being Nevada's largest hog farm and feeding the hogs food scraps from the casinos on the Strip, we have been encroached upon over the last few years and are now surrounded by two-story houses. We are not very well-liked in that immediate area, although we provide a very valuable service to the community. For ten years, we have been trying to negotiate with the federal government to purchase land outside of the Valley so that we can continue to grow this valuable business, but have not had any success in doing so. So I agree with Assemblyman Ellison's testimony.

**Warren Hardy II, representing the City of Mesquite:**

The representatives of the City of Mesquite asked me to be here today in support of this legislation. They are strong supporters of moving the decisions regarding these public lands to a level of government closer to the people, so I am here in support.

**Assemblyman Thompson:**

Referring to Assemblyman Ellison's statement that the transition would take about 15 years for our public lands to be managed by our state rather than by the BLM, we will not even know what the makeup of our state will be at that time. I know it should be good management that we try to forecast ahead of time, but since we are looking at 15 years ahead, how can we predict what the financial level of our state would be then to do all the operational things to ensure that we would be in a good position to do this?

**Warren Hardy:**

I think it is difficult to do. We know we cannot have one Legislature buying future legislators either. I think that in speaking with council members and leadership with the City of Mesquite, the support for this legislation is more philosophically driven by the concept that these lands ought to be under the control of the state and closer to the people it serves. There are, and always will be, challenges with doing that, going back the 25 years since I have been involved with the Legislature. We have done a study and have to trust the product of that study to the extent that we can. I am sure it will be a moving target as we go forward.

**Chair Stewart:**

Is anyone else in support of this bill in Las Vegas? [There was no one.] Is there anyone in opposition to the bill?

**Kyle Davis, representing National Wildlife Federation:**

We are in opposition of S.J.R. 1 (R1). Simply put, we do not believe that the state can afford to manage these lands. The likely outcome of this would be that these lands would be sold to private entities and we would lose access to them for hunting, fishing, and other recreational opportunities. In addition, it would complicate wildlife management in those areas.

We have heard a lot today about the 7.2 million acres in the checkerboard area and the lands that are slated for disposal. I think it is important to note that this is only Phase 1. This resolution calls for a Phase 2 which would include other lands administered by BLM, the U.S. Forest Service, and the U.S. Bureau of Reclamation deemed to be surplus and any other federally managed and controlled land in this state. When looking at the report that was produced, that is about 54 million acres. I think it is important for us to look at the costs, especially for the management of fires and wild horses.

To answer Assemblyman Ohrenschall's question, yes, there are areas in this proposal, especially in Phase 2, that include horse management areas. There is nothing in this resolution that is going to repeal the Wild Free-Roaming Horses and Burros Act. Keep in mind, there are also wild horses outside of the horse management areas. If the thought is that this can be better managed by the state, first of all, this state would be bound by the Wild Free-Roaming Horses and Burros Act, and secondly, we can see how the state manages wild horses when looking at the Virginia Range just north of here. That area has state horses on it that are managed by the Nevada Department of Agriculture and basically not managed at all. That habitat is some of the worst habitat in our state.

It is important to remember that we are talking about more than just Phase 1. But even when talking about Phase 1, there are areas in the checkerboard lands that are important areas for wildlife and recreation, and not everything in the checkerboard lands is slated for disposal. In addition, not all those lands have gone through a U.S. Environmental Protection Agency (EPA) analysis.

Looking at the expenses in the report [page 24 ([Exhibit C](#))], the five-year revenue shows an average loss of \$31 million a year in BLM lands. Adding in one year of missing expenses, the amount goes up to \$54 million, which does not include the cost of wildfire management, which averages \$25 million a year. Can the state manage it better to make up these costs?

That is when it is necessary to look at some of the issues that have already been brought up. We do not have the kind of resources that are used in these other states for comparison. We do not have oil and gas, timber, or the ability to generate the kind of revenue that these other states have generated. That is where we will see the most likely scenario, that these lands would need to be sold in order to balance the budget. We do not know what a future governor or Legislature will look like. As much as I would like to trust Commissioner Dahl that he would be able to say that, there is no way to know. Our concern is that we would end up in a situation where we would have to sell off those lands. So we oppose this resolution.

**Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.:**

We are opposed to S.J.R. 1 (R1). Many of us call Nevada home because of our present outdoor opportunities on public land. We have hunting, fishing, and other recreational access throughout the state. This is in stark contrast to states like Texas where it takes big dollars to lease hunting rights, something that we take for granted. Sportsmen have complained about lack of access to the Ruby Mountains in East Humboldt. We do not want to see the entire state in this same manner.

In states like Wyoming that have extensive state lands, their fish and game department has to pay lease rights on their state lands to grazing boards for sportsmen's access for hunting. There is no assurance that our favorite hunting, fishing, and other recreational areas would remain public with free access upon them if they are transferred to the state. We have heard that is the intent but nowhere is that guaranteed in the report or in this resolution and, in addition, it cannot be binding on future sessions of the Legislature. As a Native American, I have heard and read, as long as the sun shall shine and the rivers shall flow, if it is not in writing, it never happened; there are no guarantees.

We talked about the generation of fees. There are better ways of handling the checkerboard land ownership. I think with environmental analysis, you can see what private lands should be acquired and what public lands should be made private in a more logical manner than just transferring all checkerboard patterns across the state. We have some incredibly important recreational opportunities in this state on these checkerboard lands.

There are almost 200,000 fishing and hunting licenses sold in Nevada. We could sell twice that many if we had additional wildlife resources. We are the driest state in the Union, and that is a limiting factor to our resources. We are a \$1.6 billion annual revenue generator for our state. If you compare that figure to the costs that are going to be generated from the sale of public lands, we oppose it.

**Mike Reese, President, Southern Nevada Coalition for Wildlife:**

We oppose this resolution, but do not misconstrue that to mean we are overly happy with the way that the federal government is managing the land. We are not. We had a case in Las Vegas concerning the Floyd Lamb State Park, which is state land, and it was a hot potato. The case went from city to state and back to the city because of financial constraints. Someone did not want it on the books. There are 1,900 acres in the park. We heard earlier that if someone wanted to build a soccer park, they would go to the federal government, but all they would have to do is go to the city to get it built. Would money be made off of the soccer park? Probably not. If it was sold to the highest bidder, the probability would be that money could be made from that sale. Flaws can be seen in this resolution. As a scenario, we look at this as kids coming home and telling their mom and dad they are going to start running the household because they did not like the way it was run. The kids would manage it on their budget even though they made minimum wage, but they felt they could do a better job than their mom and dad. We oppose this resolution and hope that you do too.

**Assemblyman Ohrenschall:**

My question concerns turning over state lands to the state. Earlier in this session, Assembly Bill 15 passed and land was sold to help to preserve the Stewart Indian School. A new Assemblywoman gave a strong speech about supporting the goal but questioned the method. Has Nevada preserved trust lands for schools or have they been sold off? What is left of those lands? Is that a good indicator of what might happen in the future in terms of either preserving these lands for recreational use or selling them to help fund our revenues? This is my fifth session, and I have seen a lot of budget crises where accounts are swept and anything that can be sold is sold. That is my concern.

**Kyle Davis:**

That is a very good question, and yes, of all the Western states Nevada received some school trust lands upon statehood. The first thing we did was to try to trade them for better lands and then sold those lands to private property owners. So today, we only have about 3,000 acres of school trust lands, which is by far the least in the entire West. Another important point you brought up when looking at our history in terms of balancing the budget in our state, in the 2010 Special Session we talked about the idea of shutting down state parks, selling off our state buildings, and leasing them back just to create short-term revenue to balance the budget. That has been the history in this state. We run pretty close to the bone, and I do not believe that if we are in a future situation where we have the albatross of managing these public lands that cost a significant amount of money, then I think the likely solution will be that the state will want to divest themselves of those lands so that they would not have to pay the management costs on them.

**Assemblyman Ohrenschall:**

Earlier we talked about the checkerboard lands, the history of the railroad, and the federal government. Is there anything in this resolution or in the plan that came out of the Legislative Committee on Public Lands to try to prevent a reverse checkerboard where there might be some land that was turned over to the state that could be used for recreation but it is surrounded by a master plan condominium development or by factories? There might no longer be access to that public land because it is now an island surrounded by private land.

**Kyle Davis:**

Yes, that is a good point as well. The report contemplates sale of the lands that are currently public lands. While that may be possible, it is not like solving the checkerboard issue. It is not an easy issue because there are split estates where one party owns the surface rights and the other party owns the subsurface rights. We have been working on clearing up that issue for quite a while. These situations happen.

Your issue brings up another point which is another one of our concerns. Even if we are not talking about the amount of land that is contemplated in this resolution, but a smaller amount, situations could still arise where there are islands of public lands as we have seen in other Western states, especially in Montana, where at the bottom of the mountain there are private lands, but the mountain is on public property. That mountain may have some of the best big game resources in the state. But there are those private landowners who are able to control access to that public land, which is a huge concern for us.

**Assemblyman Moore:**

I have heard three testifiers in opposition to this bill and for me, personally, this is not a question of managing our own land or not—because I believe we can. It is an issue of making our state whole again and returning the land to its rightful owners, who are the folks of this state. I would be interested in hearing an alternative plan because all three of you have said how you oppose the bill, but I have not heard an alternate solution.

**Larry Johnson:**

For example, on our checkerboard lands, we feel that a much better approach would be for county land bills to be presented and passed through Congress. Local involvement would identify blocks of lands needed by towns for growth and logical for development, such as being level and adjacent to highways and railroads. These blocks of land would be consolidated and transferred to local municipalities for sale with proceeds being made available to purchase private sections of land in either checkerboard areas important for outdoor recreation or even outside areas. Land exchanges are also possible to consolidate public holdings. Towns could grow and our important hunting and fishing grounds would be protected.

**Chair Stewart:**

Is anyone in Las Vegas opposed to this bill?

**Rudy Moertl, Private Citizen, Mesquite, Nevada:**

I know this resolution is a wish and I have always been told that we should be careful what we wish for. To manage 7.2 million acres is not an easy undertaking; it is very expensive. Yes, we can sell off those 7.2 million acres, and eventually we will no longer have land that needs to be managed; however, that is also a wish that may not come true. There will be times when the sale of land may not be what we need in order to offset the cost of managing the other lands, and what will we do then? We will have to reach into the coffers of the treasury and find revenue in other areas. Maybe our education system will be raided to pay for these lands. Another solution is that maybe the grazing fees can be raised. I am from Mesquite, Nevada, and good luck with that.

**Robert Gaudet, President, Nevada Wildlife Federation:**

The Nevada Wildlife Federation is the oldest nonprofit conservation education organization in the state. Sportsmen who founded the organization in 1951 created it as a leading voice on issues that affect wildlife, wetlands, lakes, streams, forests, rangeland, and other priceless natural resources. The federation represents the views of hunters, fishermen, and anyone who



deeply cares about wildlife and wild lands. Today, I speak for the 600 members and supporters of the Nevada Wildlife Federation and the National Wildlife Federation's 6 million members who passionately oppose S.J.R. 1 (R1).

If this bill passes, we will forever lose a basic American value, the unique and abundant freedom we know for all of us, the rich, the poor, and the in-between, to experience our undeveloped and wild spaces, natural wonders, wildlife, and waters. These are the assets that have made life and citizenship in this country the envy of the world. Our public lands were created as a unique American solution to natural resource challenges that have plagued nations for centuries. While no Westerner can say that the federal management of our lands is perfect, the idea that individual states will do a better job is fundamentally flawed. The American hunting and fishing tradition would be eliminated and replaced by a model that resembles the old-world system where only the elite few can pursue the king's fish and game. We need to stand up for our birthright as American citizens and know what is at stake by not allowing trickery and abstract ideologies or the greed of a few to deprive us or our children of our freedom of our tradition of hunting and fishing to enjoy the great outdoors.

**Terri Robertson, Private Citizen, Las Vegas, Nevada:**

Having been born and raised in Las Vegas, I am utterly amazed that there are places in Nevada that cannot grow because we seem to continue to grow and grow. An example is that if this state was going to sell a parcel of land, would an EIS be done, and before the parcel was sold, would the determination be made as to whether or not it was a cultural site, if there were petroglyphs, or if it was an area that people would use for hunting?

In southern Nevada, a wonderful area called the Tule Springs Archaeological Site became surrounded by development and a part of the BLM's land disposal list. We all went crazy when we found out it was going to be sold. The BLM wanted to sell it with conditions. They were going to sell one of the most important paleontological sites in the world. What happened was that it worked to our advantage, because since the BLM wanted to sell the land, they had to do a field study and that study involved people walking side by side and looking down without being able to disturb the landscape by rolling over a rock or moving a bush to uncover anything that would be of importance. Because of that field study, 400 new paleo specimens were found, and from that find came community involvement resulting in a national monument commemorating that find. So selling land is not something I approve of.

I have been a part of the wonderful history of traveling in Nevada and knowing its mountains. I walked with my dad for hundreds of miles and have appreciated Nevada and its public lands. I view this as a scheme to buy Nevada lands, and there are developers who might buy land and say that only their people could go on those lands. This is not something we need to do, and I wish I could talk as wonderfully as the man before me because I feel so passionately about what happens to our state's lands. Please do not allow this terrible thing to happen to our state.

**Assemblyman Ohrenschall:**

This is a question for Mr. Gaudet. In your hunting and fishing experience, can you inform the Committee regarding the difference in the cost of buying a license for hunting on public lands versus the cost of going to a private hunting reserve or a private lake? My concern is knowing if they would still be open to the public.

**Robert Gaudet:**

Last year, I went to Texas on a paid hunt. It was one of the worst experiences of my life. Ninety percent of Texas is privately owned land, and the state charges a huge amount of money to hunt there. I do not want that to happen here. I have lived here for 45 years and moved here for one reason and that reason was to leave Los Angeles. When we do not have the money to do these projects that everyone says we will get money from, we are going to end up selling the land. When the land is sold, the landowner is not going to want hunters on there because of liability and a "no trespassing" sign will be put up. That is my concern.

**Chair Stewart:**

Is anyone opposed to this resolution in Carson City?

**David von Seggern, Chair, Toiyabe Chapter, Sierra Club:**

I am here today to speak on behalf of 4,000 members in Nevada. Our motto is to explore, enjoy, and protect the planet. It is no wonder we love our public lands and are opposed to S.J.R. 1 (R1).

Our activities and sponsorships for getting kids outdoors rely on the availability of public lands, and this reaches hundreds of children for giving them an outdoor experience that they may not otherwise have had. We have thousands of adult participants who go on outings across Nevada. I submitted my testimony ([Exhibit E](#)) electronically, but I want to make a couple of important points.

I think the Nevada Lands Management Task Force Report was skewed to the rural counties because of that report's representation of only three urban counties. It did not represent the needs of the urbanites. Yes, people in the rural counties work hard. People in the cities work hard, too, and like to get outdoors and use the state's public lands for recreation on weekends or after work. I think that is a big voice that has not been heard, and as previously said, the outdoor industry of America estimates that recreation generates \$16 billion of direct and indirect income. So that is a very important thing. These lands are being used. Maybe the revenue generated is not the same as gambling in the casinos, but it is a significant part.

I want to dispel the notion that the federal lands stifle growth in Nevada. In the 1990s and 2000s, Nevada had the biggest modern growth spurt in the state's history in population and gross domestic product (GDP). This happened in spite of these public lands. In a way, we are still suffering from the hangover of that growth spurt. We managed to get the biggest plum of industry in 2014, which is Tesla Motors, the gigafactory near Reno, in spite of the fact that we have these public lands. So I do not necessarily think that public lands hinder growth. There are some problems and I am in sympathy with those people who say that it is taking between 10 and 15 years to get a land transfer. But there are means to do a land transfer, and it should be done in a fully open public process through the federal government and should be something that everyone can participate in.

**Shaaron Netherton, Executive Director, Friends of Nevada Wilderness:**

My testimony is on behalf of our organization's 6,000 supporters and our volunteers. They promote about \$250,000 of in-kind service by doing wildlife restoration work, such as pulling noxious weeds and clearing trails for horseback riding and hiking. Our members believe that we have a commitment for taking care of these precious resources and we get out there with sweat equity. These lands are important, and we help take care of them.

Our volunteers cross all political, age, and race spectrums. It is a wonderful thing that these folks get out and give back to their public lands. Our members care deeply about these lands and hope this Committee does not support S.J.R. (R1).

Many companies, such as Tesla and Microsoft, are moving into Nevada because of our state's outdoor recreation opportunities. This quality of life really attracts those higher-paying jobs, so I think that it is a great thing for our economy.

A big chunk of the checkerboard lands are owned by private landowners. The Nevada Land and Resource Company still has over 500,000 acres of land. They have been actively selling those lands for the last ten years. The company bought 1 million acres from the railroad. If the state also tries to sell the 500,000 acres of land, there would be competition with an entity focused fully on selling the land. I know that the land is not selling for \$1,000 an acre but more like \$100 an acre or less. Most of those sections of land are remote; there is no access to them, no water, and economically they are not worth a lot. I think the study overestimated the value of those checkerboard lands. Much of the land that was near the communities has been sold. What is left is not valuable land.

With the drought, fire becomes more and more of an issue and between BLM and the U.S. Forest Service, the cost for fire suppression is \$15 million a year, and that amount could increase dramatically if this drought continues. I am also concerned fiscally because I am afraid it will be the citizens of Clark County that pay the bill for this.

**Janet Carter, Private Citizen, Reno Nevada:**

I think that this proposed resolution is one of the worst ideas that has come through this Legislature in a long time, and I am strongly opposed to it for two reasons. The first reason is because I think it has been pointed out accurately that the financial implications have not been properly studied, particularly in terms of fire and access management. I think it will become increasingly difficult for the state to manage these lands on our current budget without either dramatically raising grazing fees or selling lands. As someone rightly pointed out, when this state was previously in a financial crisis, there were proposed sales going on, and I think that could happen again.

I have lived in Nevada for over 35 years, and I have raised two children here. My husband and I own a business here that takes us to rural areas of the state. We have travelled on many of the back roads where we hiked, fished, and camped on these public lands, and had great pleasure in doing so. It is not just the fact that those lands are available to everyone to enjoy, but it is also the fact that there is excellent access to these lands. My concern is that as these lands are acquired by the state, certain portions may be sold off and access may become more difficult. We still may have public lands, but they could be surrounded by private lands and our access could be cut off. I want to enjoy these lands for the rest of my life, and to have my children and grandchildren enjoy the same access as I have had for recreational activities because we truly have a treasure in this state, and we cannot afford to risk having these lands sold because of budget constraints. Please consider opposing this resolution.

**Assemblyman Thompson:**

Ms. Netherton, on your handout, "Keep Public Lands in Public Hands" with the subheading "Public Lands Have Broad Support," there are two broad statements. The first paragraph states that 78 percent of Nevadans agree that the national forest, parks, and so on in Nevada belong to all Americans. The second paragraph states that 62 percent of Nevadans do not think that it would be fair or fiscally responsible to force Nevada taxpayers to foot the bill for managing America's public lands. What was the size of your polling sample and out of that polling sample, how many people lived in rural versus urban communities? Could you get that information for me?

**Sharron Netherton:**

I do not know, but Kyle Davis can provide that information.

**Chair Stewart:**

Please provide that information to us at a later date.

**Sharron Netherton:**

We will be happy to provide that information.

**Chair Stewart**

We will hear testimony from three more people in Las Vegas who are in opposition to the bill.

**Jose Witt, Private Citizen, Las Vegas, Nevada:**

I am very disconcerted that we are only talking about half of this resolution. If we do not like an entire resolution, let us nix the parts we do not like. We still need to talk about other parts as on page 3, line 28 of this resolution, which states that the balance of public lands will be transferred to the state within ten years, including our forests. These are forests that Las Vegas uses; Mount Charleston is in our backyard. Mount Rose is close to Reno.

Regarding the economic standpoint, we cannot compare Nevada, which is the driest state in the nation, with Idaho or Utah, which have more timber, oil, and gas. So I do not believe that we will be able to generate the same revenues as those states on our public lands. Simply put, the fact is that our state cannot afford to manage its lands. The Carpenter 1 Fire on Mount Charleston alone cost the Forest Service over \$20 million. When a fire breaks out, this state would have two choices: let it burn or go bankrupt. Because our state cannot afford to manage the lands and the resolution states that the land must be used for "maximization of net revenue," it is evident that lands are to be sold to the highest bidder.

It has been said that public lands have become so polarized. In the 1960s and 1970s, both sides of the aisle agreed that public lands held by the public for the public was a good idea. Today, we see people pandering to the voters by taking advantage of the polarization that is tearing this country apart. Disproportionately and negatively affected by this resolution are the ones being pandered to. It is the ranchers, off-highway vehicle riders, and rural residents who will be mostly impacted. Once the state conducts its land grab, it will be fighting against extraction industries, and people will be wondering what happened. Instead of the casual hiker or hunter passing through, the new neighbors will be oil derricks and drilling rigs. These industries will cut up our beautiful landscapes and take their profits elsewhere.

Conservatism is defined as a political and social philosophy that promotes retaining tradition in the context of culture and civilization. Some people seek to preserve things as they are, emphasizing stability and continuity. I ask you, how does S.J.R. 1 (R1) fit the definition of conservatism and how does selling off our lands where we have hiked, hunted, and toured for decades fit the definition of conservatism? Your and my grandparents deeded to us these public lands; should we not do the same for future generations? The decisions made today will last forever. Why are we the greedy generation that must maximize net revenue of public lands? Please vote no on S.J.R. 1 (R1).

**Jaina Moan, Executive Director, Friends of Gold Butte:**

I am opposed to S.J.R. 1 (R1). I agree with all others who spoke in opposition of this bill today. Gold Butte covers 350,000 acres in southeastern Nevada and it is managed by the BLM. Within the boundaries of Gold Butte, there are several areas of critical environmental concern designated as such for the desert tortoise, cultural resources, bighorn sheep and other wildlife habitat, and sensitive plant species. Our organization represents over 300 members who are advocating for permanent protection for this beautiful piece of land. Gold Butte is a treasure trove of cultural, historic, and natural wonders. It is cherished by Nevadans, by Americans, and by international visitors.

In S.J.R. 1 (R1), I have particular concerns about the potential transfer of land in Gold Butte. Land transfers in S.J.R. 1 (R1) only exclude areas of critical environmental concern that are designated for the desert tortoise, but the American Council of Engineering Companies of Nevada (ACEC) lands are designated for other important reasons, as I mentioned above. If S.J.R. 1 (R1) passes, it would leave over 150,000 acres in Gold Butte available for transfer to the state. This would mean that Gold Butte would be fragmented, making it more difficult to protect. Even worse, this bill could make lands in Gold Butte inaccessible to the public if the state sells the land.

On a personal note, I recently moved to Nevada from northern Arizona. I moved here because I love public lands and love to hike, camp, and backpack. Nevada has the highest percentage of publicly owned, federally managed land in the country, and for me, it means endless opportunities to explore. Everyone owns this land, and I am proud to be in a state that honors this heritage. Moving here was the fulfillment of a desire to live in a place that honored public ownership of its land. Please do not take that away.

**Jim Boone, Private Citizen, Las Vegas, Nevada:**

Those who support S.J.R. 1 (R1) say that this state can manage the land better than the feds can. Let us not forget our state's history. We have the BLM and the Forest Service today because private parties in the West were overusing and trashing the land. Fortunately, back in those days Congress stepped in to save the land by forming land management agencies that manage these lands in trust for all Americans. The public lands in Nevada are public lands and belong to all Americans. It is selfish and arrogant on the part of supporters to think that they can steal lands from the rest of Americans. Their selfish intention is to take my birthright and convert it to their and their friends' private use. I urge you to vote no on S.J.R. 1 (R1).

**Chair Stewart:**

We will hear two more testifiers in support of this bill in Las Vegas and also in Carson City. [There was no one else in Las Vegas.]

**Bob Clifford, Private Citizen, Fallon, Nevada:**

I attended the majority of the task force meetings and there was a ton of public comments at those meetings. I thought the whole process was very complete. I trust local elected government officials far more than I trust unelected, unaccountable federal bureaucrats who are getting their orders from Washington, D.C., which has little understanding of what is happening here.

Regarding the comment referencing BLM losses on management of our lands, three people from the BLM used to manage the Battle Mountain District when former Assemblyman John Carpenter was on the advisory committee, and it is now staffed by 320 people. It is a huge, bloated bureaucracy and that is why it costs them so much to manage it. I agree that there should be some assurance, if any of this open land is sold, that multiple and recreational use should be maintained.

I have a solution and it is called a public easement. If the public easement requirement in the federal legislation transferring the lands to us is permanent, then it is not subject to future changes in Nevada. For instance, if Ted Turner buys a huge tract of land and it has a public easement on it, the public easement guarantees public access and continued recreational use. He may own it, but he cannot close off access or rights-of-way. Revised Statute 2477 (RS 2477) rights-of-way do not go away if land is sold to a private owner. In most of Nevada, there would still be a right-of-way for citizens to use the roads and trails across that private land that the private owner cannot take away. I believe that is something people here do not realize. I would like to see something added to the resolution to cover having a public easement be a part of any federal legislation. That should solve the problem, and it would also eliminate about 80 percent of the opposition to this resolution.

**John Wagner, representing Nevada Committee for Full Statehood:**

I understand it is going to take ten years for this transfer to happen. We would like to have all the lands back. This is a good bill. The key word is public land. If the federal government transfers this land over to the state, they are still public lands. The question is who owns and manages them? As far as Ted Turner buying our state lands, the lands must be up for sale and who is going to regulate that sale? I am watching them. You are going to be the ones responsible for the land in Nevada, and I trust all of you more than I trust anyone in Washington, D.C., who has never been here. The people who are afraid that we will lose our public lands are fearmongers and are whistling in the dark if they think it will happen. I do not believe you will let that happen.

**Juanita Clark, representing Charleston Neighborhood Preservation:**

I am a board member of the Charleston Neighborhood Preservation and we are in support of S.J.R. 1 (R1). This Senate joint resolution concerns the return of our great state of Nevada's lands to Nevada jurisdiction from our federal government. After 150 years, an action learned by many of us as toddlers about human interaction is today a topic of S.J.R. 1 (R1), which we eagerly address again as a wee start of this restorative action. Nevadans' ownership of Nevada land incentivizes, motivates, fosters hope, and gives birth to individual creativity, thus invigorating our economy. Do vote yes for S.J.R. 1 (R1).

**Jim Falk, Private Citizen, Fallon, Nevada:**

I am in support of this resolution. I am sure the name Grant Gerber means something to some of you. The late Mr. Gerber and his sons did an exhaustive study on wildlife and reported that the terrible effects of the mismanagement of land by federal agencies had exacted a toll on the wildlife population. I think if the state took over the management of the lands, they would be managed



better and the wildlife would increase. Some people who bring up this subject should realize that you can find information on Mr. Gerber's study on the Internet under Grant Gerber or Smoked Bear.

**Demar Dahl:**

In conclusion, it was the intent of the Nevada Land Management Task Force that the public land would remain public. We talked about how the lands already designated for disposal would be sold but generally speaking, the public lands that are administered by the federal government would remain public; the difference would be that they would be owned and controlled by the state. We believe there are many advantages to this land being managed and owned by the state.

**Chair Stewart:**

The hearing is closed on S.J.R. 1 (R1) and we will open the hearing on Senate Joint Resolution 5 (1st Reprint).

**Senate Joint Resolution 5 (1st Reprint): Expresses support for the 2014 Nevada Greater Sage-Grouse Conservation Plan developed by the Sagebrush Ecosystem Council and urges the United States Fish and Wildlife Service not to list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973. (BDR R-480)**

**J. J. Goicoechea, Chairman, Board of County Commissioners, Eureka County; and Chairman, Sagebrush Ecosystem Council:**

We are asking your support of Senate Joint Resolution 5 (1st Reprint). This resolution supports the plan that was created by the state's Sagebrush Ecosystem Council. There are nine voting members who represent agriculture, grazing, local government, mining, energy, conservation, sportsmen, and tribes. We have met monthly for the last several years. In the resolution, you will see that the Governor created an advisory committee which started this process. Last session, through legislation, this body created the first council of this type in the nation. Nevada is the only state that has what we are doing in statute for the greater sage grouse.

You will probably hear some testimony today that there is concern regarding us asking Congress to give us ten years to demonstrate the effectiveness of our plan. We are ten years behind; I am not going to tell you that we are not. But I am going to tell you that we have created a plan that will work. It will work for Nevada, it will work for the resources, and it will work for the bird. We need a chance to demonstrate its effectiveness. We obviously do not want a listing, because we do not want heavy-handed regulations on Nevada.

When our biggest threats are fire and invasive species, I think we have found a way through the state's plan to harness our partners—mining, energy, and ranching—through a conservation credit system, the only one like it in the nation. It is a system of debits and credits where if there is an acre that is disturbed, there is a mitigation ratio. It is not a one-for-one. If someone disturbs an acre, he or she will have to put back in three, four, five, or maybe a hundred times that number of acres. It is a good plan and we ask for your support for this resolution. I asked Jake Tibbitts from Eureka County to come up here with me because we did, on behalf of Eureka County, provide an amendment to the original resolution which this Committee sees now amended.

**Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:**

I am here to answer questions about any of the language that was changed between the original bill and what you have in front of you now. A lot of language that we brought forward in this amendment was adopted out of the Senate, and it outlines more of the history than the original resolution. This is not just about the listing of the sage grouse.

There was a determination by the United States Fish and Wildlife Service that the sage grouse were warranted for listing under the Endangered Species Act, but were precluded because of higher priority species. One of the reasons that determination was made was because of a lack of regulatory mechanisms. So the main federal land management agencies, primarily the Bureau of Land Management and the U.S. Forest Service, stepped forward to update all of the land use plans throughout the Western states as sage grouse habitat. The reason for that was so they could implement what were regulatory mechanisms to try to avert the listing. That process has been the impetus behind the establishment of the Greater Sage-grouse Advisory Committee and also the Council.

With the environmental impact statement (EIS) that came out from the agencies, there are some very restrictive items that could be detrimental to the economy and rural communities, similar to things that would go in place if there is a listing. We understand that it would not have consultation requirements as there would be with a listing, but some of the provisions of the plan are not consistent with the state plan, and it is moving forward without allowing the state to step forward and prove itself.

The previous Secretary of the Interior, Ken Salazar, asked the states' agencies that had the listing determination of warranted, but precluded, to step forward and develop plans to manage sage grouse. Nevada stepped up to the plate to

manage sage grouse and developed a very good plan. Now we are at the 11th hour where the plan is ready to be implemented, but there is no allowance for the state to implement it to prove it will work. So in the amendment, the final language states if the U.S. Fish and Wildlife Service will not listen to the exhortations of this resolution, the land management agencies will not either, and the last straw is to ask Congress to intervene and allow the state at least ten years to prove itself. If the state cannot prove itself in ten years, then the Fish and Wildlife Service could move forward with whatever they wanted to do under a listing.

**Senator Pete Goicoechea, Senate District No. 19:**

Basically, the state created the Sagebrush Ecosystem Council in response to the threat of the listing. I believe the Sagebrush Ecosystem Council has brought forward a plan that is good for Nevada, the species, and the habitat. But in the event that it is not considered, then this resolution would go to Congress asking for a time frame to let us show you that this plan works. There is no land transfer in this resolution, and I am sure you are glad to hear that. If we have a resolution like this in our state, Wyoming, Utah, Colorado, Montana, Idaho, and Oregon are all up against the same situation. Most of those states have plans in place, but we need the ability and flexibility to implement our plans and show that they are good for the species, resources, and habitat.

**Chair Stewart:**

Is anyone wishing to testify in support of this resolution?

**Steve Walker, representing Lyon County and Douglas County:**

Lyon County and Douglas County are in support of this resolution. Successful programs have been implemented that involved the Bi-State sage grouse population of Nevada and California where these counties had populations, and the threat of being put on the endangered species list was removed. This can work, and these counties are supportive of the Sagebrush Ecosystem Council plan.

**Jim Barbee, Director, Division of Administration, State Department of Agriculture:**

As on the Senate side, the State Department of Agriculture echoes the comments that you have heard in support of this resolution.

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

We are also in support of S.J.R. 5 (R1).

**Tyre Gray, representing Las Vegas Metro Chamber of Commerce:**

We support this bill and believe that it will have a positive impact on economic growth and job creation to make sure that the sage grouse is not listed as an endangered species.

**Alex Tanchek, representing Nevada Cattlemen's Association:**

We are in support of this resolution.

**Bob Clifford, Private Citizen, Fallon, Nevada:**

When we were not going to Nevada Land Management Task Force meetings, we were going to Sagebrush Ecosystem Council meetings. I would prefer that the state takes a hard line on this legislation. It is a compromise but given the political situation, I think this is the best course of action and it should move ahead. It is far better than the alternatives.

**Cliff Gardner, representing Rural Heritage Preservation Project:**

I am 100 percent in support of these types of resources, questions, and management to be under the control of the state. On the other hand, as I read the legislation that was promulgated to create the Sagebrush Ecosystem Council and so forth, I did not find that any of the completed process complied with the regulations because the public was supposed to be involved in a coordinated manner. The problem is that I do not believe there have been rules established for public comment that anyone from the private sector would have been invited to give. None of the decisions were based on input that was provided during public comment nor were there documents provided.

As a consequence, I am opposed to the plan as it is written, but not opposed to the state taking responsibility of the land. As this process moves forward, I want this Committee to send a mandate to the Council instructing them to follow the mandates set forth in regulations to ensure that public input is considered so that it is based on facts. I am concerned that this plan was not based on facts.

The information I submitted over a two-year period was not taken into consideration no matter how historically it was supported. I do not believe in the data that I have been exposed to that this is going to help sage grouse. When looking at the history of the first 20 years of exploration in the Western United States, there were no reports of sage grouse. All historical data indicates that sage grouse did not appear until after settlement beginning when the first pioneers came into the area. The downturn of sage grouse is a direct product of distant federal management, and I know it is difficult for you, but keep in the back of your minds, there should be a directive to the Council that from now on the kind of science I am concerned about should be considered.

**John Wagner, representing Nevada Committee for Full Statehood:**

I think this legislation is a good example of what state and local control can do. The local people have a vested interest in what is happening here, and I think that this plan is a good one. We are people who know what we are doing.

**Robert Gaudet, President, Nevada Wildlife Federation:**

I speak for my 600 members who are in favor of this bill. On April 21, the Fish and Wildlife Service determined that the Bi-State population of the greater sage grouse did not require the protection of the Endangered Species Act. Nevada has done an outstanding job. The Governor, Department of Agriculture, California Natural Resources Agency, and tribal entities have all worked on the Bi-State program. I am happy to say that one of the state's retired presidents from the Nevada Wildlife Federation had a major role working on this program.

**James "Hank" Combs, President, Nevada Farm Bureau:**

I am here representing the Nevada Farm Bureau's 18,000 farmer and rancher families who strongly support S.J.R. 5 (R1). Listing the sage grouse as an endangered species would have a detrimental effect on the Nevada livestock industry. In 2012, the state's cash receipts for cattle were \$283 million with a total economic impact to Nevada agriculture of \$5.3 billion. So we speak in support of the recent U.S. Department of the Interior's decision to not list the Bi-State population of greater sage grouse. The plan is evidence that working with local partners can achieve what needs to be done to protect the sage grouse population here in Nevada.

**Chair Stewart:**

Is anyone here in opposition to this resolution?

**Andrew Zaninovich, representing Nevada Conservation League:**

Our primary concern is regarding the call for a ten-year delay as outlined in S.J.R. 5 (R1) on page 3, line 26. If this happens, it would mean preventing the implementation of conservation plans that could start making a difference now. A delay could cause parties to leave the table and would kick the can down the road on a final decision. We believe that this resolution is premature because it urges Congress on what should be done without knowing what the final plan looks like or what the Governor's Office and other state agencies propose to do about refining the plan.

**Assemblyman Thompson:**

My question concerns page 3, line 26 of the bill that references the period of ten years that you do not agree with. Is there a number of years that you would be comfortable with or are you just not comfortable with it at all?

**Andrew Zaninovich:**

We are just not comfortable with the delay in totality.

**Chair Stewart:**

Is anyone else in opposition? [There was no one.] Is anyone neutral regarding the bill? [There was no one.]

**J. J. Goicoechea:**

In closing, the state plan was adopted on October 1. It is an adaptive policy so we can make changes to it going forward. The administrative EIS from the BLM is completed. It will be made public in a few weeks, so what is done is done. Conservation practices are starting today because of the state plan and the conservation credit system. I am afraid that if we see a listing—you want to talk about people leaving—energy and our conservation partners are going to leave this state, and the private mom-and-pop ranchers who own the majority of the private property will have their hands tied, resulting in loss of valuable habitat. With that, I encourage you to support S.J.R. 5 (R1). It is the right thing for the state, the bird, and the habitat.

**Chair Stewart:**

The hearing is closed on S.J.R. 5 (R1) and we will now open the hearing on Senate Joint Resolution 21 (1st Reprint).

**Senate Joint Resolution 21 (1st Reprint): Urges Congress to enact comprehensive immigration reform. (BDR R-1266)**

**Senator Moises (Mo) Denis, Senate District No. 2:**

It is an honor to assist my colleagues, Assemblywoman Bustamante Adams and Senator Kihuen, as well as our other colleagues who are here today to introduce Senate Joint Resolution 21 (1st Reprint). This resolution urges Congress to enact comprehensive immigration reform. Specifically, S.J.R. 21 (R1) urges Congress to enact those reforms which provide for a clear path to citizenship, improved immigration enforcement and border security, and a funding stream to address the fiscal impacts on state governments.

Senate Joint Resolution No. 15 of the 77th Session was approved unanimously in the Senate during the 2013 Session. Congress is still debating this critical issue so a new resolution expressing our continued support as a Legislature for immigration reform is appropriate for the 2015 Session.

Immigration has been a controversial issue in this country for a long time. The rightful place to address it is with Congress so that a uniform policy is established and enforced. However, we have seen that if Congress will not act, the states will. That is the reason why we are bringing S.J.R. 21 (R1) forward today.

This resolution is simply and respectfully a request to Congress to do something about this very serious situation. Someone said that America is an idea as much as it is a place. People from many countries are inspired by that idea so much that they are willing to struggle to get here. The trip is often difficult, sometimes dangerous, and all too often disappointing.

On a personal note, I chair a committee for the National Conference of State Legislatures (NCSL) on immigration, which is a nonpartisan committee I have been on for ten years. We have had the opportunity to go to the border of Mexico where there are empty water jars in the desert because the people there are willing to risk their lives going through a desert to get to the United States. I have also seen the efforts that people go through getting to the Canadian border.

Senate Joint Resolution 21 (1st Reprint) recognizes that a sound immigration policy has many facets. It is an economic issue. Contrary to popular image, immigrants tend to be hardworking, often accepting the lowest wages, and without benefits. Without the protection of the law, they can be exploited.

Immigration policy is also a human issue. Current government policies are splitting families. People who have lived in the United States since childhood and who have established their own families may find themselves suddenly deported. Children who are U.S. citizens are shuttled back and forth between parents who are forced to live in different countries.

Immigration policies are also fairness issues. Quotas have always been based on country of origin. The relatively recent system—the Diversity Immigrant Visa Program—is nothing more than a lottery. Families who have hoped for a member of their family to immigrate legally may wait years. The visa may never come if the family originates in a country with a high rate of immigration to the United States. This is arbitrary and it holds false hope. Because of frustration with this very policy, many people turn to illegal entry to the United States. This is dangerous for them as well as for American citizens who live along the border. Too often we hear of deaths of border patrol officers, landowners, and immigrants. Once in the United States, those who make the arduous trip have to live in the shadows.

As policymakers, we should be frustrated with these federal policies as well. They make no sense for those of us who must spend public money wisely for our constituents. We invest in the education of these children, even to the completion of their college degrees, yet they cannot enter the workforce because they do not have proper documents. There is no return on our investment, and as such, some immigrants turn to crime, which increases the cost to the states for enforcement and incarceration.

What does S.J.R. 21 (R1) do? It calls on Congress to enact comprehensive immigration reform that addresses illegal residency with a clear path to citizenship, future immigration for families and guest workers, improved enforcement and border security that is consistent with our values, and funding to assist the states to absorb immigrants in our schools, businesses, political system, and social services. Congress is the only body that has the authority to establish and enforce a national policy on immigration. It is time that it comes to terms with a system that Americans know is broken. Please join me in asking the 114th United States Congress to meet its responsibilities. Indeed, it is the only body that can.

Recently, I was in a meeting in Washington, D.C., with other states' representatives where we talked about what kinds of things the states were doing in the meantime to address this issue. Our neighbor, Utah, is the most recent state where a comprehensive immigration policy was created to register individuals so that they could work because they realize these workers are needed in Utah and they want to give them an opportunity to work because there are not enough workers there. However, this policy requires permission from the U.S. government because that is supposed to be something that the federal government does. There are other states that are implementing different policies to try to combat some of these issues that we are dealing with.

So with that, Mr. Chair, thank you for your consideration and support of S.J.R. 21 (R1). It is a good bill and I ask the Committee to act favorably on it.

**Senator Ruben Kihuen, Senate District No. 10:**

I am here to speak in support of Senate Joint Resolution 21 (R1). I thank my colleagues here for their diligent work on this resolution. I am the only legislator in this body who is an immigrant, so the issue of immigration is very close and dear to my heart. My family is an example of what can happen when a hardworking family is given an opportunity to succeed in this country.

It is no secret that our immigration system is broken. You know it is broken when people who are doing things the right way have to wait up to 20 years for their application for citizenship to be processed. You know it is broken when



families are being broken apart every day and also when hundreds of families sacrifice their lives crossing the Mexican border illegally rather than go through the onerous and cumbersome immigration system.

The question is, how do we fix this? Senator Denis touched on some of the elements of this resolution. It can be fixed through a comprehensive immigration reform aimed at repairing this broken system. This immigration reform would help stimulate the economy and create thousands of jobs, and keep innocent families together by offering a fair path to citizenship for undocumented immigrants who have done nothing but work hard in this country. Some of the key elements of this comprehensive immigration reform package currently being negotiated would allow undocumented immigrants to come forward and register, pay an application fee and a fine, and then if they pass a criminal background check, earn legal status, and eventually U.S. citizenship. Applicants would also be required to learn English and pay any back taxes. They would also have to stand in the back of the line.

In addition to these components, a true comprehensive immigration reform package would include protections at our borders. If Congress were to pass legislation mandating comprehensive immigration reform, utilizing the key elements that I just mentioned, the U.S. gross domestic product (GDP) would increase by at least 0.84 percent. That amounts to a staggering \$1.5 trillion in additional GDP over the next ten years.

Lastly, regarding facts about immigrants in Nevada, our state would lose \$9.7 billion in economic activity and about 45,000 jobs if all unauthorized immigrants were to be removed from the state. In 2005, Latino immigrants in Nevada paid roughly \$2.6 billion in federal taxes and \$1.6 billion in state and local taxes, including \$500 million in sales taxes. The money that Latino immigrants earned and spent in Nevada accounts for 25 percent of the state's gross state product. According to a 2007 report from the Progressive Leadership Alliance of Nevada (PLAN), Latino immigrants' unemployment income and spending resulted in the creation of 108,380 jobs in Nevada. Latino immigrants comprised about 16 percent of the state's entire workforce in 2005, and an even higher share in select industries—81 percent of the agricultural workforce, 47 percent of the construction and mining workforce, and 22 percent of the entertainment and tourist services workforce.

I encourage this Committee's support. I know that at the federal level there has been ongoing talk about passing an immigration reform policy. In 2013, there was a compromise, bipartisan bill that passed out of the U.S. Senate supported by both Republicans and Democrats. Unfortunately, it stalled in the U.S. House of Representatives and is still there today. That is why we felt compelled to

bring this resolution forward making it clear Nevada is ready for immigration reform. Senate Joint Resolution No. 15 of the 77th Session passed unanimously, and we will continue presenting resolutions until Congress acts.

**Assemblywoman Irene Bustamante Adams, Assembly District No. 42:**

I also have the privilege of being the Chair of the Hispanic Legislative Caucus composed of ten members from both the Senate and the Assembly. I know this is a topic dear to their hearts and to mine as well. Being a daughter of immigrant parents who were farm workers, I am a success story such as mentioned by Senator Kihuen where people have an opportunity to succeed and elevate themselves. I am supportive of the issue along with members in the caucus. I urge your support of this resolution.

**Assemblyman Trowbridge:**

This is a federal issue, but I look forward to the day when we have someone in Washington, D.C., who can help us with this problem

On page 3, line 5 of the resolution where it indicates the fiscal impact on our state government, I notice that "State Government" is capitalized. I wonder if that would mean, with some fancy lawyer on the other side of the issue, that we cannot address anything about the school districts or local governments. Maybe I am trying to play grammar teacher, but if those words were not capitalized, it might be more general in nature than if those words are capitalized. I do not know, but I will leave that issue to the discretion of the attorneys.

**Senator Denis:**

I do not know the answer to that question because I am not a lawyer either. However, it is in one of the "resolveds" and maybe legal counsel could give us an answer. I understand your concern and I agree.

**Assemblyman Elliot T. Anderson:**

I do not think that having a capital letter in the wrong place has a legal effect in this case.

**Assemblyman Thompson:**

How many Western states have sent resolutions, such as this one, to Congress, and what was the outcome?

**Senator Denis:**

I do not know, but the task force committee that I chair does an annual immigration report that not only talks about resolutions that were sent to Congress, but also discusses any other immigration-related legislation which is on the NCSL website.

**Senator Kihuen:**

Aside from the Southwestern states that are generally impacted by immigration from Mexican nationals, we are seeing many other states across the nation that are urging Congress to pass immigration reform. In states like Alabama and Kansas, where there are a significant number of Latinos migrating to those states, they are also feeling the need to pass immigration reform.

**Chair Stewart:**

Is anyone in support of this resolution?

**Assemblyman Edgar Flores, Assembly District No. 28:**

My district represents the largest population of immigrants in the state, so I have an obligation to speak on their behalf. I also speak for those outside of my political world. I have had the opportunity to work at an immigration law firm and to hang out at an immigration court. I have also been involved with different immigration organizations throughout the years.

When talking about immigration, it is a very heated debate and emotions get involved, so I am going to keep this outside of that frame of logic and go into specific examples of how the immigration law works and explain why the system is broken.

Hypothetically, person A, who is a U.S. citizen, wants to petition for his son, who is not a U.S. citizen and lives in Mexico. If you go on Google and type in "visa bulletin," you will see an updated monthly waiting list. In that hypothetical situation, for the U.S. citizen petitioning for his son who lives in Mexico, the waiting period is over 20 years. Let me explain why that is problematic. For people to remain in the United States under the 2011 Immigration and Nationality Act (INA) 240A cancellation of removal, they have to prove they have been in the United States for 10 years, 7 of which were continuous, and that a family member who is an immediate relative—a spouse, a son, or a parent, who is a citizen—is going to suffer an extreme emotional hardship. If that can be proven, they can remain in the United States. So in terms of a time frame, it is easier to get a cancellation of removal than it is to get in line and wait to apply for U.S. citizenship just like everyone else, where they would be waiting in line for 21 years.

Form I-601A is known as the hardship waiver, and it is easier to illegally come into the United States, marry a citizen, and then explain how this person would suffer without you through this extreme hardship waiver and remain in the United States. There is no incentive to get in line and wait 21 years when it can be done in 10, 7, or 5 years, depending on what hardship waiver is used.

**Assemblywoman Olivia Diaz, Assembly District No. 11:**

I represent the district with the second highest population of immigrants in Nevada, which encompasses parts of north and northeast Las Vegas. I come today wearing my teacher hat. I have seen how our antiquated immigration law and the lack of action on the part of Congress has had a negative impact on helping parents who have been here working hard to provide for their family for 20 years or longer. They have had no path to gain residency and no assurance that they are going to be there for their children every morning as a father and mother to drop them off and pick them up at school and to provide for their needs. I have seen too many situations at the school where I teach where a parent is taken out of the family, which puts the family in a bad situation.

We are also overburdening our social services because many of these children are born in Nevada with an absent parent. That means those kids can end up in the foster care system, which in turn causes further detriment or hardships on keeping the siblings together. I think that we, in Nevada, have a huge heart and want to do the right thing to keep families intact. This is the best way for our state to continue to grow and follow the right path to ensure our kids have access to a good future.

I was told that at Rancho High School in Las Vegas, the valedictorian is not yet a resident but is in limbo. She is one of the DREAMers [Development, Relief, and Education for Alien Minors] who is caught in this bubble, who is not considered a resident or a citizen, but she has a 4.8 grade point average. We have so much talent that could be put to good use in our communities, and I think we need comprehensive immigration reform. I hope that you think the same thing and vote for S.J.R. 21 (R1) so we can tell Congress that they need to get a move on this.

**Assemblyman Nelson Araujo, Assembly District No. 3:**

I am proud to represent Assembly District No. 3, which is located in the northwest part of Las Vegas Valley. I, too, am here to support S.J.R. 21 (R1).

This is personal to me. I was born in Las Vegas, but I was raised by a single mother who immigrated here from El Salvador, and she has been a housekeeper here for close to 30 years. She did everything in her power to ensure that my sister and I had all the tools we needed to be successful in life. It was that

one opportunity to live lawfully in this country that allowed her to provide us the resources that we needed to be here. Graduating from Rancho High School in 2006, I saw a lot of peers who were much smarter than me and had a lot of potential fall through the cracks. This happened not by their choice, but because they knew that there was no light at the end of the tunnel.

Every day I talk to folks who would be positively impacted by comprehensive immigration reforms. We have those champions here in our state. Astrid Silva, a premier DREAMer, has been profiled nationally and is a tremendous advocate for Nevada. All she needs is for Congress to take action so she can show exactly what a powerhouse she is. She is a true benefit to our state, and we need to acknowledge the potential and talent that all of our DREAMers have. We need to take that step here and in Congress. It has to be personal at some level because we are impacted by it in one way or another, and the best way to fix a problem is by taking action. That is why I am proud to be here today on behalf of myself, my family, the DREAMers who I have connected with, and my community. Together we can be a strong force, but we cannot do it unless we take the right steps to ensure that proper legislation is in place so that everyone receives fair treatment and has the opportunity to fulfill their dreams.

**Assemblyman Munford:**

What do you think attributes to the reason for this bill not being passed in Congress? I think it is more than just illegal immigration. I think it gets personal on the basis of your nationality. There may be civil rights issues involved. Do you think this could be the case in Washington, D.C., because they have opposed the Development, Relief, and Education for Alien Minors (DREAM) Act and these types of things? I believe it is bordering on discrimination. What are your thoughts?

**Assemblywoman Diaz:**

Unfortunately, I think Washington, D.C., politics are more politics than policy and caring about the lack of action and how it is hurting many communities across the nation, so I think it is politics. I know that we are better than that here at the Nevada Legislature, and we are all about looking at policy and working in a bipartisan fashion to advance all of the people in this state regardless of geographical location—north, south, east, or west. I would hope that they would embrace the spirit of how we work here in the Legislature and look at how my colleagues who came before us at this table stated that there is an economic advantage to making sure that these immigrants have access to residency and creating a path to citizenship. There is talent there. Just look at the shortage of teachers that Nevada has, and if we would have remedied this situation in the past, maybe we would not be in the position where we are now.

I think that when politics get the better of things versus doing the right thing by the people, sometimes there is inaction, and I think that is why the politicians in Washington, D.C., are sitting on it.

**Assemblyman Munford:**

I can show empathy for what you are facing because you are almost walking along the same path that African Americans did in this country. You are experiencing oppression and not being accepted as black people have experienced. I feel that we have had similar encounters, and I think you are showing unity here, and that is what it is going to take as a group of people.

**Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:**

I am here to say "me too" in support of this bill. Oftentimes when folks want to talk about the immigration system that we have in place, I say there is a process in place, but in particular, the path to citizenship as it is laid out and what it has become over the years by the federal government is very much like the television show *Wipeout*. It is a competition where technically the contestants can get to the end, but things pop up and push them off their feet and they are thrown down. It is a process inherent with a lot of attrition and involves many things that I know takes years and years, and it costs a lot of money. We need a better path for citizenship, and I am happy to lend my support to this policy.

**Assemblyman Richard Carrillo, Assembly District No. 18:**

I represent the eastern part of Las Vegas in Clark County. I want to ditto what my colleagues have already said.

**K. Neena Laxalt, Private Citizen, Reno, Nevada:**

I want to commend the members who have brought this bill forward, and I commend the Senate who passed this bill unanimously.

America was built on the backs of hardworking immigrants not unlike my family. My Irish ancestors came to America after the famine, and the Basques came to America to get work because there was little work when there were too many men in the family. I also spent 20 years in Arizona, so although I am a Nevadan, I am also half Arizonan. In the 1970s when I was in Arizona, this was an issue, and it is now time for immigration reform. It is 30 to 40 years past the time for immigration reform. This is not getting any better, and it is breaking up families. These people do not want to be illegal, and I often hear "get in line" if they want to be in this country. Just think about those people who have to wait in line for 20 years for their U.S. citizenship as opposed to those who do not have the patience to stand in line and wait for five minutes at

McDonalds. I commend these people for waiting all those years to complete the same process that all of our ancestors have, and I support this bill.

**Chair Stewart:**

Is anyone else wishing to testify in support of this bill?

**Assemblyman Elliot T. Anderson:**

I just want to thank our colleagues for bring this measure forward. I know this resolution is very important to my constituents and I fully support it.

**Chair Stewart:**

Is anyone opposed to this bill?

**Janine Hansen, State President, Nevada Families for Freedom:**

First of all I want to make a disclaimer so that I am not categorized in an unpopular way as being politically incorrect. My brother was married to a woman from Colombia. My other brother adopted a little girl who is American Indian, and some of my friends in Elko are black. I have no issue regarding people's background or nationality; however, as President Reagan said, a nation without borders is no nation at all.

The American dream for American citizens is disappearing. Jim Clifton, who is the chief executive officer of Gallup, recently said the big lie is that unemployment is 5.6 percent. Gallup defines a good job as 30 hours a week or more for a regular paycheck. In the United States there is a staggeringly low rate of only 44 percent of American adults who are working full time. My husband, unfortunately, is one of those who is not working because he has recently lost his job. Robert Rector of the Heritage Foundation told the House Committee on Oversight and Government Reform that the lifetime cost of social security and Medicare benefits paid to the millions of illegal aliens to whom Obama is granting legal status will be \$1.3 trillion through Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). John Koskinen, the U.S. Internal Revenue Service Commissioner, told Congress on February 11, 2015, that illegal immigrants who did not pay taxes or who used faked social security numbers will nevertheless be able to claim backup refunds under the Earned Income Tax Credit (EITC) once they get a new social security number under President Obama's amnesty.

Comprehensive immigration reform has always been just a pseudonym for amnesty. Right now we have open borders. One of my greatest concerns is that the borders are not closed. I think that people like myself would be more willing to talk about immigration reform if the borders were protected. With our open borders and with what happened in Texas with the 2 terrorists—there is

a recent statement indicating that there are 117 terrorist operatives in 15 states. The local government in Texas is prepared to take action in order to pursue their goals. Because our borders are not protected, all Americans are in jeopardy of terrorist actions on our own shores.

The average DAPA eligible family already receives \$6,600 a year in means-tested welfare benefits, which include food stamps, school lunch, breakfast, Medicaid, State Children's Health Insurance Program (SCHIP), and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). As a result, it is no wonder that this resolution calls for something to be done about the huge costs that individual states are paying for this. One of the problems that has not been addressed by Congress is what local, state, and federal governments are paying for illegal immigration benefits. Another problem is that taxpayers are paying for those benefits. I have 13 grandchildren, and I am concerned about their future. Everyone should have the opportunity to fulfill their dreams. The American dream for American citizens is disappearing and part of the reason is that we have not protected our borders.

**John Wagner, State Chairman, Independent American Party of Nevada:**

I had a grandfather who was a refugee of the Armenian genocide. His first wife came from Ireland to escape the famine, and his second wife came from Germany to escape Hitler. One of my sons-in-law is from India, so my grandchildren are half Indian, which makes my great-granddaughter one-quarter Indian. We also support a child in India and another child in Mexico.

I have the greatest respect for the people from Mexico. They are hardworking, but I think the problem with immigration reform is that we are not closing the borders. I think if they were closed and no illegal immigrants were allowed to cross them, I believe we could get an immigration reform bill passed. The term comprehensive is shady to me. I do not know what comprehensive means. I would like to see an immigration bill passed and see people happy and not worrying about Immigration and Naturalization Service (INS). I look forward to the day when we can welcome all nationalities, but people slipping through the border is not the right way to become U.S. citizens. It is like stealing from your neighbor, which I would not advocate either. I support some kind of reform, but I do not like the idea of so-called comprehensive reform nor the idea of pushing through the reforms that President Obama has suggested. I think we need to have Congress get on the stick, close the borders, and get on with it.

**Assemblyman Thompson:**

I want to echo thanks to my colleagues for bringing forth this resolution, but I want to say to Mr. Wagner that I think you are saying some things that are in



support of this resolution, and I am glad you brought up other ethnic backgrounds that would be involved with comprehensive immigration reform. I think a lot of times people are misinformed and uneducated when they think it involves only people of Hispanic origin, and it is far more expansive than just including Hispanics. Ms. Hansen, when talking about the borders and terrorist actions, where are you getting this information because I know you would not make a blanket statement without doing your research?

**Janine Hansen:**

Assemblyman Thompson, I appreciate that. In fact, I just read an article about the 117 operatives who have been placed in 15 states as a result of the killings of the terrorists in Texas. It had something to do with anti-Muslim art. I did not bring it with me today, but I will bring it to you tomorrow.

**Assemblyman Thompson:**

How did that situation tie in with your being in opposition to this resolution?

**Janine Hansen:**

I have read several books that indicate it is not just hardworking people who cross the border seeking a better life, because when our borders are open, they are also open for those who do not wish America well. There have been documented court cases where terrorists have come across our borders because they are open. One of my friends in the National Constitutional Party, of which the Independent American Party is the state affiliate, was on a tour of the border and was part of a program created by the Al Jazeera Media Network where I saw the documentation that he brought forward. He did a presentation at one of the national meetings I attended. I have also read documented cases of terrorists coming across the border. That is one of my greatest concerns because our borders are not protected and now they are bragging that they will have these operatives in 15 states.

**Assemblyman Elliot T. Anderson:**

Ms. Hansen, I am looking at the NCSL website, which is a solid source of information, and it referenced the U.S. Senate Judiciary Committee passing S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act. Would you support a bill that had comprehensive border security in it and included 3,500 additional U.S. customs and border protection officers among other elements?

**Janine Hansen:**

I would have to see the bill. I do not know what it means. We have a lot of people saying they are going to protect our borders. We were supposed to have the borders fenced for many years and it has not happened. In fact, most

recently, the border guards have been asked to step down from enforcing the borders. So I have little faith in the federal government with protecting our borders. Just because a bill states something does not mean that it will happen, but I would support a bill if it included genuine border protection.

**Assemblyman Elliot T. Anderson:**

This bill passed and was a bipartisan, comprehensive immigration reform. It came with a ton of border security and 3,500 new agents, as well as numerous other provisions. You may not like it that much, but that is what political compromise is, correct? It was a bipartisan effort, and it took care of people's concerns. Republicans voted for it, too, because of that border security, and the sponsors of this bill can correct me if I am wrong, but I feel like they are calling for comprehensive immigration reform that includes all of those elements. I do not know that there is harm in this resolution calling for an overall solution that takes care of all of those different areas.

**John Wagner:**

Yes, I do have a soft spot in my heart for refugees, but I do not believe in blanket amnesty. I have heard some heart-wrenching stories about young immigrants who have been here. I think immigration reform should be done on an individual basis so we can make sure that they are legally documented immigrants. These refugees go to school, work hard, and some of them get a 4.0 average and I can see them getting a pass to citizenship, but I do not agree with a blanket amnesty.

**Chair Stewart:**

Is there anyone else in the negative position? [There was no one.] Is anyone neutral on this? [There was no one.] Do the sponsors have final statements?

**Senator Denis:**

This is one thing that I like when I go to the NCSL meetings because we have both Republicans and Democrats and when we have these discussions over a period of several years, we come up with these types of proposals. I think that when we have these discussions, we can really come up with solutions.

My parents immigrated here for a better opportunity, and I am proud to be the first one in my family born in the United States. This country was founded by immigrants, and when my parents came to the United States they helped each one of my mother's sisters, their families, and my grandparents to come here because they were looking for something better for their families. We have contributed over the years to this great country, and I think we have been a success story.

In addition to having a cousin who is a U.S. Senator running for President, I have cousins who work in the health care field, government, and education. We have given back. I think comprehensive immigration reform is to give that same opportunity to these families who want to provide a better life for their families and who also want to give back. I believe that having these solutions will help our country in the long run to continue to be a great country. I appreciate the opportunity to be here and hope that you support this resolution.

**Senator Kihuen:**

I want to thank you and the Committee. It has been a good dialogue and as my colleague said, this is exactly how the bill that is currently in the House of Representatives came about, by having dialogue with both Republicans and Democrats, opponents and supporters. I think that with this resolution we are sending a strong message to Congress that Nevada supports immigration reform. At the end of the day, these 11 million people are not going anywhere. If someone has a practical plan right now of how to get rid of 11 million people, I would love to hear it.

So, they are going to be here, and by not passing immigration reform, that is a default amnesty. I believe that if they are given permanent residency in this country, that will stimulate the economy. Look at the numbers that I presented. It is going to generate additional money to our economy and create jobs, and people will start paying taxes. If any of these people are criminals, rapists, or murderers, they should be deported, and I am the first one to say it. If they come to this country, they should learn English, stand in the back of the line, and pay back taxes. That is what this immigration reform is all about. It is not just blanket amnesty and that everyone who is here and undocumented becomes a resident, and yes, we need to protect the borders. I agree with Ms. Hansen that border protection should be our first priority. I am very grateful for the opportunity to talk about this resolution, and I thank the Committee for taking the time to listen.

**Chair Stewart:**

The hearing is closed on S.J.R. 21 (R1). Is there any public comment? [There was none.] The meeting is adjourned [at 6:06 p.m.].

RESPECTFULLY SUBMITTED:

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Patricia Hartman  
Committee Secretary

APPROVED BY:

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Assemblyman Lynn D. Stewart, Chair

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

**EXHIBITS**

**Committee Name:** Assembly Committee on Legislative Operations and Elections

**Date:** May 7, 2015

**Time of Meeting:** 3:02 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.J.R. 1 (R1)	C	Mike L. Baughman, Intertech Services Corporation	Report of the Nevada Land Management Task Force
S.J.R. 1 (R1)	D	Steve Walker, representing Eureka County	Report from the Eureka County Commissioners
S.J.R. 1 (R1)	E	David von Seggern, Toiyabe Chapter of the Sierra Club	Testimony