

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

**Eightieth Session
May 1, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:34 a.m. on Wednesday, May 1, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblyman William McCurdy II, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblyman Gregory T. Hafen II
Assemblywoman Melissa Hardy
Assemblyman Glen Leavitt
Assemblywoman Susie Martinez
Assemblywoman Connie Munk
Assemblyman Greg Smith

COMMITTEE MEMBERS ABSENT:

Assemblywoman Michelle Gorelow (excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7
Senator Joseph (Joe) P. Hardy, Senate District No. 12
Senator Joyce Woodhouse, Senate District No. 5
Senator Pat Spearman, Senate District No. 1



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Asher Killian, Committee Counsel
Geigy Stringer, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Kyle Davis, representing League to Save Lake Tahoe
Darcie Collins, CEO, League to Save Lake Tahoe
Steve Teshara, Planning Consultant, Truckee North Tahoe Transportation Management Association; and Chairman of the Board, South Shore Transportation Management Association
Robert Bilbray, representing Laughlin Economic Development Corporation
John Fudenberg, Coroner, Office of the Coroner/Medical Examiner, Clark County; and representing Clark County
Dave Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce
Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence
Mitchell "Mitch" Roach, representing United Veterans Legislative Council
Amy Garland, Executive Officer, Department of Veterans Services

Chair Flores:

[Roll was called.] We have three items on the agenda this morning, and we are going to take them in the order they appear. Chairman Parks is here. We will go ahead and open up with Senate Bill 136 (1st Reprint), which revises the provisions of the Tahoe Regional Planning Compact.

Senate Bill 136 (1st Reprint): Revises the provisions of the Tahoe Regional Planning Compact. (BDR 22-736)

Senator David R. Parks, Senate District No. 7:

Today I am in front of you with Senate Bill 136 (1st Reprint), which revises provisions of the Tahoe Regional Planning Compact. Senate Bill 136 (1st Reprint) revises the Tahoe Regional Planning compact by changing the composition of the board of directors of the Tahoe Transportation District (TTD). The bill adds appointees chosen by the Governor of Nevada and the Governor of California and the governing body of the Tahoe Regional Planning Agency (TRPA) and eliminates members from each local transportation district. The bill also requires members of the board to elect a chair and vice chair. This bill is effective upon enactment of substantially identical revisions to the compact by the State of California. With me today is Mr. Kyle Davis. He has comments to make and he will take you through the specifics of the bill.

Kyle Davis, representing League to Save Lake Tahoe:

With me today is also Dr. Darcie Collins, who is the CEO of the League to Save Lake Tahoe. She will walk you through the changes that you see in the bill today. I want to point out that, although the bill appears very large, all of the changes appear on pages 25 and 26. You have the entire compact printed in front of you; that is why it is large.

Dr. Collins and I have had the opportunity over the last two years to participate in the bistate consultation process to work on transportation issues in the Lake Tahoe Basin. The process included various stakeholders from both Nevada and California trying to come up with innovative solutions to deal with traffic concerns and the resulting environmental issues that traffic creates within the Lake Tahoe Basin. The bill you see in front of you is to some degree a result of that process, where it became clear to us that there was a need for statewide representation as a part of the Tahoe Transportation District. With your permission, Mr. Chair, I would like to now turn it over to Dr. Collins and then I can provide any following remarks once she is finished walking you through the bill. [Mr. Davis submitted [Exhibit C](#) which he did not reference in testimony.]

Darcie Collins, CEO, League to Save Lake Tahoe:

As Mr. Davis mentioned, we have been working on transportation issues in Lake Tahoe. Personally, it has been for a couple of years, but in Lake Tahoe Basin as a region, it has been a big issue for decades. As it is not unique in other places, the Lake Tahoe Basin has been dealing with an influx of traffic. However, we do have some unique challenges in the basin because of the seasonality and because of the geography. Transportation has been a challenging issue to tackle. It is traffic; it is congestion; it is associated impacts of more cars; and it is not just an economic or quality of life issue, it is an environmental issue. This is why my organization, which is the oldest environmental organization in Lake Tahoe—we have been around for over 60 years—is working to protect the lake.

Transportation is one of our biggest initiatives. The more cars that use the road directly and indirectly impact water clarity and water quality. We have been working as a region on creating regional transportation plans, looking at innovative solutions, and we had the opportunity to work collaboratively with both the states of California and Nevada through a bistate process. We had some successes there, working collaboratively with different stakeholder groups through that bistate convening. We had a little over a year and a half's worth of meetings where we focused on innovative solutions and looked at different funding mechanisms. Because that was such a success, we are looking for ways to make sure that the longevity of the collaboration of the two states remains.

That is why we are suggesting the changes that you see in front of you. It provides additional support on the Tahoe Transportation District board as representation from both the states—appointees by the governors, one from each state, and also a crossover representative from the Tahoe Regional Planning Agency. We are hoping that this will help continue the engagement and the collaboration that we have had for the past handful of years. We want to continue this work, and there has been full support from the stakeholders that we have involved in this process. The bill has been slightly amended as we have been negotiating

with other stakeholders. Because it is the bistate compact, California has to make the same changes for it to go into effect, and they are on a similar path right now.

Kyle Davis:

I would have you note, on page 26 of the bill we talked about the changes in the makeup of the Tahoe Transportation District board of directors. The one other thing that we do in this bill is—towards the bottom of the page—the language that you see there talks about the election of the chairman and vice chairman of the board; this essentially mirrors the language that you see earlier in the compact when it deals with the Tahoe Regional Planning Agency. We felt that it was appropriate to have language that spells out how that board would elect the chairman and vice chairman. This is language that is identical to what you see earlier in the compact with respect to the Tahoe Regional Planning Agency [page 8, lines 30-34]. We would be happy to answer any questions.

Chair Flores:

Thank you, all three, for being here. Again, thank you, Chairman Parks, for being here.

Assemblyman Ellison:

For clarification, you basically have two boards—a California board and a Nevada board—but what this compact would do would be a joint compact. Is that right?

Kyle Davis:

What currently exists—and this is created by the planning compact that is a joint compact between the two states and the federal government—is an organization called the Tahoe Transportation District. This organization does transportation planning and enacts some programs throughout the Lake Tahoe Basin. It currently is a bistate transportation district. The TTD board has representatives from both states. All this bill does is add two more positions to that board: one appointed by the Governor of Nevada and one appointed by the Governor of California. The bill also changes an existing position to be one that is appointed by the governing board of the Tahoe Regional Planning Agency, which also is a bistate planning agency. The agency already exists, the bistate nature of it already exists, this just adds a couple of seats and changes one other.

Assemblyman Leavitt:

You are just adding an appointment, is that correct? Let the record show they are nodding their heads. I do not disagree with the bill; I think you are the experts and, definitely, Senator Parks knows a lot more about this than I would. What was the crux behind the need for changing the composition to add governors' appointees?

Kyle Davis:

Over the last year and a half or two years, representatives from the two states have been a part of a process to try to come up with new solutions for transportation in the basin. Through that process it became clearer that, whereas the Tahoe Regional Planning Agency, by design, has representatives from local governments in both states as well as statewide representatives in both states, the Tahoe Transportation District level does not have any

appointees from a statewide perspective as a part of its board. We felt it was appropriate to add a statewide perspective because we were recognizing that dealing with transportation in the basin is more than just an in-basin issue. To illustrate that, so much of the traffic in the basin really comes from outside. It is such a tourist destination that you see so much of the traffic coming up either from the San Francisco Bay Area and Sacramento, or on the Nevada side, a lot of people fly into Reno and drive up to Lake Tahoe. It really was appropriate for this organization to have more of a statewide focus, because the transportation impacts do come from outside of the basin. The reasoning for adding the two positions from statewide perspectives from the two states was to have the Tahoe Transportation District benefit from both a statewide as well as a local perspective, similar to the way the Tahoe Regional Planning Agency currently benefits from those two perspectives as well.

Assemblyman Leavitt:

I agree with you. When we are dealing with transportation at any level, it is a statewide issue. I have a little bit of experience in transportation, so I know that for a fact. Why the implementation of private transportation as well as public transportation as eligible appointees? We have an existing transportation authority or structure, for example Nevada Department of Transportation or one of the regional transportation commissions throughout the state—why not focus on the ones that are already there rather than open it up to potentially a private interest as the Governor may seek to appoint?

Kyle Davis:

Our design in the changes that are contemplated in this bill is that each Governor would have very broad authority to determine who he or she thought was the appropriate person who would adequately represent statewide interests. The existing membership of the board, which I think is also important to keep in mind, has appointees from each local government within the Tahoe Basin. On the Nevada side, there are representatives from Washoe County, Carson City, as well as Douglas County. Additionally, there are representatives from the South Shore and North Shore Transportation Management Associations. There will be a speaker after me who can speak much better about the role that the transportation management associations play in the governance of the board. Of course, the directors of the California Department of Transportation (Caltrans) and Nevada Department of Transportation (NDOT) also serve ex officio on this Tahoe Transportation District board. By design, a variety of different perspectives would be included. In terms of the gubernatorial appointees, the governor would have fairly broad authority to choose somebody that that governor felt was the best representative to represent the statewide interests on the board.

Assemblyman Leavitt:

You are dealing with the Tahoe Basin and the transportation surrounding that. Do you see value in bringing a perspective from the southern part of the state to this, because we are talking about a myriad of things: interstate commerce, transportation linkage from Oregon to Arizona—do you see value in that? Is there some way to ensure that there is inclusion in that realm?

Kyle Davis:

Yes, absolutely. The two states of Nevada and California both have the shared resources of Lake Tahoe Basin, this world-renowned resource that people come from all over the world to visit. Both states have large population bases that are fairly far from the Lake Tahoe Basin—we know that a number of people living in Las Vegas, Los Angeles, San Diego, or wherever still travel to Lake Tahoe. So Lake Tahoe is every bit of a resource to the people outside of the basin as well as inside. Certainly the Tahoe Basin could learn a lot from the transportation lessons that have been learned in other areas like southern Nevada. There is much to be learned and a lot of perspective could be brought to the Tahoe Transportation District. Yes, we do envision that these positions could be filled by somebody who is not necessarily a local to the area but would bring a different perspective, as would someone from southern Nevada.

Assemblyman Assefa:

To change a compact that two states are signatory to, I would assume that both sides need to agree or cooperate. Where is California on this?

Darcie Collins:

We are working on similar language in California; it is on the same track. They are definitely not on as quick of a calendar schedule as you are here, but they are looking to see what happens here by the end of this month, and then we should be able to move forward over there with similar language and the same support.

Assemblyman Assefa:

It is very comforting. California is following our lead.

Chair Flores:

Members, are there any additional questions? Seeing none, thank you. I invite you to sit back. I would like to invite forward those wishing to speak in support of Senate Bill 136 (1st Reprint).

Steve Teshara, Planning Consultant, Truckee North Tahoe Transportation Management Association; and Chairman of the Board, South Shore Transportation Management Association:

Currently, I am the South Shore Transportation Management Association's representative on the TTD board of directors. As background, both of the transportation management associations (TMAs) of Lake Tahoe are community-based, not-for-profit, public-private partnerships. We are dedicated to the advancement of transit community mobility solutions, things that do not necessarily involve the use of the private vehicle which, according to the compact, we should reduce at Lake Tahoe. That gets to the issues of congestion and traffic and the popularity of Lake Tahoe as a destination. What can we do to try to address that and make the experience of coming to Lake Tahoe better? That is what the TMAs are all about.

Since the passage of Nevada Senate Bill 24 of the 69th Session in 1997 and the companion California Senate Bill 815 passed the same year, the two TMAs have been designated as

appointing authorities on the TTD board of directors, and we bring a private sector perspective to the district board. For more than 20 years now, the TMA representatives have served on the board with distinction and we appreciate the opportunity to continue that.

For those of you who may not be familiar with the Tahoe Transportation District, as you have heard, it was established in Article 9 of the Tahoe Regional Planning Compact in 1980. The district was given a specific set of responsibilities in that compact, which was approved by Nevada, California, and the federal government. The district undertakes three types of projects: capital improvement projects, transit services, and planning initiatives. In its undertaking, the district coordinates with TRPA, Tahoe's local governments, NDOT and Caltrans, and all of the other transportation project partners in the region.

I want to give you a couple of examples of the district's leadership:

Some of you may be familiar with the Highway 28 corridor on the east shore of Lake Tahoe in Nevada. That is Nevada State Route 28. It is a scenic byway corridor. The district has been active in putting together a partnership of 13 different local, state, federal, and regional agencies to come up with solutions for that corridor, which includes Sand Harbor State Park, an extremely popular park. Tahoe Transportation District has a transit operation that runs from parking in Incline Village, out to Sand Harbor Nevada State Park, which helps relieve some of the congestion from that popular spot. A partnership between Washoe County, the Division of State Parks, U.S. Forest Service, federal government, TRPA, and TTD formed in order to get that done. The partnership is memorialized by a memorandum of understanding between all the different agencies. That is one example of a major capital improvement project. You are going to hear, if you have not already, that the three-plus mile shared use path—probably one of the most beautiful shared use paths in the world—is about to open in July of this year. That is a project brought forward with the leadership of the Tahoe Transportation District.

On the planning side, we have a current initiative which is extremely important, and I know you will hear more about it. It is called One Tahoe. This is an effort to generate the funds necessary to fully implement all of our transportation projects. We have adopted plans that the community and all the stakeholders have been a part of shaping, but we do not have all the money necessary to activate those plans. The One Tahoe initiative is an outreach to stakeholders—the general public, the states, all of the stakeholders involved—to say, What funding source do we have locally? We know that in Nevada, for instance, there are funding sources at the local level, in Clark County and Washoe County, for two examples. We do not have a local funding source at Lake Tahoe. Most of the work that TTD does is funded by discretionary grants that we go pursue and try to secure. However, as the world of grants becomes more competitive, we need more of a local match that we can use to persuade funding sources that we have a competitive grant application. The One Tahoe initiative is currently ongoing. You can find more information on it at a special website: onetahoe.org. There, you can individually give us your suggestions on what you think a funding source at the local and regional level may be to help us leverage these federal and state grants.

As was mentioned by the previous speaker, both NDOT and Caltrans have nonvoting representation on the TTD board. We appreciate their engagement and their input. The Truckee North Tahoe TMA and the South Shore TMA are here before you today to support that voting representatives be appointed, one from each governor of Nevada and California, and we support S.B. 136 (R1) as amended and passed by the Senate and urge your Committee to do pass when that decision comes. Thank you very much.

Chair Flores:

Members, are there any questions? Seeing none, is there anybody else wishing to speak in support of Senate Bill 136 (1st Reprint)? Seeing no one, is there anyone wishing to speak in opposition of Senate Bill 136 (1st Reprint)? Seeing no one, is there anyone wishing to speak in the neutral position to Senate Bill 136 (1st Reprint)? Seeing no one, Chairman Parks, we are ready for any closing remarks you may have. With no closing remarks, we would like to close the hearing on Senate Bill 136 (1st Reprint). Thank you, Chairman Parks.

Next, I would like to open the hearing for Senate Bill 172 (1st Reprint), which makes various changes relating to the Consolidated Local Improvements Law.

Senate Bill 172 (1st Reprint): Makes various changes relating to the Consolidated Local Improvements Law. (BDR 22-30)

Senator Joseph (Joe) P. Hardy, Senate District No. 12:

I have a concept bill with complicated language. The concept on Senate Bill 172 (1st Reprint) came to a head when the Town of Laughlin had a special improvement district that termed out for so many years before it became apparent that the special improvement district had money left. The folks who had invested in this special improvement district—private money in order to be able to help a public good—wanted their money refunded of that which was left in the special improvement district. Over 1,000 people ended up getting \$2,000 checks from the money that was being held in a fund that had not been previously refunded.

The concept of the bill is to bring accountability and transparency and responsibility to those who hold those special funds and have control of those special funds. The bill was proposed to apply prospectively instead of retroactively, but the philosophy and the concept—for those who still have money left in special improvement districts (SIDs) in the state of Nevada—with the passage of this bill, would encourage them to look at their funds retrospectively, as well, to see what they could do to refund them.

The first reprint outlines what I have said. In section 2, there will be financial information sent to the Legislative Counsel Bureau annually so we will have eyes on that. Section 3 talks about a final accounting after the special fund has completed what it was supposed to do. Section 4 details how to make a refund of those special assessment funds, and section 5 deals with what to do with money left over that is not claimed. Those monies should go to a capital improvement fund with accountability. That, in essence, is the bill. There is a lot of complicated language; I would be happy to have someone else answer some of your

questions. I have Mr. Bilbray at the Grant Sawyer State Office Building who is willing to help in that regard.

Chair Flores:

Senator, we can go to Las Vegas and then we can open it for questions.

Robert Bilbray, representing Laughlin Economic Development Corporation:

I would like to express my appreciation to Senator Hardy and Assemblyman Leavitt for bringing this matter forward. The bill is a culmination of a lot of work by many public and private entities forming a coalition to make something workable, for both our cities and our counties, in order to maximize the benefits that accrue to all who potentially fund public infrastructure projects through public-private partnerships.

We initially met with Clark County officials. I would like to express my appreciation to Clark County's District Attorney's Office, specifically Chris Figgins, and Jessica Colvin with the Finance Office, also to the Treasurer's Office and their staff for working with me and our group and coordinating input from the City of Las Vegas, Washoe County, Reno, and Henderson. We worked approximately five and a half months before the session started when we saw the problems that existed in *Nevada Revised Statutes* (NRS) Chapter 271, which covers our special improvement district funding.

Following up on what Senator Parks said, the entire foundation of public-private partnerships is based upon trust of the private sector to participate in accelerating the development of public infrastructure for the benefit of all. When an incident like the one we faced in Laughlin occurs, where there was a delay in accountability and a delay in communication with private sector partners, problems exist. We saw that. This bill corrects it. As Senator Hardy said, the bill is extremely complicated; that is in order to protect existing bondholders and the credibility of existing SIDs, but I am here to support it. I have worked very hard on it and so has my entire board. We put together a coalition to get the input, not only for accountability and transparency from the property owners' perspective, but also to bring the law to 2019. The law was written in 1971; Nevada today is not the Nevada of 1971. This bill has created an incredible mechanism. I can only speak for my own community that I have lived in, where I have owned property for 40 years and lived for 35 years. We have created two flood control districts; four or five roadway districts; five or six sewer line extensions; we have expanded our sewer treatment plant and our water treatment plant. When I first came to Laughlin, we had 32 people living in trailers at the Pioneer Hotel. Laughlin now has close to 11,000 people. That is a credit to both our property owners and to our board of county commissioners, including those who I have had the pleasure of working with in the past, Commissioners Broadbent, Woodbury, Sisolak, and now Commissioner Naft. We got a lot done with very little public money.

In addition to increasing our tax base, SIDs create prevailing wage jobs in the construction industry. We probably have on the board three or four more road projects and a flood control project. This is not going to go away. Special improvement districts have been extremely successful for the community of Laughlin and I expect them to be so in the future. I would

like to again express my appreciation to the Nevada Taxpayers Association, who joined the coalition and provided input for this bill.

I want to let each of the Committee members know that as long as property owners have a commitment that is equal to or greater than the public funding, their investments will enable the development and building of infrastructure by extending limited public funds over so many more projects over a much shorter period of time. The stepped-up basis increases tax revenues. At the same time, we have to protect the integrity of the collateral that we are giving these bondholders, and we need to make sure that the wording in legislation directly relates to the credibility of the collateral for the bonds.

One correction: the amount was over \$4 million that was held for over 12 years after the bonds had been paid off in Laughlin. That is a lot of money. The scrutiny it generated revealed Laughlin's bonds were not the only ones. We saw them in Summerlin. We saw them in different locations. Then-Commissioner Sisolak and Commissioners Kirkpatrick and Gibson were very, very upset over the time frame that it took to refund property owners the amounts that had been owed to them for 12 years. That alone flies in the face of credibility for the administration.

You will see in the bill how we chose to respond to the problems of the administrators; we got a lot of input about how fast the refund of these funds can be made. We have staggered the types of refund time lines in response. One of the improvement districts that I was on in 1992 had 6 members then and 2,000 members by the time it was paid off 20 years later. I am not sure that this would have come to the forefront, except I have outlived everybody.

In closing, I express my appreciation to the counties and the cities and specifically to the Clark County Treasurer's Office and staff who helped us work through this, and the bond counsel for Clark County. The bill meets all our goals right now. It cleans up what was blatantly and obviously broken. We fixed most of the problems that have aged back all the way to 1971. This Committee and the whole Legislature, from time to time—especially, it seems, more this session—have seen more bills coming up that are corrective because of the age of the old bills and the change in circumstances of the state, and this is definitely one of those circumstances. Thank you very much for the opportunity to discuss this.

Chair Flores:

Thank you for that. I would like to open it up for questions.

Assemblyman Leavitt:

Having been involved in this a little bit, I do not have a question. I just wanted to express my gratitude to Mr. Bilbray. He puts his heart into trying to help his community. That is really what this bill is about; it is trying to have a level of transparency to help benefit the community that he loves. I want to go on record showing my gratitude to him for all the work he has put in. Also to my great mentor, Senator Hardy, and all the work that he has done and all the things that he has taught me in trying to care for this community.

Chair Flores:

The members do not have any questions. Senator, if we could have you sit back, I would like to invite those wishing to speak in support of Senate Bill 172 (1st Reprint) to come forward.

**John Fudenberg, Coroner, Office of the Coroner/Medical Examiner, Clark County;
and representing Clark County:**

I want to say thank you to Senator Hardy for bringing this bill forward. We support this bill.

Dave Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

I say "me too" to the presentation and to Mr. Fudenberg. We support this bill as well.

Chair Flores:

Is there anybody else wishing to speak in support of Senate Bill 172 (1st Reprint)? I do not see anybody else. Is there anybody wishing to speak in opposition to Senate Bill 172 (1st Reprint)? Seeing no one, is there anyone wishing to speak in the neutral position to Senate Bill 172 (1st Reprint)? Seeing no one, and the Senator having no closing remarks, thank you, Senator. I would like to close out the hearing on Senate Bill 172 (1st Reprint). Mr. Bilbray, our Assemblywoman's cousin, thank you.

Last on the agenda, we have Senate Bill 225, which revises provisions relating to veterans. Welcome, Senators Woodhouse and Spearman.

Senate Bill 225: Revises provisions relating to veterans. (BDR 37-552)

Senator Joyce Woodhouse, Senate District No. 5:

I am here today to speak on Senate Bill 225 with my colleague, Senator Pat Spearman. Although I am not a veteran, this is an issue that I care a great deal about. I have been fortunate to serve on two interim committees related to veterans during my legislative service. The first one was the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans during the 2007-2008 Interim; secondly the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs during the 2009-2010 and the 2015-2016 Interims. Senator Spearman will review the two provisions in the bill, but I would like to add some background information before we begin.

According to the United States Department of Veterans Affairs State Summaries Report for 2017, Nevada's veteran population is approximately 10.35 percent of the adult population of our state, higher than the national average of 6.6 percent. That estimate would mean that Nevada is home to approximately 222,000 veterans. Hopefully, this is a reflection of the gains that we have made to make Nevada the most veteran-friendly state in the United States. We still have a long way to go to provide our veterans with the services they need, and I believe Senate Bill 225 will help. Events have been implemented to provide information and assistance to those suffering from military sexual trauma, or MST, and to provide continuing education for health care professionals. We would like to see training and information programs continue and grow.

As Senator Spearman will speak to, I was proud to request Senate Bill 268 of the 78th Session to create the Account to Assist Veterans Who Have Suffered Sexual Trauma and direct the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma during their military service. It was a pleasure to return in 2017 to request Senate Bill 137 of the 79th Session, which removed the sunset on that previous bill and continued this important work. Again, I am pleased to find myself here today with Senator Spearman to support the important work that has begun to help all our veterans heal. While I know that this is a policy committee, I want to point out that the Office of the State Treasurer advised my staff at the end of February that, according to the Data Warehouse of Nevada, or DAWN, the Account to Assist Veterans Who Have Suffered Sexual Trauma, which is budget account 2568, does not currently have any funds. The Fund for the Compensation of Victims of Crime, which is the budget account 4895, has a little over \$11 million in year-to-date total receipts and funding available. Money in the Fund for the Compensation of Victims of Crime is disbursed by order of the State Board of Examiners. It is important to note that this fund is codified in *Nevada Revised Statutes* 217.260 and it already has quarterly reporting requirements to the State Board of Examiners, as it has been in place for several decades.

As you will hear from testimony of others who will follow Senator Spearman and me, victims of MST are victims, too, and merit being recognized as such. I support whatever we can do to help people who have served our country, and I believe this is a reasonable means by which to compensate them for the injuries that they have suffered during their public service. Chair Flores, if it is acceptable to you, I would like turn the microphone over to Senator Spearman and then we will be happy to take any questions the Committee has.

Senator Pat Spearman, Senate District No. 1:

I am here to co-present Senate Bill 225 with Senator Woodhouse. Senator Woodhouse has already testified. This is our third session trying to get this right. I hope that three times makes a charm.

First, I am proud to report that all 20 of my colleagues in the Senate joined me in voting to support this important legislation to help veterans. I hope this Committee will too. As many of you know, I served in the United States Army Military Police Corps for almost 30 years. I am a veteran, and this is an issue that is near and dear to my heart.

I want to take a few minutes to provide some background. The U.S. Department of Veterans Affairs website defines military sexual trauma, or MST, as sexual assault or repeated threatening sexual harassment that occurred while the veteran was in the military. It includes any sexual activity where someone is involved against his or her will. Other experiences that fall under the category of MST include unwanted sexual touching or grabbing, threatening, offensive remarks about a person's body or sexual activities, and/or threatening, unwelcome sexual advances. Both men and women can experience MST during their service. However, most reported cases and abuses are toward women.

The Purple Heart was established in 1782 and reestablished in 1932. Those who experience MST were indeed wounded during their honorable service to their country. For some, they eventually succumbed to the pain of this atrocity and committed suicide. During the 2015 Session, Senator Woodhouse and I presented Senate Bill 268 of the 78th Session to this Committee. That bill was ultimately passed to create in the State General Fund the Account to Assist Veterans Who Have Suffered Sexual Trauma. It also required the director and 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, and it required certain reporting concerning these plans and programs. These provisions were set to expire in 2017; however, the 2017 Legislature enacted Senate Bill 137 of the 79th Session which, among other provisions, removed the sunset date to continue the requirement.

This is what Senate Bill 225 does ([Exhibit D](#)):

1. It requires the director of the Department of Veterans Services to submit on or before August 1 of each year a report to the Interim Finance Committee detailing the expenditures made from the Account to Assist Veterans Who Have Suffered Sexual Trauma.
2. It amends the existing definition of "victim" for the purpose of the Fund for the Compensation of Victims of Crime to include a veteran who experienced an act of sexual assault while serving on active duty, active duty for training, or inactive duty training. This will allow such veterans to obtain compensation from that fund.

While I understand that this is a policy committee, I would like to acknowledge that a fiscal note was requested from the Department of Veterans Services and it was determined that this bill would, because of the aforementioned, have no fiscal impact. Thank you, Chair Flores and Committee members. I urge your support of this most important measure to compensate victims of MST.

Some of you may be wondering why we included active duty or active duty for training. What many people in the civilian world do not realize is that walking among us are members of the Army Reserves and National Guard. When they are called up under Title 10 of the *U.S. Code*—that means they are activated—they go to do whatever it is they have been required to do and then they come back. But for some of them, coming back is more of a nightmare than they had in Afghanistan or Iraq, or wherever they served in the world. So what we are attempting to do with this bill is to make it so that even though the Fund for the Compensation of Victims of Crime is usually held for someone who is not military, because of their special circumstance and their status, returning military would still qualify for this. It is very important also to understand that victims of military sexual trauma have a difficult time coming forward because they are afraid of what it might do to their careers. Much like those in the civilian sector who experience some type of sexual assault or sexual harassment, when your superior approaches you in a way that is untoward and unwanted, you have to

stop and think, Who are they going to believe? Are they going to believe that person or are they going to believe me?

I am going to share a personal story, something that happened to me in 1986 in Panama. I was an 03, a captain. My senior rater who was an 06, a full bird colonel, called me into his office. When I reported and saluted he said, Stand at ease, soldier. He started with his hands on top of his desk, and as he talked to me he put his hands under his desk and began to describe to me in very vivid detail what he wanted to do to me. If you have ever experienced something like that you know how, in a matter of seconds, it is like years and years just pass before you. You say, This is not happening to me. And you are doing all of that while you are trying to stand there and be strong.

I rejected his advances, but that very next Saturday he came to my hotel room. At that time in Panama, we were getting ready to turn the Panama Canal back over to the Panamanians; there was no off-base lodging for single soldiers. So they had us in the Marriott Hotel. He came and knocked on my door early Saturday morning. Usually I would say, Who is it, but something told me, Do not say anything. I looked through the peephole and saw him standing there and I almost passed out. He kept knocking and I did not answer. Then he moved back from the door, stood against the wall where he could see the entire hallway, both entrances and exits. When a young lady who cleaned the rooms came, I stepped into the bathtub and pulled the bathtub curtain across me. When she pulled the curtain back, I motioned with my hand, Shhh, and I whispered, Please close the door. She closed the door. I explained to her who he was and I also told her what he had said to me. As I am saying this to you, I can see this like it just happened this morning. He stayed there all day long. He went down to the lobby and sat there. I kept calling down to the desk because I told the lady at the desk what was going on. Every time I called down, she said, He is still here. When the shift ended, the person who cleaned the room came back up and said to me, Come with me. She took me down the service elevator, where I got out behind the dumpster and did a low commando crawl to my car, got in, and half sitting up and half behind the wheel, drove out of the parking lot to a friend's house.

When I got there, my friend's wife said, Oh my God, you look like you have seen a ghost. And I was just shaking. I told them what happened—what happened when he talked to me and how I am pretty sure what he was doing under the desk while he talked to me—and about what had happened that day. My friend's wife, who was not in the military, said, You have to tell somebody. I said, I cannot. She asked why. I said, Because I am an 03; he is an 06. They are not going to believe me. So I decided not to say anything. I just made sure that I was never alone with him and made sure that he never came into my office to have the opportunity to close the door behind him. There was no place to go. If you have ever served overseas, you know that to get out of a country you have to have your chain of command authorize travel. I could not even leave the island. There was no place to go. I stayed there until my DROS [date of return overseas]—until I exited my time over there and came back to the States. I never forgot it. And I did not say anything until 1999, just after I was promoted to 05, because I did not want to lose my career.

Even though that happened in 1986, it was happening before then. It is still happening. I have spoken to female veterans who only did two years of a four-year enlistment because they rejected their first sergeant's or their company commander's advances. They were drummed out of the service with technicalities that really did not exist—this is real. This is real. No one should have to go fight for their country, serve their country either in a hostile environment or during the time of peace, and be afraid of those they are serving with. I urge you—please—consider this in a very positive manner. There are veterans right now who need a yes vote. Thank you.

Chair Flores:

First and foremost, thank you to all the veterans who are present in the room. To you, Senator Spearman, thank you for peeling back all those masks that we wear as public figures because we have to be strong, because we have to wear the title, because we have all these obligations. You are allowing us into that very vulnerable and obviously painful memory that you carry with you, and you are turning that pain toward something that will ensure that others do not have to go through the same thing. I appreciate you for that. I know that the Committee echoes my sentiment. We appreciate your power and strength in this room. To you, Senator Woodhouse, thank you for being here and fighting this good fight. I would like to open it up for questions.

Assemblyman Assefa:

Thank you for your service. Service members move all the time between states. If someone was a Nevada resident when they joined the military, but they are no longer here or they do not return to Nevada, are they still qualified for this compensation? And parallel to that, if the crime occurred outside of Nevada, would that still qualify for what we are trying to do here?

Senator Spearman:

Yes, they would. That is why we have "active duty or during military training" [page 5, [Exhibit D](#)], because when they come to Nevada they can apply for local funds. By the way, the government has a bill that will transfer their local funds from the Department of Administration to the Department of Health and Human Services, which is where it needs to be anyway, because anyone who is going through that type of trauma would have everything that they have to get, everything that they need to get their life back together, right there. We do not make a distinction as to whether or not they were here in Nevada and they are called up under Title 10 and they went to Kansas or Germany or Korea or wherever—it is for those persons who have been in the military and they live here or they moved here. Sexual trauma is something that follows you. Those of you who were here in 2015 may remember a survivor coming to testify with us. She testified about how she was in the Gulf War, the first one in the 1980s, and she was repeatedly raped by her company commander. It broke her down mentally. She was in Kuwait when that happened. She is a citizen of Nevada. So we do not make that distinction. I would hope that we would not put that distinction in statute because when it hits you—what happened—you have to have a place to go and get help.

I was at a graduation this summer at Veterans Court and had someone say to me, It is worthwhile trying to help women who have experienced military sexual trauma because we do not have all of the psychosocial services here in Nevada; many times they have to be sent someplace else. The Veterans Court only has about \$50,000; one person that they were working with was already obligated for more than \$30,000. This bill, indeed, is life-altering. When I said some of them have succumbed to planning and completing suicide, that is true.

Assemblyman Assefa:

Thank you, madam, and thank you for your service again.

Assemblyman Hafen:

Thank you, Senators, for bringing this forward. I have heard the stories. I have a friend who was a victim. I have been trying to hold back my emotions while you were presenting. It is an absolute atrocity the things that have occurred. I would just say thank you, first and foremost, for bringing this forward, and ask if you would consider a friendly amendment to add me to this bill.

Senator Spearman:

I am sorry—part of my disability is hearing loss.

Assemblyman Hafen:

I am sorry. I am still emotional, but I would just would ask for a friendly amendment to consider adding me to this bill.

Chair Flores:

Members, are there additional questions? Seeing none, thank you. I would like to invite forward those wishing to speak in support of Senate Bill 225.

Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:

I want to start by thanking Senator Spearman and Senator Woodhouse for being such fierce advocates and for leading the efforts on this bill. The Nevada Coalition to End Domestic and Sexual Violence is in strong support of this. We believe that all victims should have access to compensation that can have life-altering benefits for survivors.

Mitchell "Mitch" Roach, representing United Veterans Legislative Council:

I also want to thank the two Senators for bringing this bill forward. I spent 21 years in the military and unfortunately had the opportunity to see some of this in action. This bill is very, very important to members of the military who have suffered sexual trauma. It is very important to pass this bill.

Chair Flores:

Thank you. Is there anybody else wishing to speak in support of Senate Bill 225? Seeing no one, is there anyone wishing to speak in opposition to Senate Bill 225? Seeing no one, is there anyone wishing to speak in the neutral position for Senate Bill 225?

Amy Garland, Executive Officer, Department of Veterans Services:

I am a U.S. Navy veteran myself and an MST survivor. We are testifying neutral on this bill. Sorry, I am emotional as well—it is hard to listen to Senator Spearman and not be. I want to add some clarification. Even though the gift Account to Assist Veterans Who Have Suffered Sexual Trauma shows a zero dollar amount, the Department of Veterans Services has provided programs. They are just funded with other funds. A zero-dollar amount is misleading when only expenditures are reported, given that this has been one of our top programs.

Chair Flores:

Is there anybody else wishing to speak in the neutral position? Seeing no one, Senators, do you have any closing remarks?

Senator Spearman:

Some of the veterans walking among us have wounds that you cannot see. We wear the smile. We try to adapt. This is something that is long overdue. We really need you to support this. I usually end these testimonies with saying, All gave some, but some gave all.

Chair Flores:

Again, thank you both. I would like to close the hearing on Senate Bill 225. Members, pursuant to Assembly Standing Rule 57.4, we typically cannot move a bill out of Committee without waiving the rule first. If we have unanimous consent and everybody is on board, I would like to entertain a motion to waive Rule 57.4.

ASSEMBLYMAN MCCURDY MOVED TO WAIVE ASSEMBLY
STANDING RULE 57.4.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN GORELOW WAS
ABSENT FOR THE VOTE.)

Now that we have waived the rule, Senator Spearman, are you comfortable with Assemblyman Hafen being added as a sponsor? At this time I would like to entertain a motion to amend and do pass Senate Bill 225 including the amendment of adding Assemblyman Hafen as a sponsor.

ASSEMBLYMAN HAFEN MOVED TO AMEND AND DO PASS
SENATE BILL 225.

ASSEMBLYMAN ASSEFA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN GORELOW WAS
ABSENT FOR THE VOTE.)

We will have Assemblyman Hafen do that floor statement.

I would like to invite anybody here for public comment to please come forward. Seeing no one, this meeting is adjourned [at 10:40 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a support document titled "'Yes' on SB136," dated May 1, 2019, submitted by Kyle Davis, representing League to Save Lake Tahoe, in support of Senate Bill 136 (1st Reprint).

[Exhibit D](#) is Proposed Amendment 5795 to Senate Bill 225, submitted by Senator Pat Spearman, Senate District No. 1.