

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

**Seventy-Ninth Session
February 13, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 9:01 a.m. on Monday, February 13, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ellison (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military
Cheryl Tyler, Administrative Services Officer II, Nevada National Guard, Office of the Military

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] We have two items on the agenda today. We will open with the presentation, followed by a bill hearing. If I could have the presenters from the Office of the Military come forward.

William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military:

The mission statement for the Nevada National Guard, Office of the Military, is to enlist, organize, arm, equip, and train the state's military and National Guard units to defend the *United States Constitution* and protect the lives and property of the public in times of emergency, disorder, or disaster [page 2, ([Exhibit C](#))]. The federal mission of the department is to provide soldiers and airmen to respond to federal mobilizations as directed by the President or Congress. The Adjutant General of Nevada provides administrative oversight for the office, which consists of the Army National Guard and the Air National Guard.

Our strategic priorities include readiness to care for our members and families, diversity and inclusion, and community [page 3, ([Exhibit C](#))]. The number one priority is obviously readiness, which includes manning, equipping, and training the force to execute the various missions that we have, and providing and maintaining a high quality of facilities and resources. The second priority is to provide care for service members and their families. The organization specifically focuses on service members and family care during predeployment, deployment, and postdeployment. Retirees are also valuable members of the organization; all components establish and enhance systems and programs to properly support them as well.

The third strategic priority is that of diversity and inclusion. This includes diversity duty assignments; education; recognition of diversity as a force multiplier and leadership strategy; and creating a joint team that eliminates barriers and fosters talent to provide opportunity for all to reach his or her potential. Community is a noted priority as well, fostered through providing a positive image, and involves efforts to publish and capitalize on successes about who we are, and what we have done. Community involvement and partnerships with community employers support the priority.

The activities of the Office of the Military are to exercise command and control of the state militia force; manage the National Guard facilities and equipment; and manage the National Guard recruitment, training, and support services [page 4, ([Exhibit C](#))]. Of particular note this year, the 221st Cavalry Unit in Las Vegas is joining Idaho and Oregon's 116th Cavalry Brigade Combat Team. For the Nevada National Guard, this will

mean they will be re-equipped into the M1A1 Abrams tanks, and they will also get newer Bradley Fighting Vehicles to go along with that new assignment. In addition, the Air National Guard has been given the Modular Airborne Fire Fighting System, which is a 3,000-gallon tank that slides into the back of the C-130 airplanes to be able to fight the nation's fires, along with the other three units that have this type of equipment.

The State of Nevada employees provide administrative, accounting, personnel, fire fighting, security, and operating and maintenance services to the Nevada National Guard for all facilities assigned to the Office of the Military [page 5, ([Exhibit C](#))]. Cheryl Tyler, Administrative Services Officer II, who is to my right, actually heads up that organization. She makes sure the agency provides outstanding customer service that maximizes the available resources and informs the pertinent parties as to the status of the Master Cooperative Agreement in relation to the state budget, and to maintain and secure the facilities in conjunction with those resources.

This slide [page 6, ([Exhibit C](#))] shows the locations of our various organizations throughout the state. There are roughly 75 major buildings at over 16 different sites within the state. In the last two years, these are the locations where many of our units have been deployed [page 7, ([Exhibit C](#))]. What is not on this particular slide is that we also have a federal partnership program with the Kingdom of Tonga in the South Pacific. We have been very active with the United States Pacific Command in helping out their needs in the Oceania region of the South Pacific.

The next slide [page 8, ([Exhibit C](#))] shows the Nevada Air Guard federal appropriations for 2015 and 2016. This particular slide, and the next couple of slides, come out of our biennial report that we submitted. I believe we have sent you all a copy of that document ([Exhibit D](#)). This slide [page 9, ([Exhibit C](#))] details the Nevada Army National Guard federal appropriations. You can see they are a little bit more than the Nevada Air National Guard.

This slide [page 10, ([Exhibit C](#))] shows the major construction programs we had in the 2015 and 2016 time frame. Of note, and I believe it was in the Governor's State of the State Address, we do have another major armory expansion in the North Las Vegas area. We call it the Raceway Armory, and it will be about a \$32 million facility for the Army National Guard. It is in conjunction with the U.S. Army Reserve in Las Vegas. Other than running the utilities and the services to the site, it will be 100 percent federally funded.

I previously mentioned the Master Cooperative Agreements. This slide shows the agreements [page 11, ([Exhibit C](#))]. I know it is hard to see on the slide, but some of them are coded in green. Appendices 1002, 1003, 1004, 1010, 1011, 1014, 1023, 1024, and 1040 are all 100 percent federally reimbursed. I will turn it over to Ms. Tyler to talk about the Military Patriot Relief Fund, which is Budget Account 3654 [page 12, ([Exhibit C](#))].

Cheryl Tyler, Administrative Services Officer II, Nevada National Guard, Office of the Military:

The Military Patriot Relief Fund was established as a benefit to the Nevada National Guard members for the following: textbook reimbursement, financial hardship assistance, and Servicemembers Group Life Insurance premium reimbursement. For the next biennium we are requesting \$234,650. Assembly Bill 2 requests *Nevada Revised Statutes* 412.1435 be amended to limit the payment of the benefits from the Patriot Relief Account to the extent that money is available in the account. The second change we are requesting is to remove the requirement that the monetary relief be paid for economic hardship only to those members who are called into active service, thereby expanding eligibility to all members experiencing economic hardship.

Chairman Flores:

I would like to remind the Committee members that we will be hearing Assembly Bill 2 at the conclusion of the presentation. Please refrain from asking any questions pertaining specifically to the bill until after they have had an opportunity to present on the bill. Are there any questions regarding the presentation?

Assemblyman Kramer:

You touched on my questions briefly during your presentation. You talked about the C-130s that are being outfitted to be able to carry water. How many of those planes are there? Where are they stationed in Nevada? What is the procedure to authorize their use when indeed there is a range fire that needs those assets?

Brigadier General Burks:

The C-130 Hercules aircraft are stationed in Reno at the Reno-Tahoe International Airport at the Air Guard unit base. There are actually eight of those aircraft. I believe three or four of them have been modified to carry the tank that goes into the back. The tank is capable of dispersing water, but it can also disperse slurry. The slurry locations are located throughout the entire United States but are predominantly in the California and Nevada regions. The closest area to Reno would be the Reno-Stead Airport. There is also a slurry station in Gardnerville.

Since they are federal assets, the procedure for activating that unit is done through a federal request. Any state can make that request through the U.S. Forest Service of the U.S. Department of Agriculture or through the U.S. Department of the Interior. If the state wants to use it in a state active-duty status, then the state ends up paying the bill to use the aircraft and the cost of whatever goes into the tanks. Water is fairly plentiful, so that does not cost a lot, but the slurry does have a cost.

Assemblywoman Neal:

I am looking at the federal expenditures [page 8, ([Exhibit C](#))] and have a couple of questions. Under operational expenses, medical, there is a reduction from \$328,400 to \$135,520. The family support program has been reduced from \$54,500 to \$51,650. The family assistance

program [page 9, ([Exhibit C](#))] is reduced from \$349,600 to \$268,500. What is the reasoning behind those reductions?

Brigadier General Burks:

The simple answer would be sequestration. The U.S. Department of Defense (DOD) is under extreme pressure to cut \$100 billion over a 10-year period of time. They have been scrubbing the accounts everywhere to the potential they can. Family support seems to be a particular favorite of the DOD. The thought process behind that is since we have been lowering our participation in the Middle East, the need for these types of programs is waning. I am here to tell you, last year was probably one of our largest deployment years ever. From my personal perspective, I am also concerned about those reductions.

Collectively, the Adjutants General have voiced this concern to the National Guard Bureau, General Officer Management Office in Washington, D.C. I am planning to do the same thing next week when I am in Washington, D.C., during the Council of Governors meeting and the National Guard Association of the United States meeting with the National Guard Bureau Senior Leadership Conference. It is a concern for us also.

Regarding the medical line item, I am not sure exactly why it has gone down. It might have been in 2015 that we ended up getting some equipment or something along those lines. Generally, these are expenditures given to us, or the accounts are delineated by the National Guard Bureau in Washington, D.C.

Assemblywoman Neal:

I see that mobilization expenses went up; training site support went significantly down [page 9, ([Exhibit C](#))]; but then there was a large increase in the property maintenance, utilities, security, and reparations [page 8, ([Exhibit C](#))], which went from \$3,046,750 to \$12,699,460. Can you talk more about that?

Brigadier General Burks:

Normally, the amounts for mobilization come through the overseas contingency operations (OCO) funding, which is a separate line appropriation through DOD. The number of units we have that will deploy, can impact those figures. In particular, when you look at the increase in mobilization expenses from \$3.4 million to \$4.4 million, that would reflect the number of troops we actually deployed in 2016. It was considerable. We had the 137th; the 45th just deployed; several deployments for the 422nd; and the largest deployment we have had in a long time was the 17th Sustainment Brigade. They were all deployed using the training funds from OCO.

As far as the training site support, I believe the deployments also directly impact that. When we are using those soldiers using OCO funding, we are not training them using the training funds we would normally get in a normal year. If you add those two accounts together, the mobilization expenses and the training site support, it comes out to about \$4.7 million. There is a similarity in the amount of training our soldiers have received to make sure they are ready to go overseas.

Chairman Flores:

I am looking at the slide regarding major construction dollars spent in 2015 and 2016 [page 10, ([Exhibit C](#))]. I know you touched upon it, but could you walk me through central plant renovation and the readiness center? Those were matching dollars, so the state put in half and the federal government matched the other half. I am trying to understand the difference procedurally through the Close Combat Tactical Trainer and why it was 100 percent funded by the federal government and yet the others were not.

Cheryl Tyler:

There is a federal and state match in each of our buildings. The majority of our buildings are 100 percent federally reimbursed. Only the readiness centers or armories are 50 percent federally reimbursed. Historically, we have not received State General Funds to match many of the projects. Many of the projects were simply done on the 100 percent federally reimbursed buildings. Last biennium we were successful in acquiring about \$800,000 in state funds, so we did some of the maintenance projects for the buildings that have federal and state matched funds.

Chairman Flores:

As a point of clarification, had you not gotten that amount of money from the state, does that mean those two projects would not have taken off?

Cheryl Tyler:

Correct, they would not have taken off.

Assemblyman Brooks:

Regarding the line item on the federal expenditures report for the \$9.8 million for Building 84 remodel [page 8, ([Exhibit C](#))], what is Building 84?

Brigadier General Burks:

The military numbers all of their buildings on every base. This particular building is the operations building at the Air National Guard. They completely gutted that building and renovated it because it had not been updated since it was originally built. It was originally built before I was even in the Guard, so that would be pre-1978. It was way overdue to be renovated. Most of the buildings on the Reno campus for the Air National Guard have been renewed. They are still operating out of two or three of the older buildings, which will eventually be torn down and replaced.

Chairman Flores:

I see no further questions from the Committee. As always, thank you both for your service. We appreciate all you do for our state. I will now close the presentation and open the hearing for Assembly Bill 2.

**Assembly Bill 2: Revises provisions governing the Patriot Relief Account.
(BDR 36-134)**

Cheryl Tyler, Administrative Services Officer II, Nevada National Guard, Office of the Military:

Assembly Bill 2 is a request to change *Nevada Revised Statutes* 412.1435, which relates to the Military Patriot Relief Fund [page 12, ([Exhibit C](#))]. Currently, the Patriot Relief Account funds three programs. One is for textbook reimbursement, one is for financial hardship assistance, and one is for Servicemembers Group Life Insurance premium reimbursement.

Assembly Bill 2 requests to limit the payment of benefits from the Patriot Relief Account to the extent that the money is available in the account [page 13, ([Exhibit C](#))]. In addition, the bill removes the requirement that the monetary relief may be paid for economic hardship only to those members who are called into active service, thereby expanding eligibility to all members experiencing economic hardship.

Assemblywoman Neal:

I know when I was asking questions about the expenditures, you indicated you were going to Washington, D.C., and would bring up the family support programs. What do you plan on saying? What do you believe is the appetite for saying perhaps we should care more about family support and not cut funds?

William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military:

Many of the programs we have in family support are actually contracts to provide contracted services. They are managed by the National Guard Bureau in Washington, D.C. One of the programs sought for potential cuts is the program called Beyond the Yellow Ribbon. Yellow Ribbon was a program initially designed to help service members deal with the stress of deploying and the stress of redeploying back home to the family life. When service members deploy, they stop living the family life and begin worrying about military life. When they return, they want to pick up right where they left off. The family has already been a number of months without the service members, and that causes a lot of stressors.

Unfortunately, we do not have control over those centrally managed programs. Collectively, the Adjutants General have to voice our discontent with the National Guard Bureau attempting to close these programs. As an Adjutant General and a state employee, I do not violate the Hatch Act if I go to Congress and lobby. I can lobby on behalf of the Nevada National Guard, but I have to be in state status. If I were in federal status, I would be in violation of the Hatch Act. What we end up doing is meeting with our congressional members and the National Guard caucus members, both in the U.S. Senate and the U.S. House of Representatives, to explain why those funds should be restored into those programs.

Another huge program that addresses these particular issues is the Employer Support of the Guard and Reserve (ESGR) program. That program was initially designed to protect

service members coming back to have a job if the employer still exists. As we all know, during the last recession, many employers just went out of business. The service member would return without a job to go back to because the employer was no longer in existence. The ESGR morphed into a little bit more than just employer support. It actually started taking on the issues of many of these types of programs. You have probably heard of programs called Hero2Hired or Helmets to Hardhats. These are the types of programs we are pushing as an entity to make sure they exist. Even though the economy has improved, there are many people who have stopped looking for work because they could not find it. That includes some of the members of the National Guard. We make sure we keep pushing these programs as hard and as fast as we can to make sure the dollars do not go away.

The world is a very dangerous place right now, and I do not see it getting any better in the near future. The need for the military to continue to deploy overseas is going to remain. As a group of the Adjutants General, that is what we end up doing. We also work with the respective departments in the National Guard Bureau and the respective services to make sure these programs are valued.

Assemblywoman Neal:

We have already had a presentation by the Department of Veterans Services. They have been focused on employment opportunities. Is there any kind of interagency relationship such as with the program you talked about where you are trying to make sure the employer is still around if the service member is deployed? More often than not, the employer could be there but they found someone else to fill the position while the service member was absent. What is that relationship, if any at all, with regard to employment?

Brigadier General Burks:

I am on the Interagency Council on Veterans Affairs, Department of Veterans Services, working with Cesar Melgarejo, the Veterans Policy Analyst with the Office of the Governor, and Katherine Miller, the Director of the Department of Veterans Services. We were one of the original founding members of the Green Zone Initiative which works with the other agencies to ensure they are taken care of.

One of the issues that we do have, being in the Nevada National Guard, is the federal funds that come down are predominantly just for Nevada National Guard members. As long as the preponderance of effort is to support Nevada National Guard members, and if it is an ESGR, then we can also include reserve members. We also open the doors to any veterans who want to attend those meetings. We cannot use National Guard funds or ESGR funds just for a veteran event because that would constitute an Antideficiency Act violation because that is not the purpose of what the money was intended for by Congress. As long as the preponderance of the effort is to support National Guard or Reserve members, depending on the source of funding, we can actually include another group, which we do.

Chairman Flores:

Are there any further questions from Committee members? [There were none.] Do the presenters have any further remarks?

Brigadier General Burks:

I would just like to thank each and every one of you for allowing us the opportunity to present our position.

Chairman Flores:

Is there anyone wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] I will now close the hearing on A.B. 2.

Is there anyone here for public comment? [There was no one.] The meeting is adjourned [at 9:30 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Adjutant General and National Guard," dated February 13, 2017, presented by William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military

[Exhibit D](#) is a documented titled "Nevada National Guard Biennial Report 2015-2016," by the Nevada National Guard Public Affairs Office, Office of the Military, presented by William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military.