

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Eighth Session
March 2, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 1:31 p.m. on Monday, March 2, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Joe P. Hardy, Vice Chair
Senator Mark Lipparelli
Senator David R. Parks
Senator Kelvin Atkinson

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Tim Bunting, Interim Executive Director, Peace Officers' Standards and Training Commission
Boe Turner, Bureau Chief, Professional Development Bureau, Peace Officers' Standards and Training Commission
Gina Greisen, Nevada Voters for Animals
Chuck Callaway, Las Vegas Metropolitan Police Department
Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Warren Wish
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Sarah Rose Hecht
Louisa Thurston
Sara Conte, Nevada Voters for Animals

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Margaret Flint, Canine Rehabilitation Center and Sanctuary; Beagle Freedom Project; Nevadans for Responsible Wildlife Management
Melissa Boyd, Nevada Voters for Animals
Richard Hecht
Samantha Potts
Jim Lawrence, Special Advisor to the Director, State Department of Conservation and Natural Resources
Steve Walker, Carson City
Sherry Rupert, Executive Director, Nevada Indian Commission, Department of Tourism and Cultural Affairs

Senator Hardy:

I will open the hearing on Senate Bill (S.B.) 147.

SENATE BILL 147: Requires certain training for peace officers concerning dog behavior. (BDR 23-10)

Senator Parks:

I have submitted my prepared remarks on S.B. 147 ([Exhibit C](#)).

The Department of Public Safety and police personnel submitted Proposed Amendment 9654 to S.B. 147 ([Exhibit D](#)).

Senator Atkinson:

How does the law treat companion animals?

Senator Parks:

The courts treat companion animals and dogs as general personal property. When an animal is harmed, the lawsuit must show that the owner sustained emotional distress, loss of the animal and the harm that the animal might have sustained. In a ruling a few years ago, the Ninth Circuit Court of Appeals found that substantial awards can be generated for the willful shooting of dogs.

Senator Atkinson:

Then there should be statistics available of the number of animal shootings over the last few years or decades.

Senator Parks:

I do not have specific statistics. I know whenever a police officer fires his or her weapon, a report is generated. I assume it is categorized by the type of shooting.

Senator Atkinson:

If there are numbers available, something has happened over the last decade to make animal shooting so prevalent. Does anyone have any suggestion or answer?

Senator Parks:

I might add that there have been many changes. The war on drugs has certainly increased the amount of shootings. There are situations when police officers shoot a dog at the slightest indication that the dog might be vicious. Other things going on lead to militaristic actions.

Senator Atkinson:

There are many dogs in my district, and some are aggressive. I always tell my campaigners to be careful and never open a gate even if they do not see a dog. How do UPS and FedEx handle those situations?

Senator Parks:

From what I have read, there are not large numbers of dog bites. I am always worried that our campaign volunteer might sustain a dog bite. I have advised my volunteers to be careful.

The United States Postal Service probably has the best statistics. Postal workers are everywhere and often encounter dogs. They are trained in what actions they can take to deal with a vicious or dangerous dog, which include training seminars as well as carrying a bag of treats. I am not advocating that every police officer should have a bag of doggie treats.

Senator Hardy:

Does your amendment decrease the fiscal note to make this more affordable?

Senator Parks:

I heard there was a substantial fiscal cost, but I have not seen specific numbers. When you consider the alternative, training for new recruits or recurring training for police officers is not a substantial cost at all. My colleagues from the police

academy and in police service already have programs. I would like those programs fully implemented and required for all police officers who interact with the public.

Tim Bunting (Interim Executive Director, Peace Officers' Standards and Training Commission):

The Peace Officers' Standards and Training Commission (POST) is the State agency charged with setting law enforcement training standards throughout the State.

The dog awareness training was put on our Website in November 2014. It is now an online learning site that campaign workers and everyone else can access free. You do not have to be a peace officer.

Boe Turner (Bureau Chief, Professional Development Bureau, Peace Officers' Standards and Training Commission):

The U.S. Department of Justice (DOJ) has a dog training publication online under the Community Oriented Policing Services (COPS) program. It answers dog behavior questions and is available online for all peace officers, which is where it belongs. It contains 1 hour and 20 minutes of video clips and a document that delves more deeply into the number of dog bites and dog behaviors. It is a cooperative effort between law enforcement, the animal-owner community and the public.

Gina Greisen (Nevada Voters for Animals):

I urge you to pass this bill out of Committee in its original form. However, because there are many different departments in Nevada, we would like every department to track shootings. In doing a series of investigative reports, we found that most agencies do not track the number of animal shootings.

"Epidemic" is defined as affecting or tending to affect a disproportionately large number of individuals within a population, community or region at the same time, such as a typhoid epidemic. It can also mean excessively prevalent or contagious.

The DOJ's COPS office video estimates between 25 and 30 pet dogs are killed each day by law enforcement officers, which averages to 48 dogs killed every 56.6 minutes in the U.S. That is an epidemic.

We should not say that required training is too expensive or do nothing about it when officers encounter our four-legged family members and discharge their weapons at that rate. Fifty percent of all officer contacts in a day involve canines: in vehicles, in homes, at the dog park or walking down the street. One only needs to turn on the television or go to the “justice for” pages in Facebook to see how many dog shootings are occurring. This is happening not only in Nevada but also in epidemic proportion across the Country.

Nevada is not the only state looking at legislation to require training to understand canine behavior. In 2013, Colorado unanimously passed dog encounter training for the state’s law enforcement officers.

This epidemic is dangerous for police, the public and pets. There have been some tragic incidents recently. On January 6, a Burlington, Iowa, police officer, Jesse Hill, shot and killed unarmed Autumn Steele, 34, in front of her husband and 4-year-old son. He was shooting at the family dog that had run up behind him. As the officer was falling backwards, he recklessly and dangerously discharged two bullets, both of which hit Ms. Steele, killing her and hitting the dog. Officials were going to euthanize the dog, but it was just saved this week. I cannot imagine being the mother, the husband or the child of that woman or the officer who has to live with that for the rest of his life, knowing he shot and killed a mother in front of her child.

Not only innocent bystanders are shot. A 10-year-old boy in another state was shot when an officer pursued a suspect through a yard and shot at a dog and ended up shooting the 10-year-old.

In May 2014, a deputy was indicted on animal cruelty charges for shooting and killing a dog when he responded to a robbery call. It was caught on his vehicle’s surveillance camera. He claimed the dog attacked him, but after the necropsy was performed, it was determined that the dog was shot in the back of the head.

In November 2011, a Vanderburgh County, Indiana, sheriff’s office K-9 handler accidentally shot his own dog after a probation violator released three pit bulls. Trying to break up the dogfight, which his dog probably would have survived, the officer shot and killed his own dog.

A few weeks ago, a woman was viciously attacked here, and it was tragic. My concern is that officers are not trained and do not understand less lethal options. A weapon is discharged into a crowd of people or into a neighborhood, mothers are killed and children are hit. Many times officers shoot themselves or their partners. A couple of months ago, a police officer shot his partner in the foot when shooting at a dog.

In February 2006, the Hells Angels Motorcycle Club was awarded nearly \$1 million after raids on several of the group's compounds in which dogs were killed. The U.S. Supreme Court rejected the county's arguments that the deputies should be immune from liability in the case. These incidents are not only dangerous but also expensive.

Several families here in southern Nevada from whom you will hear today were advised by attorneys not to speak publicly because they have active cases. In January, a lawsuit was filed on behalf of Victor Patino because his dog, Bubba, was shot and killed in his own backyard in January 2013.

In November 2014, a dog was shot in its front yard where a large "beware of dog sign" was posted. It was shot by the county constable. Other dog killings we know about in 2013: Ruthie, shot by Henderson police on Nebraska Street; Freckles, run over and dragged down the street by a Las Vegas Metropolitan Police Department (LVMPD) officer when it jumped a fence and was barking at some children. I am not sure what is more dangerous, aiming a loaded weapon toward children or aiming a vehicle toward them.

A dog named Sandy was shot in her own doorway in North Las Vegas. Miracle was shot by North Las Vegas police in Henderson when they were serving a warrant on the house next door. Miracle did not live there. She was shot in the head.

In 2012, Pinky and Blue, owned by Tom Walker and Cathy Cataldo, were both killed by a North Las Vegas Police SWAT team that went into the City of Las Vegas to conduct a raid and shot and killed these two pets. A gruesome video on YouTube shows blood all the way around this house. Officers shot the first dog and as it was bleeding out in the front yard, the second dog was hit and it ran around to the back of the trailer, bleeding the entire way. The dog was literally slaughtered hiding behind a wheelbarrow in the very back of the yard. It is beyond sad and tragic. A lawsuit was filed in September 2014.

The Ninth Circuit Court of Appeals ruled that three Las Vegas families are entitled to a trial on their claims that Las Vegas Metropolitan Police officers violated their constitutional rights in 2009 by entering their homes without a warrant, holding a group of teenagers inside at gunpoint and fatally shooting a pet dog Hazel. In 2009, a dog named Cocoa was shot and killed.

I could go on and on about the number of dogs locally and around the Country that have been shot and killed. Many times, it is needless, senseless and preventable.

An email from Robbie Benson from San Diego Animals Worthy of Life, California ([Exhibit E](#)), contains a quote from Gordon Graham, "What is predictable is preventable." We know that law enforcement officers are going to encounter pets.

I canvass for different politicians. I have knocked on thousands of doors, and I have not had to shoot any dogs. Your constituents have pets that are considered part of the family. When you go into dogs' homes or their backyards, when they are shot through windows, at a dog park or on the street, you are killing our family members. Six out of seven houses I canvassed had dogs. That is my estimate of how many people have pets in Nevada. I have never had less than that. This is important to your constituents.

According to former LVMPD Assistant Sheriff Ted Moody, when we brought attention to this, the LVMPD started tracking these cases and bringing them before the Use of Force Review Board. The first case brought before the Use of Force Review Board was a cat that was shot.

When an officer feels so in danger that he or she must use deadly force as a first resort, this must be addressed for officer safety, public safety and for our pets.

A documentary is being made which addresses these cases around the Country and shows what an epidemic it has become.

I spoke to Bureau Chief Turner at POST. According to him, I was the one who made him aware of this issue. I find it shocking that those in charge of training are not aware of the seriousness of this situation. He found the 2011 DOJ

COPS training online and we discussed it in November. I wanted to make him aware of the bill coming forward, to get his input and to work together.

This is critically important. Our pets are like children. They depend on us for food, shelter and protection. Shooting a dog or cat or any other animal is, for some people who do not have children or family, like shooting their children. I urge you to pass this bill. Do not water it down. Do not make it voluntary. Voluntary does not work. I urge you to make it mandatory. The DOJ's report and videos have been online for 4 years and we still have this problem. Many people will work together to make the training as easy as possible. Some of the training will be in POST and other parts will be in-service training.

Chuck Callaway (Las Vegas Metropolitan Police Department):

I support S.B. 147 with the amendments submitted by POST, [Exhibit D](#). To give you a brief background from a LVMPD perspective, in 2011 our Critical Incident Response Team (CIRT) began reviewing officer shootings involving animals, specifically dogs. Our numbers have been declining since 2012. In 2012, we had eight instances where a dog was shot; in 2013, we had six; in 2014, we had four; and this year we have had one. Ms. Greisen spoke about the instance when a woman was being viciously attacked by more than one dog. The officer who responded and a citizen who was there at the scene attempted to stop the dogs from attacking the woman by making noise to draw the animals away before they finally resorted to using a firearm and shot one of the dogs, which caused the other dogs to run.

It should be noted that we receive about 3 million calls for service a year. In 2012, we had eight shootings involving dogs. That is a relatively low number.

In 2014, we introduced mandatory training on police and dog encounters for LVMPD. In all fairness, that may be the reason why our numbers are declining. We are using the DOJ training, and it is mandatory. As of today, 2,746 commissioned police officers, including myself, have taken the training, and more officers take the training when they are finished with field training and the academy.

A report produced by our CIRT contains a breakdown of how many animals have been shot since 2012 when we started completing this report and how many citizens or officers were under attack by the animal or bitten by the dog when the shooting took place. Interestingly, 67 percent of the dogs shot were

pit bulls that ranged from 65 pounds to 100 pounds. Eight percent of the animals shot were coyotes.

A coyote had gotten into a schoolyard, and fearing for the children on the schoolyard, the officer chose to shoot that animal. The shootings do not all involve pets. In some cases, a wild animal is classified in our reporting system as a dog.

Mail carriers, UPS delivery people or campaigners come into contact with residents and dogs. When the door is opened, the dog may run out or come out aggressively. Police officers often find themselves in situations where someone comes out of a vehicle, runs through yards and jumps over walls in the middle of the night with the officer in hot pursuit through backyards where animals are often protecting their property. The officer goes over a wall, and there is a dog. That is not the same as the mail carrier coming to your door to deliver a package where the dog is inside or behind a locked gate.

On most of those 3 million calls for service, officers find themselves inside someone's home on a domestic violence call; there may be victims, and the officer is there to take a report. Animals are protecting their homes, but sometimes an animal gets out of a room or comes where the officer is, and it becomes an unfortunate situation. We are taking steps to reduce those numbers. That is why we support this training with the amendment proposed by POST.

Eric Spratley, Lieutenant (Washoe County Sheriff's Office):

We support the bill with the POST amendment; without it, we are in opposition.

Warren Wish:

I am here with my service dog, Jordy, in support of S.B. 147. My wife and I have trained service dogs for over 30 years. You cannot presume how a dog is going to react by the size or breed of the dog. You can run into problems with any breed.

The job of a law enforcement officer is difficult enough. I am concerned about officers' protection that comes from knowledge. At the same time, you do not want a family pet to be unfairly judged and lose its life.

For example, if a dog is in a yard and running toward a person who has come in, you cannot presume that is an aggressive action. Dogs greet each other and get to know who is coming into their yard by smell. I can imagine that a police officer entering a yard only has a second to react and does not know the intention of the animal. That is where the training comes in.

An animal that has been in a thunderstorm with lightning acts differently than a dog in a calm state. A dog hit in an accident and in pain reacts differently. This training is essential to keep our law enforcement personnel safe and to cut down on the horror stories you have been hearing.

Robert Roshak (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We support the bill with the amendment provided by POST. I want to emphasize that this bill does not make the training voluntary. It structures the training for officers in an agency who will need it. That will help reduce the fiscal notes.

As with the LVMPD, there are patrol officers and there are officers who work in the jail. Officers in the jail are peace officers who would be covered by the original bill whereas with the amendment they are not. Their chances of encountering an animal are much less than street officers.

The amendment makes it more manageable for the various agency heads.

Sarah Rose Hecht:

The story of my dog Freckles is a horror and was 100 percent preventable. He was run over by a 1-ton police cruiser. The officer could have tased him or set his sirens off, but he did not try any other method but lethal force.

I would like training to be mandatory for our officers to prevent this from happening to anybody else. Our dogs are with us every day. They are family and our loved ones. They support us in everything we do. They count on us for safety and protection, so we count on our officers for safety and protection. This should also apply to our pets.

I support this bill, and all of you who also support this bill are extraordinary.

Louisa Thurston:

I support this bill. My two dogs were shot in February 2008 by North Las Vegas Police SWAT officers. They came to my house looking for my husband who had

moved out 1 month prior. I was folding clothes with my daughter when they kicked the door in. My two dogs were also in the room with me. When they grabbed us and took us into the kitchen, the dogs went out onto the patio. The officers handcuffed me in my kitchen, and I turned to tell my daughter, who was 16 years old, that it was all right. I noticed an officer squatting down with a shotgun pointed out to the patio. I turned to look where he was pointing. Both of my dogs were sitting there, wagging their tails. The officer who handcuffed me shoved me into the cupboard and asked me if my dogs bite. I looked at him and he said it again and I told him no. The officer looked as if he had been attacked by a dog before. He looked scared. His eyes were crazy. I said no, but if you are worried, please let me put them up. Let me take them with me. We were in the last room that they were searching. He told me to shut up and took me outside. I begged the officer to please not hurt the dogs. He said they were not here to kill my dogs.

As soon as I got out to the street, a detective from LVMPD told me why they were there. I heard a shotgun go off; I heard a whole clip of a gun go off; and then I heard another shotgun go off. For hours, I asked the officer if they shot my dogs. She said no, they did not until animal control pulled up at the end.

Animal control was across the street when they brought me out of my house and then they pulled in front. They got out, went into the house and came out 20 minutes later with my mastiff that I had for 8 years. They shot him eight times.

When they took me out of the house, he went outside to see where they were taking me. He was like my son. He called me "mama." The kids across the street would come over to see him. He was awesome. He did not have a mean bone in his body. My pit was 2 years old. When the officers pointed the gun at her, she was scared. Two of them brought them out and just tossed them in the back of this truck a few feet away from me. I saw the whole thing.

They said that after being shot six times with a .45 caliber, my mastiff got up as if he was going to run; since he had been aggressive, the man shot him two more times in the head. Eight times would have stopped him from getting up and going again. They said they shot my pit one time. When they brought her out her face was gone. I begged them not to take them. I wanted to bury them.

They took my dogs and cremated them. I called all weekend to ask where they were. No one knew what I was talking about. I got ashes back that were not my dogs' ashes. They did not think about how I was feeling. These were my kids, my best friends. I know that they were not mean.

They should have let me take them out. They were finished clearing the house. I do not know why they did not let animal control go in and get them.

Sara Conte (Nevada Voters for Animals):

I am a 37-year resident of Las Vegas. I am originally from New York City where I was privileged to have grown up in a community that had excellent relations with the police department. The police were considered our friends, people we could trust and to whom we could go. When we saw a cop walking a beat or on the corner, we had no fear that anything harmful would come to us.

In the past several years, I have observed that the police department in this town has become more aggressive with their actions, not only toward civilians or toward people in the community but also to our family pets.

I support S.B. 147 for the following reasons: I have friends who work for parole and probation in Las Vegas. I know some of them have gone through the POST training. Many of them have contact with pit bulls and other family dogs every day when they go out to do their home visits. They use caution when approaching a house. Some will ask the offender being visited to put his or her dogs away. However, several that I know of have not gone through the POST training. I know that the POST training is online. However, some of that training needs to be hands-on.

The DOJ training is good, but no one is monitoring who gets the training. Just because someone might sign off online that he or she went through the training does not mean that person actually went through all of it.

Does the POST training apply to all of Nevada law enforcement or just to LVMPD and anyone who comes under the peace officers' training? We have Henderson, North Las Vegas, LVMPD, Laughlin and Pahrump, which is Nye County. Many law enforcement agencies service Nevada. It is very important that this is extensive training. The LVMPD request to minimize this bill is not in the public interest.

The statement about the coyote in the schoolyard that was shot and killed gives me some apprehension. Who is more dangerous, the coyote or a peace officer with a pistol in his hand when children are present? Other things could have been done. Many times a taser could be used to control dogs. I hope you do not minimize the effect of this bill.

Margaret Flint (Canine Rehabilitation Center and Sanctuary; Beagle Freedom Project; Nevadans for Responsible Wildlife Management):

We support S.B. 147.

Melissa Boyd (Nevada Voters for Animals):

There are too many instances of law enforcement having the wrong address or approaching private property with the full intent to use deadly force. There have been cases where arrests were made during traffic stops and untrained officers let dogs loose to be hit and killed by approaching vehicles.

This is completely unacceptable. While I understand that law enforcement deals with difficult and stressful situations every day, most of the family pets killed belong to law-abiding citizens. Dogs are just happy and loving when they greet a new visitor and do not intend to bring harm. They are just saying hello. It is not okay to enter a private fenced yard and shoot a dog where that dog is supposed to feel safe. That is its home.

Officers must have compassion and use common sense. My brother-in-law is a retired sheriff. Years ago, he was in a traffic stop with a car full of gang members who were all carrying guns. There was a pit bull in the car. Instead of using aggressive behavior toward the pit bull, he reached around, grabbed it by the collar, and handcuffed it to the steering wheel. No harm came to the dog, the officers or other citizens.

All of these canine shootings are furthering the divide between law enforcement and citizens. Our dogs are part of our family. When the police kill the family pet, that family will never trust law enforcement for any reason ever again. Families are being left devastated. There are no "do overs." You cannot make it right. Those bullets are real.

Please pass S.B. 147 in its entirety and require mandatory canine encounter training for all law enforcement. I have submitted written testimony supporting S.B. 147 ([Exhibit F](#)).

Richard Hecht:

I am representing my pet Freckles. I support S.B. 147. I am a veteran. What happened when my dog, Freckles, was hit by a police car and dragged through the intersection was preventable. Military veterans were trained in escalation of force. He could have taken many other steps. It is common knowledge that a police siren goes up to about 6 decibels, and most dogs hear at a lower level of about 2 decibels. Anything higher than that will hurt their ears. He could have turned on his sirens. That is one of the escalation-of-force tactics we were taught. Shout, show, shove and shoot. He could have done differently.

Every government official who has used a weapon is trained in weapon safety rules. One of the main rules is know your target and what lies beyond. I do not know why people are being shot, let alone dogs. It bothers me to come back and worry about being accidentally injured here by our own police force when I was not injured in another country.

My wife called me at work when my dog was killed. I had to meet my wife with a police officer at a veterinary hospital. My dog was laying there. He looked terrible and to watch him have to be put to sleep with his body almost torn in two from being dragged by a police car was excessive.

As written, this bill should be mandatory for all police officers.

Samantha Potts:

Sadly, this is a constitutional issue. Dogs are property in Nevada. When police kill our pets, they take our property without due process. Illegally entering our property and killing our pets is wrong. It violates our constitutional rights.

I was the aunt to Freckles. He was murdered by LVMPD. He was such a good dog; there was no reason for this. We need training, and our officers need to be aware of what they are doing.

I am also a victim of a dog mauling. I was bitten 20 times when I was 4 months pregnant. I can go both ways, but this bill needs to be passed so we can have proper training for our officers and not have to suffer this tremendous loss.

Senator Hardy:

We close the hearing on S.B. 147 and open Assembly Bill (A.B.) 15.

ASSEMBLY BILL 15: Creates the Account for the Protection and Rehabilitation of the Stewart Indian School. (BDR 18-360)

Jim Lawrence (Special Advisor to the Director, State Department of Conservation and Natural Resources):

I have submitted written testimony supporting A.B. 15 ([Exhibit G](#)).

Senator Lipparelli:

What is the definition of repair and maintenance for historic State buildings and grounds? How does that restrict you? I am asking the question because if you want to build with these funds, would that be included in repair and maintenance?

Mr. Lawrence:

The bill, as written, does not contain a specific definition of repair and maintain. The buildings are obviously old. We have to ensure they do not crumble or fall to the ground. We envisioned just doing protection work. We had not contemplated building additional structures.

Senator Lipparelli:

Under your interpretation, would that be allowed? I want to clear that up.

Mr. Lawrence:

That is not what we had contemplated; therefore, that would not be allowed.

Chair Goicoechea:

Do you have an estimate of what the Clear Creek property is worth?

Mr. Lawrence:

We do not have appraisals because appraisals cost money and they only last so long. We have had staff at the State Land Office review existing sales and do comparable market analysis, which is difficult for this property. However, we estimate the value somewhere between \$1.25 million and \$1.75 million.

Chair Goicoechea:

What is the zoning at Clear Creek? Are we going to have a bunch of rooftops if the right person buys it?

Mr. Lawrence:

According to the Carson City Master Plan, the property is zoned conservation and public facility. It was zoned public facility because it is state-owned and the youth camp used to be there. The State does not have a position on its future use. We would sell the property through statutory process. Purchasers would have to work with Carson City if they wanted rooftops.

Our primary concern is to ensure when we sell the property that the appraisal considers its highest and best use because it is adjacent to 5-acre parcels zoned rural residential.

Chair Goicoechea:

That concerns me. We are affecting Clear Creek itself. I would hate to see it become a suburb of Carson City. It is a beautiful little area. You have to reach out to the neighbors and get a feel for what they are thinking.

Mr. Lawrence:

We have had some conversations with Carson City and those concerns have been expressed to us. We have told people who have called us that the State does not have a position on the future use. If whoever purchases the property has a desire to develop it, they would have to get the appropriate permits from Carson City. Nothing would preclude a nonprofit organization from coming forward to purchase the property for open space or trail use. We are not looking to sell it for a specific use, but it is a vacant property identified as something the State does not need. When we do go to sell it, we want to set up an account so when the proceeds come to the State, it has a specific use for the funds.

Senator Hardy:

I have been to the Clear Creek area. It is one of the more beautiful places we have around Carson City. I have been at the Stewart Indian School, I went to Boy's State. We have an obligation and an opportunity to do something.

Were other plots or plans considered, such as the prison or some other piece of property you were considering to put in the mix? Which one would bring in the most money? How did that process go?

Mr. Lawrence:

We have spent much time over the last 6 or 7 years working with various committees and commissions identifying those properties that are appropriate for disposal or for which there is not a State need. Clear Creek was one of those properties identified. It is a nonperforming asset.

Stewart Indian School came to mind as a place where the proceeds could be used. It is downstream from Clear Creek and in the same watershed and drainage as the Clear Creek property.

The other reason is that both properties came to the State about the same time for specific types of uses. There is a nexus. I have heard anecdotally that both properties had a common bond through the late Senator Lawrence Jacobsen. He had a strong passion for both those properties, having them transferred to the State from the federal government. While we do not have a use for Clear Creek, we do have a use for the Stewart Indian School. Therefore, it made sense to honor the legacy of Senator Jacobsen and tie those two properties together.

Senator Hardy:

Do you have a list of the other properties you looked at that could be used? Was the prison looked at because it has not always been vacant?

Mr. Lawrence:

There are needs at the Nevada State Prison, but the proceeds from the sale of the Clear Creek property are not enough to split and make a difference. The strongest tie was with the Stewart Indian School.

Senator Hardy:

How much money do we need at the Stewart Indian School?

Mr. Lawrence:

It depends on how you define need. There is an immediate need to shore up those buildings and make sure that Stewart Indian School, which is listed on the National Register as a Historic District, does not fall to the ground. I do not have those numbers, but I could provide that for you.

Then there is the additional need or vision of making the buildings ADA-accessible, promote the Historic District through interpretive displays and make it a learning center. That would be a higher dollar value. I do not have the

numbers for that. We do not anticipate the money from Clear Creek to do much more than maintain and rehabilitate the existing properties.

Senator Hardy:

I get nervous when someone says if we do not spend this money, it is going to fall to the ground. I think of earthquakes. How much money do we need if we have to build or remediate so the public can go into a building safely without it falling to the ground? Was that part of the consideration in determining how much money you need to repair, remediate and potentially build?

Mr. Lawrence:

The State Public Works Division has done preliminary estimates. I do not have those numbers. It is safe to say that \$1.5 million from Clear Creek would not be enough to do that. We see this as a pot of money that is available to do necessary, almost emergency, work as needed. We could use this money as a source for leverage and to obtain additional grant dollars. Absent that, Stewart Indian School competes with the other State capital improvement plan needs. Many of you have heard testimony about that large list.

Senator Lipparelli:

I am concerned about giving you more flexibility, not less. If you can seek grants and someone comes along and gives you more funding to help do the things you want to do, we may want to add some language so we are not overly restrictive. A repair-and-maintain approach seems to restrict you.

Chair Goicoechea:

I have no problems with creating the account. I want to make sure that in our efforts at Stewart Indian School, we do not destroy a valuable piece of Carson City and that watershed. It is one thing if the Nature Conservancy or some other organization buys it. None of us wants to turn the watershed into blacktop and rooftops and runoff that ultimately discharges into Stewart Indian School.

Steve Walker (Carson City):

Carson City supports this legislation.

Senator Parks:

In my freshman session, Senator Jacobsen took me on a tour of both Stewart Indian School and Clear Creek. He had a strong sense that both properties should be retained and not disposed of to private interests.

Does Carson City have any interest in developing Clear Creek?

Mr. Walker:

I have a contract with Carson City's Parks and Recreation Department. I do open space planning for them. I have applied for conservation easements on adjacent properties across Highway 50 on a place called the Wood Ranch. It is not directly adjacent to the Clear Creek property, but there is a conservation easement under the Question 1 funding on the properties in and around there.

Because Carson City does not own the property, it does not have the ability to spend money or apply for a conservation easement. The adjacent properties are conservation easements and have applied conservation easements. As far as density, it lacks infrastructure, sewer and water, which are expensive.

In addition, Clear Creek meanders between two county lines, which causes problems. High-density development is unlikely.

Sherry Rupert (Executive Director, Nevada Indian Commission, Department of Tourism and Cultural Affairs):

There are restrictions in the Stewart Indian School deed to perpetuate its culture and history. The State agreed to that when it took over the quitclaim deed.

The Nevada Indian Commission is located at the Stewart Indian School. We relocated there in 2003 and have become the point of contact for all questions and presentations regarding the history of the Stewart Indian School.

The Nevada Indian Commission is the State agency responsible for fund-raising, grant-writing and coordinating events for the Stewart Indian School. Therefore, I appreciated the question about how funds could be used under A.B. 15.

Because we received grant funding for the design and construction documents for Building No. 1, we are moving toward a master plan for the Stewart facility under the CIP. That would allow us to look at each one of the buildings, determine the needs and associate some estimated costs. We do not know how

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much those buildings may cost. We applied for a CIP for \$2.2 million for the cultural center.

These buildings are historic, and the rehabilitation will be more costly because we have to maintain the historical integrity. As we move forward, that is also important in seeking a National Historic Landmark designation for the facility.

The sale of the Clear Creek Property will not fund the rehabilitation of the entire school; however, it will help with urgent needs for buildings at the school.

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Senator Hardy:

We will close the hearing on A.B. 15 and adjourn the meeting of the Senate Committee on Government Affairs at 2:50 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 147	C	1	Senator David R. Parks	Written Testimony
S.B. 147	D	2	Senator David R. Parks	Proposed Amendment No. 9654
S.B. 147	E	6	Gina Greisen	Statement from Robbie Benson
S.B. 147	F	1	Melissa Boyd	Written Testimony
A.B. 15	G	2	Jim Lawrence	Written Testimony