

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

**Seventy-ninth Session
March 8, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:07 p.m. on Wednesday, March 8, 2017, 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 David R. Parks, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator Joseph P. Hardy
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16
Senator Pat Spearman, Senatorial District No. 1
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Kevin Burns, Chairman, United Veterans Legislative Council
Katherine Miller, Director, Department of Veterans Services
Jeffrey Frischmann, Deputy Administrator, Employment Security Division,
Department of Employment, Training and Rehabilitation
James Lawrence, Deputy Director, Department of Conservation and Natural
Resources; Chair, Tahoe Regional Planning Agency Governing Board

Senate Committee on Government Affairs
March 8, 2017
Page 2

Charlie Donohue, Administrator, Division of State Lands, Department of Conservation and Natural Resources
Kyle Davis, Nevada Conservation League; League to Save Lake Tahoe
Amy Berry, Tahoe Fund
Steve Walker, Truckee Meadows Water Authority; Carson City; Douglas County; Storey County; Lyon County
Carl Hasty, District Manager, Tahoe Transportation District
Steve Teshara, Sustainable Community Advocates
Jennifer Budge, Director, Parks, Recreation and Open Space, Carson City
Robert Bilbray
James "Jim" Maniaci, President, Laughlin Economic Development Corporation; Chair, Laughlin Town Advisory Board
John Fudenberg, Clark County

CHAIR PARKS:

I would like to open the hearing on Senate Bill (S.B.) 137.

SENATE BILL 137: Revises provisions governing certain plans, programs and reports relating to veterans. (BDR 37-64)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I am not a veteran; however, I care a great deal about the health and welfare of our veterans. Senate Bill 137 deals with the fact that many veterans do not identify themselves as veterans and thus cannot receive the services they deserve. This measure will remove that impediment.

Senate Bill 137 relates to the collection of data regarding veterans and military sexual trauma (MST). Section 1 requires certain State agencies and regulatory bodies to include certain questions on the forms used to collect data from a veteran that is submitted to the Interagency Council on Veterans Affairs (ICVA).

The ICVA is required by law to submit an annual report on or before February 15 of each year to the Legislature if it is in session or to the Legislative Commission if the Legislature is not in session. The annual report includes information collected from the Department of Administration, the State Department of Conservation and Natural Resources, the Department of Corrections, the Office of Economic Development, the Department of Education, the Department of Employment, Training and Rehabilitation, the Department of Health and Human Services, the Department of Motor Vehicles, the Adjutant

General, the Department of Public Safety, the Department of Taxation, the Department of Wildlife, the Commission on Postsecondary Education and certain other regulatory bodies to which veterans and service members may apply for licensure.

Senate Bill 137 requires the following questions be added to those forms:

- (1) Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?
- (2) Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?; and
- (3) Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?

Section 2 amends chapter 622 of *Nevada Revised Statutes* to require regulatory bodies to ask those same three questions if they collect information regarding whether an applicant for a license is a veteran. That information regarding licenses applied for, issued to or renewed by veterans must be submitted to the ICVA in the regulatory body's annual report.

Section 3 addresses military sexual trauma (MST). The Website for the U.S. Department of Veterans Affairs (VA) defines MST as sexual assault or repeated, threatening sexual harassment which occurred while the veteran was in the military. It includes any sexual activity in which someone is involved against his or her will. Other experiences that fall into the category of MST include unwanted sexual touching or grabbing; threatening, offensive remarks about a person's body or sexual activities; and/or threatening or unwelcome sexual advances. Men and women can and do experience MST during their service.

Senate Bill No. 268 of the 78th Session created the Account to Assist Veterans Who Have Suffered Sexual Trauma in the State General Fund and prescribed uses of the money in the Account. In addition, it required the Director and the Deputy Director of the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training. In its report to the 79th Session, the ICVA was required to include information provided by the Director concerning these plans and programs.

Section 3 of S.B. 137 also removes the sunset date of June 30, 2017, that was put in place in the provisions of S.B. No. 268 of the 78th Session. The requirement to develop plans and programs to assist veterans who have suffered MST will continue. In addition, the Account will be maintained while eliminating the requirement to transfer any remaining balance in the Account on June 30, 2017.

According to the "Nevada Veterans Comprehensive 2017 Report," female veterans compose 9.18 percent of the total veteran population, 5.16 percent of Nevada's veterans, 20 percent of new recruits and 14.5 percent of the 1.4 million active duty components. Our main concern is that many of our women veterans are not declaring themselves as veterans when they need services. The Report further notes that female veterans are less likely to identify as veterans and use VA benefits, and then experience higher rates of poverty, homelessness and MST.

The need for these plans and programs persist. I hope you will agree with me and support S.B. 137.

I understand this is a policy committee; however, I would like to acknowledge that there are 14 fiscal notes. Only three of them showed a fiscal impact: the Division of Human Resource Management, Department of Administration for \$18,406; the Department of Employment, Training and Rehabilitation for \$94,300; and, the Nevada Department of Wildlife for \$16,000. Each showed a fiscal impact in the first year of the biennium in order to adjust to the new data collection requirements. Because forms and applications will need the new language, there will be costs going forward until all are revised.

For the record, I want you all to know that it is my intent that these changes in the forms and applications would occur in due

time. For example, if they were a hard copy application, when the department is changing or has run out of their stock and they are making their new hard copy applications, they would then insert the new language. We are not asking anybody to dump everything that they have presently and have to go through the cost of this. We also realize that many of these forms and applications are online which does not take nearly the cost to do as hard copies.

I wanted to make sure you are aware of our intent with this bill.

I have spoken with the Senate Committee on Finance fiscal staff. Once the bill is passed out of this Committee, it will have to be rereferred to the Senate Committee on Finance in order to address the fiscal notes issue. The benefits of this measure far outweigh any costs in the future, and I urge your support.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

This legislation is important to help our veterans. As many of you know, I served in the U.S. Army Military Police Corps for almost 30 years. I am a veteran. I care greatly about this issue.

Through the addition of certain questions in data collection, this measure will provide important information that will assist us to understand Nevada's veterans better. In addition, this measure will continue the requirement for Nevada's Department of Veterans Services to develop plans and programs for veterans who have suffered sexual trauma while in military service. The funding available to assist veterans who have suffered sexual trauma will continue also.

I quote from the fiscal year 2015 sexual assault data findings from the U.S. Department of Defense ([Exhibit C](#)):

The Military Services received a total of 6,083 reports of sexual assault involving Service members as either victims or subjects throughout the fiscal year 2016 which represents a 1 percent decrease from the reports made in fiscal year 2014. Although many of these reports were for incidents that occurred in 2015, some incidents occurred in prior years. Of the 6,083 reports of sexual assault, 5,240 were Service member victims who made a report.

Rates of MST among veteran users of VA health care appear to be even higher than in general military populations. In one study, 23 percent of female users of VA health care reported experiencing at least one sexual assault while in the military.

The numbers reported are far less than the actual numbers. I have spoken with people who experienced MST. The only reason they did not come forward if they were on active duty is that they did not want to end their careers. If they were not on active duty, they were too ashamed to admit it.

The first step to identify those who have suffered MST is to collect the data this bill suggests. We can drill down and make sure we are identifying those soldiers who have experienced MST.

Contrary to popular opinion, it is not just women. In 2011 to 2014, there was an upward trend for male service members. Therefore, I encourage your support of this bill and hope it will be passed out of this Committee.

CHAIR PARKS:

Over the last decade, the U.S. Department of Defense (DOD) has tried valiantly to create a more positive environment for all service members. Previously, whether out of embarrassment or shame or the fact that they thought no one would do anything about it, veterans refrained from making reports. Because of the more positive attitude of the DOD, is there anything in the studies that show more people are reporting cases?

SENATOR SPEARMAN:

It will take time for the culture of silence to change. There is an upward trend. However, it will still exist for the next five to ten years. By that I mean women and some men on active duty will not come forward still.

I had a personal experience in 1995 in Panama. My senior rater made sexual advances toward me. I was a captain and he was colonel. I refuted them and made sure that someone else knew what he had done. I could not go to my rater who was a lieutenant colonel because the person who was trying to assault me sexually was rating him. I told the colonel clearly that I do not go there; I do not do that, and I am not the one. He continued to try to get me by myself. I would not let him do it.

The only reason I did not report that in 1995 was because I wanted to continue my career. I was on the isthmus in Panama. Where was I going to go? There was no place to hide. I know from my experience and from talking to others in the military, this is still prevalent because of the fear of losing careers.

I spoke with a couple of women veterans who were homeless. One of the reasons was because MST, combined with the trauma they experienced on the battlefield, had rendered them incapable of doing anything to improve their situations. We have the added task of helping to identify those veterans who have suffered MST and PTSD to make sure they are getting the help they need. The data we collect will be a step forward. I do not know if the culture of silence is going to diminish significantly over the next few years. I hope that it will.

It took a long time after the Women's Army Corps was deactivated in the 1970s for male military members to accept women as equals. It is a culture that has to erode. I am hoping that what we are doing in Nevada will help move that along.

KEVIN BURNS (Chairman, United Veterans Legislative Council):

The United Veterans Legislative Council (UVLC) is an umbrella group elected from the American Legion, the Veterans of Foreign Wars, the Vietnam Veterans of America and the Marine Corps League. We formed the UVLC in order to have a unified voice for the veteran community.

We are here to support S.B. 137. The language changes are important because we have too many veterans who are not captured in the data in this State. We have captured nearly 300,000. One of the problems is that those of my generation, especially women, who served during the late 1970s and retired in the late 1990s, do not necessarily feel part of the veteran community because they did not deploy anywhere. This language will help capture them because we are not asking if they are veterans. We are asking if they actually served.

The second part, and perhaps more important to us in the veteran community, is the change in section 3 which repeals the expiration date on the Account to Assist Veterans Who Have Suffered Sexual Trauma. While there is no funding in that account, there should be because those who have suffered MST deserve better.

Senate Committee on Government Affairs
March 8, 2017
Page 8

For many of us who proudly and honorably served our military and our Country, MST is a dark stain on the U.S. Armed Forces, particularly with our veteran community. Unfortunately, although the issues of MST have been raised out of the dark corner and efforts are underway in the DOD to correct the heinous crimes being committed, it has not been eradicated.

I have submitted written testimony ([Exhibit D](#)) supporting my position on S.B. 137. I urge you to pass this important bill.

KATHERINE MILLER (Director, Department of Veterans Services):

In February 2017, in a report to Governor Brian Sandoval, the Women Veterans Advisory Committee (WVAC) recommended that State agencies that collect veterans' data add the question, "Have you ever served in the military?" to their forms and applications. This was also a recommendation made during the 2016 Veterans Legislative Symposia in Las Vegas and Reno that were attended by hundreds of veterans.

Studies have shown that many women veterans do not self-identify as veterans. Asking if they have served will ensure that their status as veterans is identified. Many male veterans who did not serve in combat or were members of the National Guard may also believe that the term does not apply to them. Asking that question has been determined to be a best practice by the VA.

We agree with the sponsor of the bill that gradual implementation would solve the fiscal note issue. That would be appreciated by our organization also.

JEFFREY FRISCHMANN (Deputy Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation):

I would like to recognize the good work the veteran organizations are doing and the importance of this bill.

I am neutral on this bill because we have a fiscal note. We will need to reach out to Senator Woodhouse to make some technical changes to the bill. Specifically, the fiscal note indicates that this would be charged against the Unemployment Insurance Administrative Grant money. We are not able to use grant money for this purpose, so we need to work out those details with Senator Woodhouse.

CHAIR PARKS:

How quickly might you be able to resolve any differences with Senator Woodhouse?

MR. FRISCHMANN:

We would be willing to meet with her immediately to work through that.

CHAIR PARKS:

This would be a good bill to include in our floor session a week from today. A swift resolution of your issues will be appreciated.

MR. FRISCHMANN:

We will work on that right away.

CHAIR PARKS:

I know there is the fiscal note. We would like to see what you could do to move that along.

We will close the hearing on S.B. 137 and proceed with the hearing on S.B. 148.

SENATE BILL 148: Revises provisions relating to veterans. (BDR 37-57)

SENATOR SPEARMAN:

Senate Bill 148 would provide assistance and information to veterans and members of the military who are lesbian, gay, bisexual or transgender (LGBT). In addition, this measure will prohibit the denial of veterans' eligibility for any program, service, benefit, activity or facility of the State solely based on a veteran's status as a discharged veteran who is a member of the LGBT community.

Senate Bill 148 is important. Research shows that LGBT individuals often experience disparities and barriers to services and assistance. To understand LGBT veterans' needs better, the California Department of Veterans Affairs requested the California Research Bureau to conduct a survey in 2014 during an LGBT veterans' leadership forum. Focus group data revealed opportunities for change that would promote the acceptance of LGBT veterans and their unique experiences including needs and gaps in services. Findings indicate the need for assistance to LGBT veterans to update their discharge paperwork. It is difficult

for veterans to change their names or reverse dishonorable or bad conduct discharges that might have been related to sexual orientation.

Programs aimed at educating, employing, housing and caring for LGBT veterans help smooth the transition from military to civilian life. Other programs collect data about LGBT veterans and their families, disseminate information and educate service providers about benefits and services available and accessible to LGBT veterans.

Depending on how homophobic your commander was, you either got a general discharge, a bad conduct discharge (BCD) or a dishonorable discharge. The administration of punishment upon release from service is uneven to begin with. This measure will reach out to all of the veterans who might have been discharged under “don’t ask, don’t tell.”

Senate Bill 148 will assist LGBT veterans and their families. Section 2 requires the Director of the Department of Veterans Services to conduct outreach and provide assistance designed for the unique needs of the LGBT veteran population and their families; to provide assistance to LGBT veterans in applying for an upgrade to the character of the discharge from service or a change in the narrative reason for the discharge; to provide assistance to LGBT veterans and their families in applying for and obtaining benefits available through certain agencies and programs; to provide assistance to LGBT veterans in applying for and in appealing any denial of federal and state benefits and aid for which members may have been entitled; and to develop and distribute informational materials regarding benefits to LGBT veterans and their families.

Section 3 of the bill prohibits the denial of a veteran’s eligibility for any program, service, benefit, activity or facility in Nevada for which the veteran would otherwise be eligible solely based on the veteran’s status as a discharged veteran who is LGBT. This measure is effective on July 1, 2017. The Department of Veterans Services has determined there is no fiscal impact.

The State of Oregon approved a similar measure in 2015 that created a liaison position with the Department of Veterans’ Affairs to provide outreach and assistance to veterans who are LGBT and their families.

My last assignment was in the Pentagon Army Operations Center (AOC). It was known that I was an ordained minister. Because of our shift work, many times

we did not get a chance to go to church, so I held services in the AOC. Someone came to me and told me I needed to talk to a friend. I did not know the person's name. I did not know the person before the conversation and other than the story I am about to relate to you, I do not have any other information about the person.

This person was in a committed relationship with another service member. The other service member deployed to Iraq. While in Iraq, the last phone call made to the person was that the service member was getting ready to go out on a convoy and would call when the service member returned. The person waited and waited but the call never came. Someone asked when the last time the person checked in with rear headquarters was. The person said I have not. The person was advised to call. The person called rear headquarters and was told they could not give out any information because the person and the service member were not family. The person learned of the partner's demise while watching the news and seeing the name. The family told the surviving partner not to go anywhere near the funeral because the family would out the person causing the person to lose his or her career. So the person stayed away until after everyone left the cemetery. The person rushed over to the gravesite, fell on his or her knees, and was able to touch the top of the flowers that adorned the coffin.

This is a travesty because the partner was gay. I wonder how many other stories like this one exist. I wonder how many veterans were dishonorably discharged simply because of their sexual orientation. Senate Bill 148 is a way for Nevada to reach out to all veterans. If their sexual orientation was the only reason they received a BCD or a dishonorable discharge, then they can receive assistance to get it upgraded. This legislation is long overdue. I urge you to pass this bill.

CHAIR PARKS:

From my observations, once "don't ask, don't tell" came about, the numbers of individuals terminated from the service increased under "don't ask, don't tell." We heard of instances where individuals who had been furnished with \$50,000 to \$100,000 worth of training were discharged under "don't ask, don't tell" because somebody told. Thinking back to the years when I was in the service in the 1960s, there were not that many instances as compared to recent years. Do you have any data on that?

SENATOR SPEARMAN:

I am not familiar with any data; however, I do have anecdotal knowledge. Because the administration of punishment was uneven, many veterans who received a dishonorable or bad conduct discharge under “don’t ask, don’t tell” think they can never get that upgrade. We are trying to provide another layer of information and even liaison activity to advise these veterans that if this is the only reason they were discharged, there is an opportunity for the discharge to be reviewed and upgraded. The Department of Defense is doing this, but many veterans believe they are not eligible because of a dishonorable or bad conduct discharge.

MR. BURNS:

The UVLC wholeheartedly supports Senator Spearman and S.B. 148. The term underserved community is tossed around a lot in this building. The LGBT community has earned that title more than any other when considered in the context of the military subculture.

The treatment that many service members received while on active duty and continue to receive after leaving military service was and is reprehensible. While we cannot change that, we can certainly change how they are treated today. As with many social issues, progressive leadership from our elected officials can often light the way.

I have submitted written testimony ([Exhibit E](#)) supporting this bill. We urge you to pass S.B. 148.

MS. MILLER:

I am neutral on S.B. 148. Since 1994, over 14,000 lesbian and gay service members were discharged from the U.S. military throughout the lifetime of the “don’t ask, don’t tell” policy. Statistics on the number of LGBT veterans discharged before 1994 are not available. We do not know how many veterans were discharged solely based on LGBT status, but it is critical to assist them to prepare discharge upgrades.

In 2016, the Department of Veteran Services (NDVS) received an AmeriCorps grant to help Nevada veterans, including LGBT veterans, connect to veterans’ benefits. Our staff and assigned AmeriCorps members are working with the Servicemembers Legal Defense Network and LGBT community organizations, such as the Gay and Lesbian Community Center of Southern Nevada, to develop

outreach strategies and veteran service officer training to find and assist veterans upgrade their discharges.

Senate Bill 148 supports and is not in conflict with any NDVS planned activities.

SENATOR SPEARMAN:

I served my entire career as a military police officer, and the words around our crest were "Of the Troops, for the Troops."

CHAIR PARKS:

We will close the hearing on S.B. 148 and open the hearing on S.B. 197.

SENATE BILL 197: Extends the deadline for issuing certain bonds for certain environmental improvement projects in the Lake Tahoe Basin. (BDR S-493)

SENATOR BEN KIECKHEFER (Senatorial District No. 16):

As a part of my district, I have the honor to represent both the Carson City and Washoe County portions of Lake Tahoe. Incline Village and Crystal Bay are the populated areas in that district. I chaired the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System this Interim.

Every Interim since 1985, with the exception of one, the Nevada Legislature has provided review and oversight of the Tahoe Regional Planning Agency (TRPA) either through an Interim study or the statutory Oversight Committee created in 2003. I chaired that Committee this past Interim.

The Lake Tahoe Environmental Improvement Program (EIP) is a partnership launched in 1997 between Nevada, California, the federal government, local governments and the private sector to protect and improve the natural and recreational resources of the Lake Tahoe Basin. The Division of State Lands, Department of Conservation and Natural Resources, is the coordinating entity for the Lake Tahoe EIP for Nevada.

Senate Bill 197 extends the deadline for the issuance of bonds that are authorized but unallocated. It allows the State to continue funding its share of this partnership between multiple states, the federal government, local governments and the private sector.

Senate Committee on Government Affairs
March 8, 2017
Page 14

JAMES LAWRENCE (Deputy Director, Department of Conservation and Natural Resources; Chair, Tahoe Regional Planning Agency Governing Board):
I have submitted written testimony ([Exhibit F](#)) supporting and explaining S.B. 197.

SENATOR GOICOECHEA:
The bill says, "\$4,420,000 of such bonds pursuant to this section." What does that number reflect?

SENATOR KIECKHEFER:
This bill amends the *Statutes of Nevada 2009*. The \$4.42 million was the amount of the bonds that were going to be issued for that year. The Governor's Capital Improvement Planning (CIP) program includes \$5 million in bonding authority for the EIP for the upcoming biennium. The \$5 million amount will be authorized under our existing capacity. This bill extends the ability to move that into future biennia because we have only used about \$7 million of the \$100 million authority. Due to our affordability issues, this allows us to meet our obligations into the future. The \$4.42 million in the bill is from a previous biennium. The Governor has \$5 million in the upcoming biennium under authority for this program.

SENATOR GOICOECHEA:
Do you have approximately \$92 million in bonding capacity left?

CHARLIE DONOHUE (Administrator, Division of State Lands, Department of Conservation and Natural Resources):
That is accurate.

I have submitted written testimony ([Exhibit G](#)) explaining S.B. 197 and why I support it.

KYLE DAVIS (Nevada Conservation League; League to Save Lake Tahoe):
We support S.B. 197. This is a beneficial program. We have had the opportunity to work with agencies involved with a number of these EIPs over the years. It is important for the health of Lake Tahoe, and we urge your support of this bill.

AMY BERRY (Tahoe Fund):
I have submitted my written testimony ([Exhibit H](#)) supporting S.B. 197.

STEVE WALKER (Truckee Meadows Water Authority; Carson City; Douglas County; Storey County):

The Truckee Meadows Water Authority and the counties benefit from any efforts to maintain the quality and clarity of Lake Tahoe. They are supportive of expending money to reach that goal. They all support S.B. 197.

CARL HASTY (District Manager, Tahoe Transportation District):

We also support this bill and the extension of the deadline. We look forward to the time when the State has the capacity to sell those bonds because we have a number of eligible projects waiting to be done.

SENATOR KIECKHEFER:

There are many good things happening at Lake Tahoe, and we are making significant strides in our efforts to protect the Lake and improve its environmental standing.

SENATOR PARKS:

Having no further testimony, we will close the hearing on S.B. 197 and open the hearing on S.B. 198.

SENATE BILL 198: Extends the deadline for issuing certain bonds relating to the property and natural resources of Nevada approved by the voters in 2002. (BDR S-494)

SENATOR KIECKHEFER:

Senate Bill 198 is a measure brought forth by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. It extends the authority to issue general obligation bonds.

During the 17th Special Session of the Legislature in 2001, A. B. No. 9 of the 17th Special Session was approved. It required that a proposal be submitted to the voters of Nevada to issue general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of Nevada. The total bonding was not to exceed \$200 million.

Assembly Bill No. 9 of the 17th Special Session also provided for the creation of the fund to protect natural resources in the State General Fund to be administered by the Director of the Department of Conservation and Natural

Resources. The voters approved this question, Question 1, on November 5, 2002.

The 2013 Session of the Legislature enacted S.B. No. 489 of the 77th Session to extend the date for the issuance of general obligation bonds under Question 1 until June 30, 2019. Senate Bill 198 asks for an additional extension for another 5 years of those bonds for similar issues just heard in the testimony on S.B. 197.

These bonds are referred to as Q1 bonds. Within our CIP program, the Governor also recommended \$4.6 million in Q1 general obligation bonds in the upcoming biennium. There is much unused capacity within that \$200 million, and this would give us the opportunity to use that for conservation and natural resource purposes as originally approved by the voters.

MR. LAWRENCE:

I have submitted written testimony ([Exhibit I](#)) supporting S.B. 198.

SENATOR GOICOECHEA:

Did you say that \$18.4 million in bonding capacity remains?

MR. LAWRENCE:

It is about \$18.6 million.

CHAIR PARKS:

We have received letters from Andrew Strain with Heavenly Lake Tahoe supporting both S.B. 197 ([Exhibit J](#)) and S.B. 198 ([Exhibit K](#)).

MR. DAVIS:

The Q1 general obligation bonds have provided many great programs and have often been the few sources of funding available for significant conservation projects. We support this bill to extend the deadline and allow us to continue to put those funds to good use.

MS. BERRY:

I have submitted written testimony ([Exhibit L](#)) supporting S.B. 198.

STEVE TESHARA (Sustainable Community Advocates):

I have been involved in many ways with the EIP since its inception in 1997. Nevada has always had a leadership position regarding the efforts of the Division of State Lands and the coordination of its Lake Tahoe program, the bonds approved by the voters in Question 1, and the other bonds that are the subject of S.B. 197. You should all take pride in your leadership.

The key point is the advantage it allows us to get support from the federal government, from the private sector and from local governments. It is a fantastic program.

JENNIFER BUDGE (Director, Parks, Recreation and Open Space, Carson City):
I have submitted my written comments ([Exhibit M](#)) supporting S.B. 198.

STEVE WALKER (Douglas County; Lyon County):

Douglas and Lyon Counties support S.B. 198. They have used these funds extensively, particularly on river restoration projects.

The Carson Water Subconservancy District, which I do not represent, asked me to express its support this bill.

CHAIR PARKS:

We will close the hearing on S.B. 198 and open the hearing on S.B. 138.

SENATE BILL 138: Authorizes the creation of a local improvement district for a waterfront maintenance project. (BDR 22-678)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

The future City of Laughlin has a Laughlin Lagoon that is virtually cut off from the flow of water in the Colorado River. Because the Lagoon cannot be dredged or opened up, this creates a lack of economic development and opportunity. The proponents of the bill recognized that what is allowed under the law did not include the word "maintenance."

It is important to clear the channel so that boats can go in and out, fish can go in and out and there is not as much standing water as there is now. However, it is more complicated than just adding the word maintenance. That is the genesis of S.B. 138.

Clark County has proposed a friendly amendment ([Exhibit N](#)) to section 3 that changes “another uniform and quantifiable” to “the same basis as was used for the computation of the Waterfront Project assessment, or such other”

The Laughlin Economic Development Corporation has submitted a resolution ([Exhibit O](#)), “In Support of S.B. 138 to Allow the Maintenance of the Laughlin Lagoon of the Colorado River.” However, it is more complicated than that.

Likewise, the Town Advisory Board of Laughlin submitted a letter ([Exhibit P](#)) with the same unanimous desire to have this maintenance reviewed.

I have a photo of the dredging plan concept for the Laughlin Lagoon ([Exhibit Q](#)).

ROBERT BILBRAY:

I have been a homeowner and landowner in Laughlin for the past 40 years. I represent 88 percent of the private property owners fronting the Laughlin Lagoon. Maintenance represents an integral part of the economic development issue the community has faced for the last 20 years. Senate Bill 138 is a minor amendment to what was established in S.B. No. 47 of the 78th Session.

Property owners have advanced over \$210,000 for the initial design for the project. A contract is being drafted between our engineers and Clark County to proceed with the project. We estimate the project will cost \$2.5 million.

Over the 40 years that I have lived there, Laughlin has been the poster child for public-private partnerships in this State. We have installed over \$400 million worth of public-private developments in the community. Before you is a photo of the extent of the intended development, [Exhibit Q](#).

Clark County bond counsel signed off on the wording of this bill. We appreciate your support and consideration.

JAMES “JIM” MANIACI (President, Laughlin Economic Development Corporation;
Chair, Laughlin Town Advisory Board):

In the early 1960s, the course of the Colorado River was changed when the U.S. Bureau of Reclamation channelized it. That formed a beautiful body of water behind the dike.

From 1962 to 1999 there was no dredging done. In 1999, based on Army Corps of Engineers' diagrams, the channel and the lagoon were cleared out. However, in the 18 years since then, it has filled with silt. Because the level of the Colorado River rises and falls by water releases from Davis Dam, at low water you cannot get a boat in or out of the lagoon. It is difficult to do even when the water flows are high.

The Laughlin Lagoon has been called a unique gem. It is the only body of water in Nevada that is actually on the Colorado River. The original bill allowed the Lagoon to be cleared, and we strongly encourage you to add the maintenance factor.

A channel drains in from the right, which is a blue dotted line on your picture, [Exhibit Q](#). There is another channel coming down on the same alignment that is causing the critical blockage of silt. Once it is cleared out, it will be the catalyst for development in south Laughlin.

The smaller two-lane road on the right in the picture, [Exhibit Q](#), that snakes down between the properties and the edge of the lagoon is Casino Drive. The wider road is the Needles Highway. There are utilities all the way around and others can easily be extended into this area. Several thousand acres of land can be developed. The old Mojave Generating Station, Casino Drive, the Needles Highway and the development surround it.

The Laughlin Lagoon is the crown jewel of this area. Real estate values and the increase of money going into the County treasury from property taxes have not been estimated.

The property owners are willing to support the project. Maintenance will cost approximately \$500,000 every 3 to 5 years to clean out what little silt has gone into the Lagoon. This will be a necessary springboard for Laughlin's economic development because it is the most developable region of land that we have. We have Laughlin Southland, Mojave Station, south Laughlin and north Laughlin with a checkboard of Bureau of Land Management lands.

Our growth will come from that area. We are always trying to attract industries from California to Southland. This area would have more concentrated and localized development. There is some commercial land along Casino Drive. There

is a big project called Emerald River just to the south of the properties that actually front the mile of the Lagoon.

CHAIR PARKS:

This will be a local improvement district. Would the property owners who are shown in yellow on the picture share this? What other property owners would be included in this local improvement district?

MR. BILBRAY:

The yellow areas are the participating properties. There are 26 of them. There are 13 property owners. I own about 12 percent of the 5,700 linear feet on the Lagoon.

Yes, all of the design and initial construction costs, which are estimated at \$2.2 million to \$2.5 million, would be paid solely by the property owners. The property owners will also pay for the ongoing maintenance estimated between \$300,000 and \$400,000 every 4 to 5 years.

SENATOR RATTI:

Are any of the property owners opposed to the establishment of the improvement district?

MR. BILBRAY:

Eighty-eight percent of the property owners support the project. The remaining 12 percent are out-of-state property owners who did not respond to the County's inquiry. No one publicly opposes the project.

JOHN FUDENBERG (Clark County):

We support the bill as amended.

CHAIR PARKS:

Since bond counsel has approved the language of the bill, does bond counsel also approve Clark County's amendment, [Exhibit N](#)?

MR. FUDENBERG:

I am not aware of that but I can certainly look into it. I am not sure that bond counsel has seen our amendment.

Senate Committee on Government Affairs
March 8, 2017
Page 21

CHAIR PARKS:

Senator Hardy, do you support the proposed amendment from Clark County?

SENATOR HARDY:

I support the amendment, the bill, economic development and growth in Laughlin. I look forward to seeing boats going in and out of that area and the economic development it will bring.

CHAIR PARKS:

I spent much time in Laughlin in the 1980s. I support anything we can do. It is a gem. Big Bend State Park, just downstream, is a jewel that can be put to greater use. It gets a lot of use now but there is greater potential.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Government Affairs
March 8, 2017
Page 22

CHAIR PARKS:

Having no further comments, we will close the hearing on S.B. 138. The Senate Committee on Government Affairs is adjourned at 2:27 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.B. 137	C	2	Senator Pat Spearman	Fiscal Year 2015 Sexual Assault Data Findings
S.B. 137	D	1	Kevin Burns/United Veterans Legislative Council	Written Testimony
S.B. 148	E	1	Kevin Burns/United Veterans Legislative Council	Written Testimony
S.B. 197	F	2	James Lawrence/Department of Conservation and Natural Resources	Written Testimony
S.B. 197	G	2	Charlie Donohue/Division of State Lands	Written Testimony
S.B. 197	H	1	Amy Berry/Tahoe Fund	Written Testimony
S.B. 198	I	2	James Lawrence/Department of Conservation and Natural Resources	Written Testimony
S.B. 197	J	1	Senator David Parks	Letter from Andrew Strain/Heavenly
S.B. 198	K	1	Senator David Parks	Letter from Andrew Strain/Heavenly
S.B. 198	L	1	Amy Berry	Written Testimony
S.B. 198	M	1	Jennifer Budge	Parks, Recreation and Open Space, Carson City
S.B. 138	N	2	Senator Joseph P. Hardy	Clark County Proposed Amendment
S.B. 138	O	1	Senator Joseph P. Hardy	James "Jim" Maniaci/Laughlin Economic Development Corporation Resolution

S.B. 138	P	1	Senator Joseph P. Hardy	James "Jim" Maniaci/Town Advisory Board of Laughlin Letter
S.B. 138	Q	1	Senator Joseph P. Hardy	Photo, Dredging Plan Concept, Laughlin Lagoon