

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-ninth Session
April 10, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:52 p.m. on Monday, April 10, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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 Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Senator Yvanna D. Cancela, Senatorial District No. 10
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Kathy Lewis, Clerk-Treasurer, Douglas County
Rachel Gumpert, American Federation of State, County and Municipal
Employees International
Priscilla Maloney, American Federation of State, County and Municipal
Employees Retirees
Michael Sean Giurlani, President, Nevada State Law Enforcement Officers'
Association

Senate Committee on Legislative Operations and Elections
April 10, 2017
Page 2

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Jeanine Lake, American Federation of State, County and Municipal Employees
Tray Abney, The Chamber
Kevin Ranft, American Federation of State, County and Municipal Employees Local 4041
Michael Sprinkle
William Molini, Coalition for Nevada's Wildlife, Inc.
Kyle Davis, Nevada Conservation League, America
Mauricia Baca, Outside Las Vegas Foundation
Jared Fisher
John Hiatt, Conservation Chair, Red Rock Audubon Society
Shaaron Netherton, Friends of Nevada Wilderness
David Von Seggern, Sierra Club
Margo Piscevich
Pam Harrington, Trout Unlimited
Karen Boeger, Backcountry Hunters and Anglers; Coalition for Nevada's Wildlife
Susan Juetten
Kurt Kuzmcki
Judy Larquier
Doug Busselman, Nevada Farm Bureau Federation
Jeff Fontaine, Nevada Association of Counties
Janine Hansen, Nevada Committee for Full Statehood

CHAIR CANNIZZARO:

We will begin the meeting with a work session on Senate Bill (S.B.) 492.

SENATE BILL 492: Revises provisions relating to polling places. (BDR 24-450)

MICHAEL STEWART (Policy Analyst):

Senate Bill 492 authorizes the county election officer of a county whose population is 100,000 or more to establish one or more polling places where any person entitled to vote in the county by personal appearance may do so on Election Day. Proposed Amendment 3441 to the bill incorporates Clark County's amendment, and I have submitted the work session document ([Exhibit C](#)) with amendments from Clark and Douglas Counties and Carson City.

SENATOR GANSERT:

What is the Web-based voter registration system module?

KATHY LEWIS (Clerk-Treasurer, Douglas County):

In Douglas County we use it for early voting. We are looking into our system and printing a voter card. The voter signs a paper that allows us, instead of having a poll book, to look in the system to verify the signature with the card he or she signed. This change in language will allow us to do early voting and polling locations the same way.

SENATOR SETTELMAYER:

Do the voting areas need the authorization to do this through regulation? Do they already have the ability to do that? Some people have said that Larry Lomax, former Clark County Registrar of Voters, had the ability to do that without regulation?

CHAIR CANNIZZARO:

My understanding is that on Election Day, they have to operate polling places. This would just allow them to continue to use the same vote center that they used during early voting as well as Election Day voting.

KEVIN POWERS (Counsel):

The election laws in *Nevada Revised Statutes* 293 state that on the day of election, you can only vote at your designated polling place that is assigned to your voting precinct. This would authorize voting centers on the day of election, where anyone in the county can go to the voting center and vote regardless of their voting precinct. That is how it is set up during early voting, but it is not authorized for the day of the election. This would allow that type of voting center for the day of the election.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 492.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR SETTELMAYER:

In looking at this issue, we have had this discussion many times before. I am trying to have more uniformity to the voting locations and the different counties that have multiple Senate or Assembly Districts. I am still not comfortable with this bill. When looking at the sites from last time, I see that certain districts had two of these types of voting centers where some had none. I will be voting no on this bill.

SENATOR GANSERT:

In researching where they were located before, it does not seem like they are equally distributed for access, and I will vote no on this bill.

CHAIR CANNIZZARO:

The only thing I can note on that is when Clark County Registrar of Voters Joe Gloria testified, he did talk about Clark County having a certain mile radius where it would place the vote centers and that no one is driving out of their way in order to vote. I know when we originally talked about this bill, it was limited for the larger counties.

THE MOTION CARRIED. (SENATORS GANSERT AND SETTELMAYER VOTED NO.)

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CHAIR CANNIZZARO:

The next item on our work session is Senate Joint Resolution 4.

SENATE JOINT RESOLUTION 4: Urges Congress to propose an amendment to the United States Constitution to allow the regulation of independent political expenditures by corporations. (BDR R-777)

MR. STEWART:

Senate Joint Resolution 4 urges the Congress of the United States to propose an amendment to the United States Constitution to allow the governments of the United States and the individual states to regulate and restrict independent political expenditures by corporations. I have submitted the work session document ([Exhibit D](#)) that includes Proposed Amendment 3404.

SENATOR GANSERT:

When there is an amendment to the U.S. Constitution, all of the language needs to match exactly, correct? This is just a resolution saying we want to go that direction.

CHAIR CANNIZZARO:

That is correct.

MR. POWERS:

There are two types of constitutional amendments under Article V in the U.S. Constitution: one where Congress proposes the amendment to the states for ratification, the other where the states ask for Congress to call a national constitutional convention. This is the first type where the State is just asking both Houses of Congress to propose an amendment to the states for ratification. This is not a resolution calling for an Article V constitutional convention.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.J.R. 4.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR GANSERT:

I am concerned about freedom of speech and liberty. I will be voting no.

THE MOTION CARRIED. (SENATORS GANSERT AND SETTELMAYER VOTED NO.)

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CHAIR CANNIZZARO:

This Committee was referred Senate Bill 327 which is a measure that relates to elections, and it does have a fiscal note attached. We are going to be acting to refer without recommendation to the Committee on Finance, so it can deal with the fiscal note before we can talk about the policy in the future.

[SENATE BILL 327](#): Revises provisions relating to elections. (BDR 24-22)

SENATOR SETTELMAYER MOVED TO REREFER S.B. 327 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

Senate Bill 497 creates an Interim advisory task force on school leader management. During the past Interim, I served as a member of the Legislative Committee on Education (LCE). Over the course of the Interim, Nevada Succeeds outlined several recommendations from the What's Next Nevada education policy group, a working group that consisted of Legislators and nearly all of the State's education stakeholders. One of the group's recommendations calls for a task force to study and make recommendations for a system of school leader management. The LCE affirmed this concept by unanimously supporting this bill for your consideration.

SENATE BILL 497: Creates the Advisory Task Force on School Leader Management. (BDR S-332)

The issue of school leadership has been of increased interest in recent months, given the plan to reorganize the Clark County School District (CCSD). This plan shifts a great deal of CCSD management responsibilities from the district to the school level. With this tectonic shift, it is essential that we take all necessary steps to prepare the leaders at the school level to bear their new management responsibilities. The task force created by S.B. 497 would include four Legislators and would be similar to the one that met this past Interim to study educator professional development.

The bill requires the task force to study issues relating to the Nevada Educator Performance Framework for school administrators as a foundation to link and align systems of school leader recruitment, preparation, certification, compensation, evaluation and professional development. The task force must prepare a report detailing its activities and recommendations by May 31, 2018, for submission to the Governor, State Board of Education and the Legislature. With greater responsibilities placed at the school level and, consequently, greater demands assumed by school principals, more needs to be done to prepare, equip, develop and retain those principals. Senate Bill 497 creates a task force dedicated to studying and recommending best practices for the development of a system of school leader management in Nevada.

SENATOR GANSERT:

I was thinking about the Teachers and Leaders Council through the Department of Education, and I know quite a bit of what it does is based on evaluations. The Department tries to set goals and look at what should be requirements and

how to educate administrators and people who lead schools. How does this differ?

SENATOR WOODHOUSE:

This parallels the Advisory Task Force on Educator Professional Development we had this last Interim. The recommendations from that Task Force went to work being done in the future from the great Teachers and Leaders Council. That is what this one would do as well. This would be a preliminary task force studying these issues that would then move on to other places in addition to those identified in the bill. That organization, in my understanding, then makes recommendations to the State Board of Education for any particular changes in certification or requirements in order to carry out their responsibilities.

SENATOR GANSERT:

It does not specifically say teachers and leaders. But it is the Department of Education, so that is the process as it goes through the task force, and it develops the recommendations with that expectation?

SENATOR WOODHOUSE:

Yes, that is true. If you look on the Department of Education Website, you will see this last Interim report. It went directly to the State Department of Education as facilitated by that Department.

CHAIR CANNIZZARO:

We will close the hearing on S.B. 497 and move to Senate Bill 465.

SENATE BILL 465: Authorizes the submission of certain grievances of state employees to an arbitrator. (BDR 23-1042)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I will introduce Senate Bill 465, which adds an important component to the way that the State handles grievances by State employees. Under the bill, a State employee may submit a grievance under certain circumstances to an arbitrator. After my testimony, representatives from the American Federation of State, County and Municipal Employees (AFSCME) will provide additional information regarding S.B. 465.

For many years, workplace disputes and employees' grievances have been determined through arbitration. Unfortunately, for State employees this is not an

option. Labor experts have often touted the historic value of arbitration as a dispute-resolution mechanism that avoids costly and time-consuming litigation, or in the case of Nevada employees, the lengthy and drawn-out process before the State Employee-Management Committee. Arbitration is by its very nature intended to be an informal process unfettered by the technical rules of evidence. It does not require the presence of legal counsel as representative to a party, and it avoids protractive features such as discovery involving depositions and interrogatories. The State employee grievance process in Nevada can be protracted and difficult to navigate, and arbitration can help. According to the Center for Labor Research and Education at the University of California, Berkeley, an arbitrated employee grievance procedure provides a mechanism for prompt resolution of problems as they arise and gives a foundation on the basis of which the parties can work out their differences.

Employees are typically concerned about whether their wages, hours and working conditions are being administered properly in accordance to State policies. It is in the interest of the employer to have a method of achieving communication of employee grievances and to have whatever agreement is ultimately determined to be uniformly and fairly applied. A disgruntled employee with a compliant who does not have an outlet for having his or her side of the story fairly considered is not likely to apply a wholehearted effort to the job. The use of an arbitrator near the end of the State employee grievance process can produce a fair and timely result that in theory should make all sides satisfied.

Statute requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations providing for the adjustment of grievances by State employees if a hearing on each grievance is not otherwise provided by federal law or by certain other statutes. These regulations must provide procedures for the consideration and the adjustment of a grievance within the agency. If the employee remains dissatisfied with a resolution of the dispute, he or she may submit the grievance to the Employee-Management Committee (EMC) for a final decision.

The regulations must also provide for a resolution conference if requested by an employee or the agency. Senate Bill 465 provides another option in the grievance process by requiring the Personnel Commission to adopt regulations providing procedures for an employee who remains dissatisfied with the resolution of a dispute to submit that dispute for a final decision to an arbitrator rather than to the EMC.

The measure provides that the arbitrator must be selected by an employee from a list of seven potential arbitrators provided by the Federal Mediation and Conciliation Service.

Finally, S.B. 465 states that if the employee submits the grievance to an arbitrator, the employee and the agency each must pay one-half of the costs of the arbitration. The decision of the arbitrator is binding.

RACHEL GUMPERT (American Federation of State, County and Municipal Employees International):

Senate Bill 465 will be a crucial improvement in the lives of State workers. State workers in Nevada can file grievances up until the third step. If they are trying to address a work dispute file and get denied, do an appeal and that gets denied, after the third denial they have no option except to go to the Employee-Management Committee.

The Nevada Legislature considered changes to the grievance process in a previous Session where we also then debated whether or not arbitration would be the right answer for State workers. At the time instead of giving the option of arbitration, the resolution conference was added to the process. The set was added with the best intentions, but now we have found that some State agencies are declining to honor it in the good faith that the Legislature first intended. Because of that, as Senator Woodhouse mentioned, there have been simple disputes in the workplace that have been drawn out over long periods of time when they could have been solved sooner with an arbitration process. Senate Bill 465 does not gut or replace the EMC, it will instead incentivize more cooperation for lower-level grievances by both parties, the State and the union. It will allow for more effective resolutions on workplace issues.

The arbitration is not going to have a significant fiscal impact. We predict it will save money for the State in numerous places as well as save time by creating a more efficient process for both management and employees. If a case goes to arbitration, the State will be able to avoid the current costs incurred by the Personnel Commission for cases. These costs include hearing officers, other staff time and the time for the commissioners. The State will also avoid the time and expenses associated with the EMC process that is charged with hearing nondisciplinary cases. Because employees are responsible for assuming half the costs of arbitration, we will be selective on which cases are brought forward. The State workers union that I represent is small. We do not have the fiscal

means to be taking small matters to arbitration. I can assure you that is not the intent or the potential outcome for this bill. The arbitrators do have individual pricing. Generally, arbitration runs from \$700 to a \$2,000 max, and that cost will split between the employer and the employee. We feel the overall benefits outweigh the upfront costs of arbitration process.

We think this is good policy management across the board. States across the Country use this. It has been a great solution that has bipartisan support. We have seen it in the private sector, and it is effective. You can go to any employer in the private sector, and the top-tier ones will generally have an arbitration process in place. It is not a union issue; nonunion establishments frequently already have arbitration processes set up just because it is a good conflict resolution process. This is not a radical labor issue, it is simply good policy. We want to be a good-faith partner in working with the State to address the logjam on solving low-level grievances.

PRISCILLA MALONEY (American Federation of State, County and Municipal Employees Retirees):
We support S.B. 465.

MICHAEL SEAN GIURLANI (President, Nevada State Law Enforcement Officers' Association):
We support S.B. 465.

RICHARD P. MCCANN (Executive Director, Nevada Association of Public Safety Officers):
We support S.B. 465. The Employee-Management Committee is a great group, but there are limitations. All this is to give an option to an employee to proceed with the ultimate decision in the case that is statutory regulated to an EMC or use an arbitrator. There is a cost associated with arbitrators unlike the EMC, but guess who bears half of that? The employee. I can assure you, members will not be taking this lightly. We will use this as an option when the option presents itself, as an option we can use to further the interest of a particular case. It is not a mandatory situation, it is not replacing anything. The EMC does a fine job, but it has limitations and there should be another option.

JEANINE LAKE (American Federation of State, County and Municipal Employees):
I support S.B. 465. I work as a labor representative representing State workers for American Federation of State, County and Municipal Employees Local 4041.

I have been helping State employees navigate the discipline process for 20 years. I believe the proposed Legislation allowing arbitration within State government will help resolve workplace problems more efficiently and encourage a more cooperative workplace. When State workers file grievances, there is little to no incentive to resolve those grievances at the lowest level. This creates frustration for employees often looking to resolve those low-level issues before they escalate. It ties managers up in lengthy, inefficient offsite meetings instead of addressing the problem at hand.

The majority of grievances go through each grievance step without any face-to-face discussions with the employee. That completely contradicts even the most basic logic for problem-solving. The resolution conference step within the current EMC was well intended when the Legislature added it to address this long-time problem. But practice is showing it is not enough with some State agencies reneging on the intent for that legislation. For State agencies that exercise due diligence to resolve grievances without an arbitration process, the EMC struggles with having a full committee prepared to hear the grievance on the scheduled date, leading to frequent grievance hearing delays that kick the can down the road on often low-level workplace disputes.

Often State workers go through the grievance process without ever having the benefit of any hearing. Senate Bill 465 would keep the EMC and resolution conference in place while adding an extra option to go to arbitration as a last resort, if needed. This would improve the grievance process for Nevada's State workers, and having the option of arbitration for high-level grievances would bring Nevada up to par with productive means to resolve worksite problems. We believe both the union and employer would show more willingness to find resolutions at the lowest level of the grievance process.

TRAY ABNEY (The Chamber):

Both The Chamber and the Las Vegas Metro Chamber of Commerce are neutral to S.B. 465. Historically, both Chambers have been opposed to binding arbitration when it comes to public employees. We are concerned that in this process, an out-of-state arbitrator can drive over the hill, pose costs on Nevada taxpayers without any say of the people we elect to make these decisions and then drive back home and not have to live under the system he or she imposed. If there needs to be more steps, better steps or a better way, even some type of arbitration process, I do not think we question that. The basis of our

opposition is the binding part where a decision can be imposed without some type of final say by the people we actually elect to make these decisions.

CHAIR CANNIZZARO:

We will close the hearing on S.B. 465 and open Senate Bill 478.

SENATE BILL 478: Revises provisions relating to certain disciplinary action against state employees. (BDR 23-1043)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

Senate Bill 478 addresses the use of an impartial fact-finding investigation in decisions relating to a State employee's involuntary demotion, dismissal or suspension. When any employer receives a complaint from an employee about workplace discrimination, some sort of unfair treatment or another matter that involves alleged violations of law or policy, the employer has the duty to investigate. Public sector employees, that is individuals employed by municipal state and federal government, typically have broader rights than private sector employees. However, these rights vary by jurisdiction and are largely dependent on whether the public employee group participates in some sort of collective bargaining. A public agency's obligation to investigate improper workplace behavior is typically no different from a private corporation's obligation. The duty to investigate can arise from direct employee complaints or any number of seemingly innocuous events including employee venting, gossip, anonymous complaints or casual remarks.

It is extremely important that our State employees have the proper due process in place when responding to certain workplace allegations. Clearly defined roles in workplace investigations help avoid departmental and perhaps political rivalries and biases. In all instances, investigations should strive for neutrality, objectivity and impartiality. This can sometimes be difficult, especially given certain political inclinations and alliances, but it is what our State employees deserve. It is something we must strive to achieve.

In addition to fairness in employee investigations, each employee who is the subject of an investigation deserves to have proper notice of the investigation and have copies of any documents or orders that could lead to his or her dismissal or demotion. Senate Bill 478 was requested to address these issues of fairness in employee investigations. Statute requires an appointing authority—this is an official with the legal authority to appoint positions or a person to

whom authority is delegated, such as an agency head or division chief—to take certain actions when dismissing, involuntarily demoting or suspending a permanent classified employee in the State service, or when conducting an internal investigation which may result in such dismissal, demotion or suspension.

Senate Bill 478 requires the appointing authority, before taking such action, to conduct an impartial fact-finding investigation into the allegations to determine whether evidence exists to justify the dismissal, demotion or suspension. The employee does, however, have the option to wave this investigation. The bill also requires the appointing authority to provide an employee with notice of the allegation against the employee before commencing any part of the investigation into those allegations. When reviewing any allegations concerning an employee, the appointing authority is currently required to complete an internal investigation and make a determination whether to dismiss, involuntary demote or suspend an employee within 90 days after providing the employee with notice of the allegation. The law does allow the appointing authority to obtain an extension of time beyond the 90 days from the division administrator for showing good cause for that delay.

Senate Bill 478 would prohibit an appointing authority from making such a dismissal, demotion or suspension based on allegations if an investigation into those allegations does not result in a determination regarding disciplinary action within the prescribed timeline. In addition, S.B. 478 requires the appointing authority to provide the employee with a copy of each request and approval for an extension of time for an investigation beyond the initial 90 days. Currently, a permanent employee may appeal a dismissal, demotion or suspension in a hearing before the hearing officer of the State Personnel Commission. If the employee recalls such a hearing, S.B. 478 would require the appointing authority of the employee to produce and allow the employee or his or her representative to inspect or receive a copy of any document or evidence that is related to the internal investigation leading to the employee's dismissal, demotion or suspension.

MS. GUMPERT:

This will be a crucial step in improving the lives of State workers. There are 20,000 State workers in Nevada. We have consistently found that there are inefficiencies in the way investigations around discipline are being executed. The primary thing that this bill changes is to give proper notice to employees

when they are under investigation. We are not trying to do any more than give employees the ability to be aware that they are under investigation. There is a lack of communication at the State between a lot of the division leaders and management with State workers.

We truly believe that by being collaborative, in this case giving employees more notice that they are under investigation, that we will be able to resolve issues in a much faster manner. State resources are being wasted in a huge way when having investigations that go to a year or longer regularly, often for minor incidents. We want to speed up the process and make it more fair for everybody by going to what the city and county offer for their employees. In the private sector, I do not think you see a Fortune 500 company routinely doing multiyear investigations on numerous employees. When this is happening to many of the 20,000 State workers we have in Nevada, we do need to take action.

KEVIN RANFT (American Federation of State, County and Municipal Employees Local 4041):

Our mission is to support and represent State employees. We have built a good relationship with numerous agencies. We support S.B. 478 and have provided testimony ([Exhibit E](#)).

MR. MCCANN:

This is simply an industrial due process bill. It codifies due process by making sure the State employees receive notice, fair and impartial investigation, timely investigation, timely resolution, and a review and copy of investigative materials. It is just a codification of getting the investigation done, done right, swiftly, and completed. We support S.B. 478.

MR. GIURLANI:

We support S.B. 478 and thank Senator Woodhouse for bringing this bill forward to the Committee.

SENATOR WOODHOUSE:

Both S.B. 465 and S.B. 478 provide a process by which issues can be resolved. The important thing is to make sure it is in place. Both of these bills will show State employees that we do care for them and, especially, that we care about the work that they do for the citizens of Nevada.

CHAIR CANNIZZARO:

The last item on our agenda is Senate Joint Resolution 12.

SENATE JOINT RESOLUTION 12: Rescinds Senate Joint Resolution No. 1 of the 78th Session of the Nevada Legislature. (BDR R-999)

SENATOR YVANNA D. CANCELA (Senatorial District No. 10):

Senate Joint Resolution 12 erases what was done with S.J.R. No. 1 of the 78th Session. It deals with how for many generations our Western landscape remained relatively untouched in terms of development and environment exploitation. The Bureau of Land Management (BLM) and the U.S. Forest Service is responsible for protecting this land. When it is appropriate after a period of environmental review, they allow for certain uses of these lands that allow us to take full advantage of all that our federal lands have to offer. Managing federal land for multiple use is one of the requirements of the BLM.

Over the past several years, some states including Nevada have expressed desire for the federal government to relinquish ownership of its lands to the states. This approach is more restrictive to the State and will likely lead to number of unintended consequences. Even sporting groups representing the interests of hunters and anglers have come out against the notion that state ownership is the best answer. They fear the wholesale closing or selling off of lands, which could restrict access to prime hunting and fishing areas, could diminish habitat conservation efforts and encourage unregulated off-highway vehicle use. Recreationalists, hikers, campers, rock climbers and others also fear for the access that they currently enjoy. One might ask is this fear warranted? The answer is a empathic yes. The ability of state and local government to effectively manage large swaths of land is very limited. With some state budgets in the West on the brink of collapse, the notion of state and local governments taking on such a massive expense is unnerving.

I truly fear that transferring federal lands to the State will become a be-careful-what-you-ask-for type scenario. Rather than being managed for the benefit and use of the public, these lands will instead be managed in whatever way the State sees fit, which generally means maximizing private profits through uncontrolled resource extraction and development. Senate Joint Resolution No. 1 of the 78th Session sets forth a lengthy plan in phases providing for the eventual transfer of all federal land in Nevada if a local government or the Nevada Legislature so requests.

What happens if these entities requested this for the wrong reasons? Will the profits from the sale of our precious lands be used to balance State and local budgets? Will the State deed its transferred lands to private developers without regard to the environment? It is truly a slippery slope and one I believe we should avoid. Granted, as S.J.R. No. 1 of the 78th Session notes, there are federal lands in Nevada that are suitable for State and local ownership. These lands have been carefully vetted, studied and analyzed, and are clearly indicated in BLM Resource Management Plans and certain Forest Service plans as suitable for disposal.

Senate Joint Resolution No. 1 of the 78th Session states that transferred public lands should be managed for long-term maximization of net revenue. Is this how we should be viewing our federal lands—as a source of income rather than for public enjoyment and benefit? The 2015 resolution also states that payments to local governments are designed to replace lost revenue through the reduction. I would argue that the complete loss of federal payments under the Payments in Lieu of Taxes program would be made to local governments by Nevada from revenues generated through the management of federal lands transferred to Nevada. Other local government payments would also be replaced by the State through mineral lease, the sale of materials, grazing permits and other revenues. Nevada is simply not in the business of performing these tasks, and it would require some significant administrative infrastructure and costs to accomplish this.

As S.J.R. 12 notes, the management and control of the federal public lands in Nevada by the various federal agencies confers an economic benefit upon Nevada by saving us from incurring significant costs each year and managing these lands. Senate Joint Resolution 12 is simple. The resolution rescinds S.J.R. No. 1 of the 78th Session and declares Nevada's support and encouragement of the retention of federal management and control of federal public lands in Nevada. The resolution requires the Secretary of the Senate to transmit a copy of S.J.R. 12 to the President of the United States, the Vice President as the presiding officer of the U.S. Senate, the Speaker of the House of Representatives, the Governor and each member of Nevada's Congressional Delegation.

MICHAEL SPRINKLE:

According to a Cheyenne tradition: In the beginning a Great Medicine created the earth, and the waters, sun, moon and stars, and he made a beautiful

country. Much of this Country today is now held within our public lands. The purpose of public lands and wilderness is to protect and preserve the natural wonders of this Country and Nevada for ourselves and posterity. It also helps facilitate the responsible development of activities within these lands, specifically regarding grazing and mining as it pertains to Nevada. By setting specific standards and responsibilities, mines have to work to reclaim the land back to its natural habitat, and grazing fees are required so that funds can be then used on stewardship projects to preserve the environment and the grazing fields themselves.

By preserving these public lands, it brings the wealth of the entire United States in support of this. As a taxpayer, I would prefer the over 300 million residents of the United States to pay for public lands rather than the 3 million Nevadans to pay. The only way that those 3 million residents of Nevada may be able to pay for these lands is either through substantial raising of taxes or through substantial sell off of land. These lands are beautiful and should be open to the entire public. This is also a step in the direction of preserving rule of law and our current system of federalism. Not only does the Nevada State Constitution ordinance state that there must be protection of public lands, but Article 4, section 3 of the U.S. Constitution states that the federal government can regulate this land, thus making it the supreme law of the land through Article 6.

Let us remember that all of our lands are to be used for the public good and to be enjoyed and preserved for future generations. Former President Franklin Delano Roosevelt said, "I see a America whose rivers and valleys and lakes—hills and streams and plains—the mountains over our land and nature's wealth deep under the earth are protected as the rightful heritage of all the people."

WILLIAM MOLINI (Coalition for Nevada's Wildlife, Inc.):

As President of the Nevada Waterfowl Association and board member of the Coalition for Nevada's Wildlife, I must say Senator Cancela summed this issue up nicely. I worked for the State Department of Wildlife for 30 years and served as the director for 16.5 years. I have watched this issue from the early 1970s, the first Sagebrush Rebellion. It just seems to resurface and resurface. I support and think that S.J.R. 12 is very pertinent and appropriate as these public lands are enjoyed by all of the people in Nevada. As the gentleman who just testified said, the entire population of this Country helps pay for the management of these lands. As I was the director of a State agency and spent eight Legislative Sessions here trying to argue for my budgets, I know what happens in State

government. I do not see that Nevada is positioned in any means or manner to manage these substantial resources of public lands. I would also indicate that they really constitute and form the foundation for wildlife habitat and those substantial wildlife resources we enjoy in Nevada. Today, the wildlife population of elk, big horn sheep, antelope, bears and mountain lions is as high as in the last hundred years. While the State has delivered a good wildlife management system, the State agency was formulated in 1949 and has been around as a wildlife agency for a long time. There is no corollary agency in State government to manage these public lands.

KYLE DAVIS (Nevada Conservation League):

We support S.J.R. 12. Our organization was very active in working against S.J.R. No. 1 of the 78th Session. It was for many of the reasons that Senator Cancela outlined in her testimony. We do not feel the State can afford such a policy and would worry about the impacts that would come from that. Over the years, it has been made very clear that Nevadans love our public lands; the polls demonstrate that along with our activities. These are important lands for us and a big part of why people live in this State. The resolution makes it clear that Nevadans support keeping our public lands public. Many of us are aware that there are a number of different proposals in Congress to transfer public lands. It is not like federal land has not been transferred into private control in the past, but it has always been done in an organized fashion where all stakeholders are at the table. We have seen that happen in past federal lands bills that have been brought by our Congressional Delegation. We would encourage that this process would continue and that all stakeholders be a part of the process rather than what is called for in S.J.R. No. 1 of the 78th Session, which is largely a wholesale transfer of our public lands.

MAURICIA BACA (Outside Las Vegas Foundation):

I support S.J.R. 12. It critically makes a statement that Nevadans love and value our public lands as they are. Recently, we were able to see a situation where Utah, as a result of a perception that Utah does not value its public lands, lost the Outdoor Industry Association annual event, losing about \$46 million in annual funds. By Nevada making a strong statement that we cherish and value our public lands as they are, it is not only good for our public lands, it is a good for business, the State and the economy. I emphasize how important these public lands are as a public resource in terms of outdoor education opportunities for youth. Outside Las Vegas Foundation worked to get 3,400 youth out to public lands, largely for these outdoor classroom

opportunities where they can experience these places for science, technology, engineering and mathematics; they can see textbooks come to life. If public lands are no longer public, they are not available as that resource. For the economy, for our community and for the basic quality of life elements that have already been raised, Nevadans cherish their ability to go out and explore these places. Our Commission on Tourism has used the phrase "Don't fence me in." As long as lands remain public, we will not be fenced in.

JARED FISHER:

I come from the outdoor tourism industry, and today marks the twenty-fifth anniversary of my company here in southern Nevada. We are a cycling and hiking tour company, and we have been blessed by the amazing outdoor vastness of Nevada. Nevada is a state that is diverse as the most mountainous state in the continental U.S. It is something that we treasure. This is an important bill. Something that no one has touched on is the issue with watersheds. Leon Fisher, my dad and a 35-year veteran in the U.S. Forest Service, said:

Back in 1900, Teddy Roosevelt saw the unregulated grazing of livestock and the cutting of forest and mining activities precious to our watersheds. This is one of several reasons for setting up the federal lands for watershed protection. With the West currently facing drought and population growth, we are quickly outgrowing our water supplies. This means that we should be doing everything we can to ensure that every drop of rain and every flake of snow that falls in the West makes its way into the earth and its aquifers, not to quickly run off from grazing land and bad logging practices or mining dumps. This can only be done properly on a larger landscape or watershed basis. This means that watersheds cross state boundaries, political jurisdictions, land ownerships of all sorts of land uses. These large areas are not all likely to be monitored, regulated, managed or even planned for. Watershed degradation means less water for us now and into the future. The wasted watersheds from the early 1900s took many decades of protection just to partially recover.

This is something to consider if the State becomes an example for the rest of the Country. What are we actually saying? I recently had an experience in Utah. My company had some clients coming up to the top of a beautiful mesa. We

were sitting on the side of a trail, and here comes a Halliburton truck. We followed that truck and just around the corner a big oil well was found. This is an example of Utah not properly managing its state land. That can easily happen once we decide we need more money to manage our State. We are going to run into the same problem here.

JOHN HIATT (Conversation Chair, Red Rock Audubon Society):

I strongly support S.J.R. 12. In the 2015 Session, the economic consultant for S.J.R. No. 1 of the 78th Session stated that it was all about revenue enhancement. Nevada is the driest state in the Nation and the state with the most public land. Those two facts are directly related because land, which does not have a guaranteed or reliable water supply, is not developable on a sustainable basis. That is why Nevada has so much public land. That land is very valuable in terms of grazing if it is done properly and not at great density. Nevada emphasizes tourism and the ability to enjoy the outdoors. We can only do that because it is mostly public land. I strongly urge you to tell the world and to tell our Congressional Representatives in Congress that we would like to maintain Nevada as public land, not under State control or to have the State sell it off to private interests.

SHAARON NETHERTON (Friends of Nevada Wilderness):

I speak for our public land volunteers and Friends of Nevada Wilderness who support S.J.R. 12. I have submitted my testimony and our Program Accomplishments 2016 Report ([Exhibit F](#) and [Exhibit G](#)).

DAVID VON SEGGERN (Sierra Club):

I support S.J.R. 12 on behalf of over 5,000 Nevada members, and I have submitted written testimony ([Exhibit H](#)).

MARGO PISCEVICH:

As a native Nevadan, I support S.J.R. 12. I was not aware of the resolution or the study—A report of the *Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands: Congressional Transfer of Public Lands to the State of Nevada* ([Exhibit I](#))—until I read about it in a local paper. I was born in White Pine County and raised in Reno. Except for college years, I have always lived in Reno. This study has a whole lot of false assumptions. I have read the Nevada study and the Utah study, and the bipartisan public lands report by the Western Attorneys General Conference. First of all, this started out as a partisan issue so U.S. Senator Dean Heller and Congressman Mark

Amodei could submit bills to have the land transferred. This not a Democratic or Republican issue, it is a Nevada issue. This should never be a partisan issue.

The first assumption is that there is a paucity of private lands that curtails the size of diversity of the status of our economy. That is not true. This total report is silent on all of the things that have happened in Nevada. Nevada's economy is growing and outperforming the rest of the Country. It talks about the protected lands that promote Nevada jobs and higher incomes. These types of studies have never been discussed in this particular study, [Exhibit I](#).

Mike Kazmierski, President and CEO of the Economic Development Authority of Western Nevada, said:

The Greater Reno-Sparks Tahoe area offers four seasons of outdoor recreation that attracts visitors, companies and entrepreneurs from across the globe. Beautiful Lake Tahoe, the surrounding Sierra Nevada mountains, national forests and other public lands are natural assets that set our region apart for companies seeking a high quality of life for their employees.

The study also goes to point out that from 2000 to 2011, Nevada's economy created 247,380 net new jobs with the great majority of this and the growth coming from the service industries. The fastest-growing sectors include real estate, health care, professional and technical services. Since then, we have Switch, we have Tesla, we have a lot of others, so their first assumption is wrong.

Second, the study claims the federal government promised the land would be given to the states and the enabling contracts; they have misinterpreted the contracts and the U.S. Supreme Court opinions regarding this. The report said the State would generate significant net revenues if the state managed the land.

There is no way the State can afford to do this. The Task Force compared Nevada to Arizona, New Mexico, Idaho and Utah and their revenues without any analysis of the State land in Nevada and without qualified experts to even look at this. This is not done in other states. There is no way the State can generate the funds, and it assumes we will receive a thousand dollars an acre from the railroad checkerboard. A section has 640 acres. There is no way rural Nevadans, ranchers or anyone else is going to pay \$1,000 an acre. The study

also assumes Nevada has a potential for oil, gas and coal. We are not like the four states the report has compared us to. We only have gas and oil in Railroad Valley, which has been there since the 1920s. We do not have timber like Idaho and other states. The study uses gross revenues from other states that have industries and resources that we do not have. Take a look at our Nevada map. Everything minus the Las Vegas Strip and the State park down south are public lands. You should read [Exhibit I](#), the Utah study and the Western Attorneys General Conference report before deciding to sell our public lands.

PAM HARRINGTON (Trout Unlimited):

I worked for Trout Unlimited in northern Nevada, own a small business and will agree with Ms. Piscevich on the report in [Exhibit I](#). A lot of us have gone through this report, and we owe Representative Amodei more information that is specific to Nevada. I am glad that S.J.R. 12 has been proposed for many reasons. The 60 million acres that we have in federal lands is expensive and complex to manage. To ask Nevada to do that, we do not have a balance sheet that works. It is just very expensive. We are lucky to have this crowdsourcing for our federal lands. Everyone is paying for it. We also have the Southern Nevada Public Land Management Act which is an awesome tool for Nevada. Senator Dean Heller is working on the national level to keep that intact for us. It helps where lands are valuable in Clark County. It is hard to look at a wholesale take on all of these federal lands. We should look at it this as a business investment for the future. We do not know what will happen to the public lands into the future.

KAREN BOEGER (Backcountry Hunters and Anglers; Coalition for Nevada's Wildlife):

Having worked for four long decades on various public stakeholder groups, I wish to acknowledge the real frustrations with the management or mismanagement of our public lands. The need for discrete parcels to be privatized, used by rural communities and such likely led to the passage of S.J.R. No. 1 of the 78th Session. This is the misguided idea that could discard in one fell swoop the precious American democratic principles behind our public trust doctrine that is embedded in the U.S. Constitution with the uniquely American concept of the commons gifted us by former President Theodore Roosevelt and to the future. That nineteenth century vision is behind the current working Nevada model of a democratic stakeholder-driven county public lands bill process to resolve these issues.

Please pass this resolution. I am grateful to the Chair for bringing it up to reaffirm our commitment to the democratic process embedded in our public land decision-making: the Multiple Uses Sustained Yield Act; our National Environmental Policy Act (NEPA) process to evaluate potential impacts of any decision on resources and/or multiple use; and public input process, a legal process for public appeal of any decision that was done unwisely or inappropriately. There are few more tangible citizen-empowerment experiences than an owner of our public lands to win an appeal. Forty years ago, I won two such appeals as a 30-year-old mother and teacher with no legal experience. I wish for all citizens, especially our young people, to always have that same opportunity for voice and empowerment in public land use decisions. Please pass this resolution to express that we Nevadans value and embrace our American democratic ideals embedded in the land we own together as our shared frontier heritage.

SUSAN JUETTEN:

I support S.J.R. 12. I sat through several of the hearings in 2015 and felt that what was presented that got S.J.R. No. 1 of the 78th Session passed was the opinions of just a few people. If these lands do become State lands, there will be no protection of citizens in the lands through a process like the federal NEPA. The Nevada Division of Environmental Protection does not have the structure to provide all the services that the NEPA process does. The prior speaker mentioned that the NEPA laws allow public involvement and the review of proposed projects such as mining, oil and gas drilling, and alternative energy projects on federal public lands. We do not have those type of regulations at the State level. Depending on the size of projects, NEPA may mandate that the BLM or other agencies consider resources such as archeological, wildlife, cumulative impacts on public land and water, and other potential impacted resources. The State is not set up to examine these issues when considering development of what would be its stewardship. People say that the agencies own the public lands. The public lands belong to the American people, and the agencies are stewards.

KURT KUZMCKI:

I support S.J.R. 12. Please look at the firefighting costs in [Exhibit I](#). Compare those to the costs of the Little Valley Fire. There is just no way Nevada can afford this.

JUDY LARQUIER:

I am here for the amount of open land in Nevada that most states do not have. I support S.J.R. 12.

DOUG BUSSELMAN (Nevada Farm Bureau Federation):

Nevada Farm Bureau supported S.J.R. No. 1 of the 78th Session. That support has not changed. We continue to work with our Congressional Delegation to bring about transfer of federal lands to Nevada. Our opposition to S.J.R. 12 is based on our support for transfer of specifically identified federally managed lands to management for more local control, mainly the State of Nevada. We also encourage the support and consolidation of checkerboard land to make more reasonable management and effective management. In the resolution, there was mention made relative to the importance of the federal government and its ability for fire management and wild horse management. The government's unlimited checkbook has yet to demonstrate any progress in making the improvements in the land that it is supposed to be managing.

VICE CHAIR SEGERBLOM:

Are you going to mention the sage grouse?

MR. BUSSELMAN:

Sage grouse is another issue that is involved as well.

JEFF FONTAINE (Nevada Association of Counties):

We supported S.J.R. No. 1 of the 78th Session. We realize there has been a lot of discussion about public land transfers. Nationally, in the Western states and in Nevada, a number of bills have been introduced. We, too, seek to have certain federal lands, public lands, transferred for the State for management. We have not had a follow-up discussion on rescinding S.J.R. No. 1 of the 78th Session. We are opposed to S.J.R. 12.

JANINE HANSEN (Nevada Committee for Full Statehood):

Nevada is not a full State for we do not control our own lands. Many of our public lands here are no longer public. They have been closed by the unelected, unaccountable, arrogant federal bureaucrats. When I went hunting in northern Washoe County in the Charles Sheldon Antelope Range, many of the roads were closed off and were not accessible. In Elko County when I participated in the Elko County Commission and they suggested to the BLM and Forest Service the roads that the Commission wanted opened, the elected County Commission

was completely ignored by the BLM and the Forest Service. They are in the process of closing the roads which have been open for over 100 years in Elko County.

This is part of the mismanagement of our land, including the mismanagement of fires which are often allowed to burn and cost millions of dollars to the economy. Lincoln County only has 1 percent of the land in private hands and does not have an adequate tax base. Senate Joint Resolution No. 1 of the 78th Session would have helped economic development in the rural counties. Lincoln County has been trying to open a mine for ten years but because of federal bureaucracy, it has been unable to. They are still starving the rural counties out without allowing economic development. There are also many abuses that take place by the federal bureaucrats. In Elko County, someone was arrested by BLM law enforcement. He was 50 miles from where the BLM said he was supposed to be. In order to even respond to the charge, he had to travel to Reno for the federal courts. It was ultimately found that the BLM officer had violated his authority. There really is no redress for local citizens who are abused. We supported S.J.R. No. 1 of the 78th Session, and we are opposed to S.J.R. 12.

SENATOR CANCELA:

Thank you everyone who passionately shared stories about your love for public lands. Senate Joint Resolution 12 is important not only because of pending changes at the federal level, it is important for our State to make sure that we are responsibly treating our public lands and not putting them in the hands of those that want to do them wrong.

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Senate Committee on Legislative Operations and Elections
April 10, 2017
Page 26

CHAIR CANNIZZARO:

Seeing no further business, I adjourn this meeting at 5:35 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	7		Attendance Roster
S.B. 492	C	18	Michael Stewart	Work Session Document
S.J.R. 4	D	3	Michael Stewart	Work Session Document
S.B. 478	E	2	Kevin Ranft / AFSCME Local 4041	Testimony
S.J.R. 12	F	2	Shaaron Netherton / Friends of Nevada Wilderness	Testimony
S.J.R. 12	G	14	Shaaron Netherton / Friends of Nevada Wilderness	Program Accomplishments 2016 Report
S.J.R. 12	H	2	David Von Seggern / Sierra Club	Testimony
S.J.R. 12	I	117	Margo Piscevich	Nevada Land Management Task Force Report