

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

**Eighty-Second Session
May 3, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:08 a.m. on Wednesday, May 3, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Selena Torres, Chair
Assemblywoman Bea Duran, Vice Chair
Assemblyman Max Carter
Assemblyman Rich DeLong
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Bert Gurr
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Richard McArthur
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senate District No. 1

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Sarah Delap, Committee Counsel
Judi Bishop, Committee Manager
Dylan Small, Committee Secretary
Cheryl Williams, Committee Assistant

Minutes ID: 1004



OTHERS PRESENT:

Kent A. Lefevre, Administrator, State Public Works Division, Department of Administration
Matthew Tuma, Deputy Director, Department of Administration
Warren B. Hardy II, representing Nevada Urban Consortium
Stephen Wood, representing Nevada League of Cities and Municipalities
Jovan Jackson, Private Citizen, Las Vegas, Nevada
Mendy K. Elliott, representing Nevada Housing Coalition
Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center
Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual Violence
Liz Ortenburger, Chief Executive Officer, SafeNest
Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry

Chair Torres:

[Roll was called. Committee protocol was explained.] Welcome to the Assembly Committee on Government Affairs. We have three bills today. At this time, we will open the hearing on Senate Bill 25, which implements a process for long-term planning for state office space. We will go ahead and invite the Public Works Division to begin the hearing when you are ready.

Senate Bill 25: Implements process for long-term planning for state office space. (BDR 28-217)

Kent A. Lefevre, Administrator, State Public Works Division, Department of Administration:

Senate Bill 25 is a response to a 2020 executive audit titled *Department of Administration, State Public Works Division, Long-Term Office Space Planning Mechanism DIA Report 20-10, July 6, 2020*. Briefly, the audit considers how the Executive Branch and legislators can make capital improvement decisions without the full context of the state's long-term office space planning needs, which often compete with more appealing projects. To better inform decision-makers and formalize the consideration of the state's long-term office space needs, the auditors recommended the following: propose legislation to implement and maintain long-term statewide office space needs assessments; require agencies to biennially submit updated long-term facility needs; and identify consolidation opportunities to reduce the reliance on third-party leases for office space needs.

Senate Bill 25 proposes legislation in compliance with the executive audit recommendations as follows. I am going to take this backwards, because it makes more sense. In section 2 of the bill, *Nevada Revised Statutes* (NRS) 341.127 requires that the Public Works Division and other state agencies cooperate, and the Public Works Division implement and maintain long-term office planning that addresses future office space needs for state agencies. In section 1, the bill amends NRS 341.083, which is the statute that requires the State Public

Works Board to submit the capital improvement project (CIP) recommendations to the Governor in October of even-numbered years. Senate Bill 25 adds a requirement that the Board consider long-term office planning when it makes its recommendations. That concludes my presentation. I am happy to stand for any questions.

Chair Torres:

Members, are there any questions?

Assemblywoman Duran:

I understand we do need office space. Do you currently have a list of cities or counties or regional areas that are in need of office space?

Matthew Tuma, Deputy Director, Department of Administration:

Currently, the Public Works Division and the state look at where we have third-party leases. We track state-owned properties as well as lease properties. The state currently leases over two million square feet of lease space. We have an annual expenditure across state departments and agencies of over \$50 million a year that we spend in outside leases for non-state-owned properties.

Assemblywoman Duran:

Are we looking to buy buildings, or are we just going to continue with the leases on the current buildings? Is that in your plan?

Kent Lefevre:

Yes, the Public Works Division is looking at purchasing buildings, not only in the Carson City market, but also in the Las Vegas market so that we can move state agencies from third-party leases into state-owned facilities.

Assemblyman DeLong:

Of the two million square feet that is under lease, what is the breakdown between Las Vegas and Carson City?

Matthew Tuma:

Roughly about a million square feet is in the Las Vegas area, about 700,000 square feet is in the Carson City area, and about 300,000 square feet is in the Washoe County and rural parts of the state area.

Assemblywoman Taylor:

Do we have to legislate this?

Matthew Tuma:

The change in statutory language was a recommendation from the audit, and it is one that our agency agreed with and agreed to pursue. We are pursuing increases in state-owned square footage apart from this specific legislative authorization. That has been a desire both by staff at the Department of Administration and staff at the Public Works Division. It has been

a direction from the State Public Works Board through the CIP process, and it has been a priority for the administration as they are pursuing the current CIP that is in front of the money committees and moving forward for discussion. That is something that is being pursued with existing authorities and statutes. This was a specific audit recommendation to have specific statutory carve-out authority to prioritize this long-term need because of the experience the state has gone through with incrementalism, in slowly and incrementally adding to our lease space as opposed to state-owned office space.

Assemblywoman Taylor:

I know you are in the process of pursuing other opportunities. That certainly makes sense. Are you in the process of developing a long-term plan so there is that direction, as you said? Are you in the process of that?

Matthew Tuma:

Yes, we are in the process of that, including, but not limited to, a CIP planning project the Public Works Division has for the Capitol Mall area in Carson City. They have incorporated these findings into that project and that is being pursued, both with purchasing properties within Carson City as well as building new office space within Carson City. That is part of the Governor's recommendation in the CIP as well, building new structures in addition to buying existing buildings. There is that goal of doing something substantive down in southern Nevada too. We are moving forward with this goal. This is complementary to where the Division is currently with the recommendations and moving through this legislative session.

Assemblywoman Taylor:

You do have a plan.

Matthew Tuma:

Correct.

Chair Torres:

My understanding is that there was a presentation made in the Joint Assembly Ways and Means and Senate Finance Committees this past Saturday that had to do with office space and the possible expansion in Las Vegas. How does this tie into some of the conversations we have been having this legislative cycle regarding that expansion?

Matthew Tuma:

I would say this is a complementary effort to that. Again, we are using our existing processes and structures to recommend what we believe is in the best interest of planning for the state in the CIP. That has been discussed in a variety of meetings for the Ways and Means Committee and the Senate Finance Committee as well. This legislation would add the specific direction and authority to public works as statutes. We are moving forward with the authorities on an administrative level at this point.

Assemblywoman Thomas:

I was reading an article in the *Las Vegas Review-Journal* that explains the Grant Sawyer State Office Building and how you want to move closer to the airport because it would be easier for people coming from Carson City or anywhere to go into a complex that is near the airport. The Grant Sawyer State Office Building has been there since 1998 or something like that. Do we just leave a building like that that represents government in our local community? Do you just leave it, or do you in one time use your funding? Is there funding to renovate that facility?

Matthew Tuma:

I would not want to preempt any conversations that are being had in other committees that would provide some direction to the Department of Administration and the Executive Branch on how to move forward. One of the big reasons why we are looking at purchasing some buildings is because of the renovation cost the Grant Sawyer State Office Building would require and the value we would get out of purchasing buildings as opposed to pursuing that renovation cost right now. In a recent legislative session, we were approved for a planning project for the Grant Sawyer State Office Building to do advanced planning work for the renovation, and that is an over \$100 million project that has not been funded yet. It is a substantive amount of funding that would be required to renovate the existing tower.

In addition, we had looked at options and had come up with some initial recommendations to add to the Grant Sawyer State Office Building site. There is an additional constraint at the Grant Sawyer State Office Building about how much it could be built out, because you are kind of landlocked in there with what the state owns. There is not really the same ability to expand much beyond adding an additional tower, an additional parking facility, and a fleet services facility that would pretty much max out that site. I would say that the overall direction of what happens with the Grant Sawyer State Office Building as we move forward is going to involve a lot of people above my pay grade. It is going to be something that involves both the executive leadership from the Office of the Governor and legislative leadership as we move forward. I would not want to preempt what that direction would be. I would say it is an evolving conversation.

Chair Torres:

My understanding, speaking specifically to the state of the Grant Sawyer State Office Building, is that there have been actual offices that have had to move out because of the condition of the building. Certain offices have moved to the City of North Las Vegas office space. My understanding is that other offices are leasing other private space now. This is an ongoing issue and it does concern the safety of the employees who are working there. Is that correct?

Matthew Tuma:

Yes, there have been departures from the Grant Sawyer State Office Building, and we have not sought to fill a lot of that space, as we were initially moving down the track of renovation where everyone would have to be moved out either way to fully renovate that building, which would be a substantive endeavor. As some of the large tenants have moved out, we have had some vacancy within that building as well.

Assemblyman DeLong:

I know this is not the money committee, but you mentioned \$100 million on the renovation for the Grant Sawyer State Office Building. Does that \$100 million include the rental costs that would be needed to house the departments during the renovation?

Matthew Tuma:

I know that does not include any temporary rental costs, which is one of the many hurdles with the renovation and dealing with that existing site and the large expenditures.

Chair Torres:

Members, any additional questions? Seeing none, we will go ahead and move into testimony in support of S.B. 25. At this time, I will invite anyone wishing to testify in support of S.B. 25. [There was no one.] At this time, I will invite anyone wishing to testify in opposition to S.B. 25. [There was no one.] I will invite anyone wishing to testify in neutral on S.B. 25. [There was no one.] I invite the sponsor for any closing remarks.

Kent Lefevre:

Thank you for entertaining this bill today, and we look forward to its successful passage.

Chair Torres:

At this time, we will go ahead and close the hearing on S.B. 25 and take a one-minute recess. [The Committee recessed at 9:26 a.m. and reconvened at 9:30 a.m.] At this time, we will open the hearing on Senate Bill 272. Senator Spearman, when you are ready, you may begin.

**Senate Bill 272: Revises provisions relating to governmental administration.
(BDR 27-876)**

Senator Pat Spearman, Senate District No. 1:

I am pleased to come before you today to present Senate Bill 272, which continues my ongoing work to ensure our laws provide equal opportunity to citizens of this state. Specifically, the issue before you today relates to state and local government contracting for purchasing and public works contracts. By way of background, in recent years the Legislature has taken interest in expanding business opportunities for traditionally disadvantaged business owners, including, but not limited to, minority-owned, women-owned, LGBTQ-owned businesses, and others. Despite these efforts, we do not have a solid grasp on how disadvantaged business owners are being awarded purchasing and

public works contracts by state and local governments. To gauge the level of participation of these businesses, this bill will require state and local governments to track and make this information available to the public.

One of the things that alerted me to this was discussions I was having with people in government agencies about moneys that were coming in and being spent. Each time I would ask, How many of those went to women-owned, minority-owned, and veteran-owned? They struggled to give me the information. One of the things we do know is that for businesses that are not in the loop, that do not know when these contracts become available, many of which are struggling, this would give them a lifeline.

Let me just read a couple of statistics. There are over 505,138 government contractors currently employed in the United States. Women make up 45.4 percent of all government contracts while 54.6 percent are men. The average age of an employed government contractor is 46. The most common ethnicity of government contractors is white, at 70.6 percent, followed by Hispanic or Latino at 17.7 percent. "Unknown" makes up 4.5 percent, and Black or African American make up 3.8 percent. In 2021, women earned 93 percent of what men earned. The amount of government contracts going to members of the LGBTQ community is 4 percent. Government contractors are 67 percent more likely to work at private companies in comparison to public companies. Women veterans are 21 percent less likely than males to win government contracts.

A survey released on January 27 by advocacy group Small Business Majority found that almost 1 in 5 Black and Hispanic entrepreneurs expected to close their businesses over the next three months permanently. Minority-owned businesses in need are also less likely to benefit when the government offers aid in crisis. Black and Hispanic entrepreneurs are 25 percent less likely to have emergency savings than white business owners, and similarly hold fewer stocks or liquid assets. The impact of the coronavirus could be more than two times larger for Black- and Hispanic-owned businesses than for white-owned enterprises. Only 6.7 percent of Hispanic business owners report they are profitable and growing versus 14 percent of the general business population.

Black business owners have had a more difficult time accessing credit since the COVID-19 crisis began. Of Black business owners responding to the survey, 36 percent said they had experienced this compared to 29 percent of all respondents. The number of Black-owned businesses at risk of financial distress before the pandemic was 58 percent compared with about 27 percent of white-owned businesses.

The number of businesses saying it is very likely or likely they will permanently close if inflation continues at its current rate is 65 percent. Establishment exit was roughly 200,000 above recent historical rates the first year of the pandemic. Fifty percent of new businesses fail within the first five years. Twenty-two percent of business startups fail in the first year. The number of businesses closed during the pandemic until now was 9.4 million, some temporarily and some permanently. Sixty-two percent of companies started during the pandemic are in danger of closing.

Whenever you start talking about equity and inequality, people invariably will go, Well, should it go to the best possible person or the best business? We are not talking about gimmies just because of someone's ethnicity. What we are talking about here is getting people contracts in spite of their ethnicities. In order to do that, you have to have a plan, a program in place that directs people to do that, because if they were going to do it of their own free will, we would not have these statistics. We would not have them. It is apparent to me that unless we put in place something that directs state and local governments to make sure, when they are letting contracts, they do outreach. I have had someone say to me, Well, I do not know any Latinos or Asians; I do not know anybody in those communities who can do what I do. I said to them, Have you heard of the Latin Chamber? Have you heard of the Black Chamber, the Asian Chamber? The excuse that I do not know is not only irrelevant, but it is asinine and admirable for that asininity alone. What this bill really does is, it says, We are a diverse population, and you have these groups that are spending money with the government, yet there is nothing or very little coming back into our communities. We need to do that so that these businesses will survive. With that, Madam Chair, I will stand for questions.

Chair Torres:

Members, are there any questions?

Assemblywoman Taylor:

Thank you for really laying out some of the challenges we have as a state as we encourage these businesses that are important businesses in our community. First of all, just from a clarity standpoint, this bill is really saying, Let us take a look at what is happening. It is not saying anyone has to give anybody a contract, which perhaps as you get to a supplier diversity program, could certainly happen down the line. It seems to me that the intention of this is to bring to light how we are spending our state dollars. Am I reading that correctly?

Senator Spearman:

It is transparency. It is certainly bringing transparency because I do not know—and I had my legislative assistant try to find it—you can probably dig down into records and find it, but that should not be the case. That should be available publicly to people—what contracts have been let, who got the contracts, how much each individual contract was for, and what that looks like in terms of ethnicity and gender. We here in Nevada are fortunate to have a pay equity law, but in some instances people do not even pay attention to that. That is one of the reasons why more women retire in poverty than men. What this bill is designed to do is, you do not have to do it, but you are going to have to report on what you did.

Assemblywoman Taylor:

We are looking at bringing up minority-owned businesses, and these are all certifications that people have. What the law states is 51 percent, whether it is female-owned, minority-owned, LGBTQ-owned. You mentioned this earlier in your comments, but oftentimes when I see programs like this, they also include veteran-owned businesses. Did you give any thought to including them?

Senator Spearman:

Yes, veteran-owned businesses are included. That is one of the reasons I stopped when I said 21 percent of women veterans' businesses are likely to fail. That is completely abominable when we do not consider our veteran-owned businesses when we are letting government contracts, the people who signed on the dotted line to protect your right to be in business. That is something I consider critically abominable, when you do not consider veterans—men or women.

Assemblywoman Taylor:

Are you thinking perhaps we should include sections on here that also include veteran-owned businesses and track those as well?

Senator Spearman:

Yes. I thought we had that in there, but if it is not clear, I will make sure we do that.

Assemblywoman Taylor:

Thank you very much for making sure we do that. I think it is important to track that as well.

Senator Spearman:

One of the things that I try to do is say "not limited to." That would bring in other entities as well. When we stop and we look at Nevada, one of the reasons why Nevada is becoming so important politically is because we do look more like America. We do look more like the country. We are a very diverse state, so to be a diverse state but have less than 5 percent of government contracts, state or local, going to diverse businesses, says that we have some work to do. We have some work to do, and that is what this bill is designed to do.

Assemblyman D'Silva:

I publicly want to say that you are one of the greatest creators and advocates of these avenues of equity in our state today. My question is this: With the 51 percent number we are looking at over here, hypothetically speaking, if my colleague, Assemblywoman Thomas, and my colleague, Assemblyman Koenig, wanted to open up an eye doctor clinic, would that mean 50/50? Would that business then be applicable for the benefit here, or is the "51 percent" throwing that off?

Senator Spearman:

There are certain definitions within government contracts that identify what is a minority business. We are not going to rewrite that. We are simply going to refer to that.

Chair Torres:

Members, are there any questions? I do not see any additional questions. At this time, we will invite anyone wishing to testify in support of S.B. 272. [There was no one.]

[[Exhibit C](#) was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Torres:

At this time, we will invite anyone wishing to testify in opposition to S.B. 272.

Warren B. Hardy II, representing Nevada Urban Consortium:

I am here under the rules in opposition. It is not the objective of the bill that we have any objection to. There is certainly some value to providing this information. What I would like to do is just provide for the record some of the challenges we see in implementing this so you all understand as we begin to implement this what the challenges are. I have asked several people and have not gotten a firm answer on whether or not we are even permitted to ask the question relative to sexual orientation and those sorts of things. That is something we have got to work through to make sure. I know the statutes involving that are complex and evolving.

The second challenge we are going to have is—and again, I just want to get this on the record, not in opposition to what we are trying to accomplish here but just to help you understand our challenges—we are very concerned about our ability to provide accurate information with regard to this data. What we find is, in our reporting where we gather this information, individuals have an opportunity to simply select one of the categories that are there. They cannot select two, and that is a software issue we are going to have to address and deal with and will have to update our software to be able to provide that information. Currently what we find is that people, because of the federal benefits of being a minority-owned business, women-owned business, or a disadvantaged business, will select that category, but they will not go down and select if they happen to also be LGBTQ. That will give us skewed information in terms of being able to determine exactly how many of those contracts we have let. That information will not be available. That is going to require some significant updating to our software, which certainly can be done. There are several of the local governments that have fiscal notes on this and most of those, to my knowledge, are related to the software update requirements.

Again, we are not in any way here in opposition to the objectives of the bill and what we are trying to accomplish by gathering this information. We just want the Committee to be aware of some of the challenges. I know it is a September 1 implementation date, and that is going to be difficult for us if what we want to try to do is get accurate information.

Assemblywoman Taylor:

I think I might be able to answer that for you as a certified, minority-owned business owner in our state. There is a certification process. When I compete for contracts and so on, whether it is in state or out of state, they simply ask for the certification. That way, you do not have to guess. You do not have to see who is doing what, who lives with whom, who owns the business. There is an actual certification process that is readily available because that would be burdensome. I agree, absolutely. I think there are processes in place that organizations in our own state and across the country follow that take all the guesswork out of that. That might help you as you consider what that might look like.

Warren Hardy:

We are aware of those certifications. Those are certainly helpful. Our challenge is that our current software only allows them to select one in the process. We would just need to update our software to make sure they can select multiple choices. It is the accuracy of the information we are concerned about. If somebody selects to be a minority-owned business, but they also qualify for the LGBTQ, there is no process in our system right now for them to do both. When the report comes out, it is going to show they are a women-owned business, minority-owned business, or a veteran-owned business, but it may not also show that they are LGBTQ. We need to be able to select all of them so we can get accurate information. We want to collect this information in an accurate way.

Assemblywoman Taylor:

Do you ask for the certification or do you just allow people to select the boxes?

Warren Hardy:

As far as I know, and I will be happy to have one of my colleagues who does this on a daily basis correct me, but as far as I know, they self-certify. Again, that goes back to this issue about whether we can require them to do it. We allow them to self-certify, but the weakness in our process as it currently exists is, they can only select one.

Assemblywoman Taylor:

If I might suggest, allowing someone to select the box may not be accurate information. I might suggest you share with those you work with that they actually ask for the certification, because it could be that maybe it is 50/50, or they do not quite make that veteran status but they check a veteran box. There is no way for your members to know if they are really being honest. What I found is that those who do it with the most fidelity and the most accuracy actually ask for a place to provide that certification. That way you are not just saying, I am going to say I am a veteran-owned business, but I am really not, but I want to get this extra consideration. Again, I will go back to relying upon those actual certifications. Make sure it is accurate instead, because believe it or not, there are people who are unscrupulous.

Warren Hardy:

Sadly.

Assemblywoman Taylor:

Sadly. I know it is a stretch in the great state of Nevada. There are one or two businesses that might check it and not be that—but that way you know it is accurate. If you want a contract, usually what happens—in my case personally, with my companies—then you have to provide the certification. If you cannot, then you will not be able to maintain that contract. Just some suggestions because I know it can be unwieldy, but I think there are some ways it can possibly work for you.

Warren Hardy:

I think that illustrates my point. It is not an objection to gathering this information. It is the logistics of doing it and making sure we are doing it in a way that is accurate. All of the things you brought up are considerations and things we are going to have to do. That is the only point of this. I am only here in opposition because that is what the rules require. Everything you are identifying is what we will be grappling with and we will find a way to deal with it, but it is going to take us some time to get that all implemented.

Chair Torres:

I understand. I guess I am a little astounded that the local governments do not have the ability right now to identify that. It seems to me that is a problem for local governments, not for this Committee, and local governments need to figure it out. I will go ahead and go to the next person in opposition.

Stephen Wood, representing Nevada League of Cities and Municipalities:

We have no objection to the intent of the bill, but I just want to echo the issues that were just brought up and thank the Committee for the feedback.

[[Exhibit D](#) was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Torres:

Is there anyone else wishing to testify in opposition to S.B. 272? [There was no one.] At this time, we will invite anyone wishing to testify in neutral on S.B. 272.

Jovan Jackson, Private Citizen, Las Vegas, Nevada:

With minorities, often the business world is the only place where we can maneuver and be successful. It is absolutely necessary that we create more opportunities for minority entrepreneurs to have access to these contracts. This is a matter of equality and equity. I am definitely in support of this bill.

Chair Torres:

We will go ahead and put that in support. Thank you for your testimony. Is there anyone else wishing to testify in neutral on S.B. 272? [There was no one.] At this time, I will invite the sponsor for any closing remarks.

Senator Spearman:

I just want to address a couple of issues. My last assignment was at the Pentagon, and it was during the height of the Iraq and Afghanistan wars. One of the things I am intimately familiar with is the vetting process that businesses that intend to work with the government go through. In the vetting process, unless they have changed the forms, you sign under penalty of perjury if you have given information that is not accurate. We are talking about businesses doing work with the state and local government. I agree; there should be a desire—because we are so diverse and we have almost a million active duty, veterans, or Gold Star families here in Nevada—for that to happen anyway. Since it has not, that is why this bill is here. There is a vetting process that goes on anyway.

In terms of software updates, I have been on the Commerce and Labor Committee for about six years, the last four chairing, and I can remember a few bills that came through when some of the professional boards wanted to be able to accept credit cards. They did not have the software to do that. Updating software, and I could be wrong, but I think when you start looking at the twenty-first century and the things businesses have to do, is the cost of doing business. You can update software or you can share software with someone. I think the other one was, How do you get the information? I think Assemblywoman Taylor said there are certifications that are involved. I see Assemblyman Nguyen, and I am looking at Assemblywoman Thomas, who have worked with chambers of commerce. For that matter, Assemblyman D'Silva worked with chambers of commerce. If there is any question as to how you access people like this, Senator Harris sponsored a bill last session that passed, that created the LGBTQ Chamber of Commerce. If you cannot figure that out, there is the Human Rights Campaign. There is always a way to get done what you want to do. My dad used to tell us all the time, when you start making excuses, he said, "People who want to do it find a way. People who do not, find an excuse." We are in the twenty-first century; we are a very diverse society, and it is not just about these businesses surviving.

If you stop and you look at it from a supply chain standpoint, when you have businesses that fail in your community, that also puts a drag on social services because now you have people who cannot contribute. These are people who have to survive, and I would just say there are ways to do it. Government contracts are vetted. Someone putting down one thing that is not true—I do not know that I would worry about that too much. Updating software, in many instances, is that way, because anyone who is going to do a contract with the government usually has this kind of information at hand anyway. I would just say, I agree with the Chair, this is something that can happen, and it is something that should happen. Either we are going to move forward with diversity, equity, and inclusion, or we are not. That is all I have to say.

Chair Torres:

At this time, we will go ahead and close the hearing on S.B. 272. I will now open the hearing on Senate Bill 363, which revises provisions relating to affordable housing. Feel free to begin when you are ready.

Senate Bill 363: Revises provisions relating to affordable housing. (BDR 25-1029)

Senator Pat Spearman, Senate District No. 1:

As a woman veteran, I have been very disappointed with how women veterans have been treated. I ask people to close their eyes and tell me what they see when I say veteran. Invariably, almost 10 times out of 10, they say, I see a guy, and I say, That is it. You stop right there. Most people see men. I think that Assemblyman D'Silva could back me up on this. In combat, women are there too, and there are women who earned a Purple Heart as well. There are women who did not come back. There are families, Gold Star families, whose mother, grandmother, sister—their somebody—was in war and did not come back. That is number one. We have not really done what we need to do for women veterans.

When you start talking about housing, it is even worse. I have had people tell me, We have this organization over here that is doing things for veterans, and, There is this organization over here that is providing housing. Many women veterans are suffering from MST—military sexual trauma. There are also some women veterans who have children, and there are some women veterans who just do not feel comfortable being around a lot of men, because MST is really fratricide with respect to sexual assault, because that means there is somebody in the service who has assaulted someone else in service. That goes on. That mental trauma goes on for a long time. We have never addressed the homeless population of women veterans. Never. There are several women veterans who are couch surfing. I think that is abominable.

The second thing is, we have women who are just getting over or trying to get over domestic violence. Ms. Elliott will talk to you about the statistics a little bit later, but we have not done as much as we can for permanent housing. We have got some transitional housing but nothing permanent.

The third category is for formerly incarcerated women. I know for some people, they feel like if you were convicted and you went to jail, then you have lost everything. I do not think that is the case. There are some women who occupy all four of these categories I am talking about. They are women veterans, and perhaps they punched somebody or stabbed somebody to get their perpetrator off of them, but they were the ones who went to jail. I know women like that as well, who got a dishonorable discharge because they were not going to be raped anymore. There are women who have been involved in other types of domestic violence, and then we have women who are housing-insecure. What this bill really does is, it authorizes our agencies in the state to prioritize directing, to the extent possible, grant moneys and other moneys that come in to housing for these four categories of women.

The good news for us is that in 2024, Las Vegas will host the Super Bowl. The bad news for us is contained in some of the statistics around activities at the Super Bowl. Specifically, when you have a lot of alcohol involved and a lot of whatever involved, you are going to have domestic violence situations that will increase. One of the bills I carried in 2017 with respect to human trafficking talked about how there are young people as young as 11 who are brought into places where there are sports events and they are mixed into the crowd. We know those things are going to happen. It is not something we do, but I certainly think that is something we should be prepared for.

When you start talking about women who are housing-insecure, Black women do not reach the same pay amount for the previous year as their male counterparts until, I believe, August. For Latinas, it is worse, because I do not think they reach that pay equity until September. Since we have not been paying attention to equitable pay for equitable work, we will have, and we do have, women who are seniors and they are housing-insecure. I will turn it over now to my copresenter, Mendy Elliott.

Mendy K. Elliott, representing Nevada Housing Coalition:

Senate Bill 363 provides some flexibility to the Housing Division of the Department of Business and Industry to prioritize the funding. If you look on page 4, lines 3 through 9, it will give you a list of those individuals who potentially could receive funding. This bill is enabling. This is not a "shall." Just by reference of what the housing trust fund is, for those of you who have not had to listen to me talk about the funding of affordable housing, the trust fund receives approximately \$6 million to \$10 million from this body on an annual basis that is utilized as gap funding for affordable housing. The funds that are coming from the state for affordable housing for any of these projects, it is the last-in funds. If you look at the funding, there are banks, there is bonding, there are low-income housing tax credits—whether it is a 4 percent or 9 percent project—there are home funds. These funds that are coming from the state are the last-in dollars. How the funds are awarded is through a qualified allocation plan, which is developed on an annual basis by the Housing Division, which tells the developers and the nonprofits that are looking to build housing in our state what the priorities are going to be for the state [[Exhibit E](#)].

You have heard a lot of housing bills. We have a most severe shortage of affordable housing for our extremely low-income-renter households. Seniors represent about 30 percent of our extremely low-income renters. This bill and these priorities are targeted towards those 30 percent of low- or moderate-income projects that are being developed. Thirty-eight percent of all domestic violence victims will become homeless at some point in their lives. Once a victim-survivor becomes unhoused, their risk for experiencing power-based violence significantly increases—power-based is a pimp or someone who takes advantage of their situation. These individuals are put through—I think the word "unscrupulous people" was used in the last hearing. The same analogy can be held here. In fiscal year 2022, supportive services for veteran families' programs assisted more than 71,300 veterans, and this is nationwide. Of those, nearly 10,000 or 14 percent were women. Per the Housing Assistance Council, Nevada has over 207,000 veterans [[Exhibit F](#)]; of those, nearly 7.6 percent live in poverty. Over 40,000 Nevada veterans are experiencing some form of housing problem.

Where do the funds come from? The real estate transfer taxes which are collected flow through the state and then flow into the coffers of the Housing Division for investment in the various projects. The projects are being developed. There are a lot of housing bills. Everyone is talking to everyone else, and we are working very hard to make sure that when we leave this session, as we move forward, we are in a better place and the housing investments the state is making are seamless. As I stated, this bill provides priority to the Housing Division. It is not mandatory. The Housing Division makes an assessment of what is needed with the developers and nonprofits. This just provides some guidance to the Housing Division if they want to provide a priority for women as listed, these categories, that it does. I have a stack full of data because I am always full of data. If you have any questions, I am happy to answer them.

[[Exhibit G](#) and [Exhibit H](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Torres:

Members, are there any questions?

Assemblywoman Thomas:

I am glad you brought this attention to the plight of women in our state. My question actually has to do with how this is written, because in a past life, I recently retired from the Office of the District Attorney where I worked in the Domestic Violence Unit. I noticed that most of the bill talks about women—women veterans, women who were previously incarcerated—but for domestic violence, you say "survivors." Why not "women survivors of domestic violence"? We know that 1 in 10 men experience domestic violence. I just think this will open the door to include men, but it seems like your bill wants to address the plight of women in our valley.

Senator Spearman:

I appreciate that, Assemblywoman Thomas. That is not something that I did not contemplate. I intentionally went for women because of the categories that are here, especially women veterans who would have a difficult time in a coed population. I intentionally mentioned that I do know there are men who are survivors. Quite frankly, there are a number of other avenues for them to go. My major concern for this is number one: women veterans—what are some of the things that happened that would make them homeless? In fiscal year 2022, across the country there were 199,000 women veterans who were homeless. I hear what you are saying, but especially for those who need to heal and need to get back and for whom a coed facility would be impossible to do that, that is why it is like this.

Chair Torres:

I did want to clarify. When I look at page 4, line 7 of the bill, it says "Survivors of domestic violence." If the intent is only to capture women who are survivors of domestic violence, that is not what it does. Working closely with other pieces of legislation that have to do with domestic violence, domestic violence is not limited to women in our community and primarily impacts not just women, but also the LGBTQ community. I think that Assemblywoman Thomas' question is whether or not the intent is to capture solely women or if it is to capture any survivor of domestic violence.

Senator Spearman:

Did I answer your question?

Assemblywoman Thomas:

Not really, because I am looking at the bill and looking at how it is written. I know we are in this, and we have maybe four weeks to go and no one wants to do an amendment. I understand that. This is a good bill. I just think if it is a women's bill, let us direct it to women. When you say, "survivors of domestic violence," we have a lot of survivors out there, including men. I think a lot of men will say, Hey, I am included in there.

Senator Spearman:

We can clarify that. I just want to say, one of the groups that helped me work on this was the Nevada veteran women's association. Let us look at what they have to do, women survivors of MST. We can clarify that, and that is probably just a word inserted.

Chair Torres:

I did want to ask a question because I do appreciate the intent of the legislation, and I appreciate the subgroups it is trying to capture. I had a conversation with the Nevada Housing Coalition a couple of days ago as well. When you think about access to housing, we know one of the most impacted groups is women, but specifically women who are the main source of income in that household. Oftentimes that includes single moms. I would actually like to see language that just makes it for women, and also permissive language to allow for the housing for veterans, women who were previously incarcerated, and elderly women, and then capturing survivors of domestic violence. That is kind of an area of concern for me, because when I think about it in terms of my students I am serving, I have helped a number of them navigate the affordable housing system here in the state of Nevada. Many of them are in single-parent households and their mom is the breadwinner.

Senator Spearman:

We can take a look at that. Most of the time I put a caveat in there that would take care of that, but I see we did not do that this time. As is humanly possible, we will try to get an amendment, even if it is just a conceptual amendment, and then we get the actual language, the mock-up, later. We should be able to do that. During COVID-19, I was contacted by a mother who had no place to go. If you live in Las Vegas or know anything about North Las Vegas, the family lived in Aliante. The misconception is that everyone who lives in Aliante is wealthy. That is a huge mistake. The mother was homeless and contacted me after six weeks of literally living in Aliante Nature Discovery Park. They had to drive out of the park at night, but they drove over to a building right across the street, and that is where they lived. I was able to put her in touch with some people I knew who had limited housing but were able to help her. In the year 2023, really?

Chair Torres:

Members, are there any additional questions? [There were none.] At this time, I will invite anyone wishing to testify in support of S.B. 363.

Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center:

Fines and Fees Justice Center has been working diligently to understand the cost of incarceration in this state, what it costs the individuals who are incarcerated, and what it costs their families. What we have found is that Nevada is one of the most expensive places to be incarcerated in the country. In fact, it is one of the only states where you can leave with debt. There is currently over \$10 million of outstanding debt held by formerly incarcerated individuals, including many women, for basic medical care they were charged for during incarceration. Commissary prices and until recently, feminine hygiene prices, were some of the highest in the country. This makes transition from incarceration into the community particularly difficult, especially for incarcerated women. While I will give the new director

much credit for working on some amazing programming in the women's prisons, the women's prisons traditionally have far fewer programming options than the male prisons, forcing our women to leave incarceration far less prepared for reentry. Any piece of legislation that can ensure these women have a better time transitioning from incarceration into stable housing and back into our communities is extremely welcome and should be supported. For those reasons, we urge your support on this piece of legislation.

Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual Violence:

Access to safe and affordable housing is the number-one barrier for victim-survivors being able to leave an abusive relationship. We know access to safe and affordable housing, whether it be here or across the nation, is often not attainable at the rate it is needed. We know the programs providing these services and housing to these vulnerable populations are also often faced with hurdles in terms of limited funding. We really appreciate Senator Spearman for bringing this bill forward. We know it is an important first step in addressing housing availability.

Assemblywoman Thomas, to focus on your question a little bit more, programs that provide services to victim-survivors of domestic violence are required by federal funds to serve both men and women. A majority of the housing we think of, like shelters, are for women, and normally men victim-survivors who seek services are usually put up in a hotel or another option just to make sure that all victim-survivors feel safe and comfortable. I am a little fearful that by defining women victim-survivors, programs will be prohibited just because they cannot, on the basis of sex, turn a victim-survivor away. I would be happy to work on some of the logistics with both you and Senator Spearman to figure out what that perfect language would look like.

Assemblywoman Thomas:

With that explanation, I just want to make sure the Legal Division can give us a definition of whether or not that is permissible.

Chair Torres:

Okay. Obviously, our chief legal counsel is out right now. We will go ahead and work towards getting that response. Is there anyone else wishing to testify in support of S.B. 363?

Jovan Jackson, Private Citizen, Las Vegas, Nevada:

We see the population of formerly incarcerated women increasing. Incarcerated people are one of the fastest-growing populations, and they need housing upon their release. I am definitely in favor of and support housing for veteran women and women who are victims of domestic violence. I would say my only concern would be the type of facility they will be housed at. I know that will have to look different from traditional housing, but I am definitely in support of this bill.

Chair Torres:

Is there anyone else wishing to testify in support of S.B. 363? [There was no one.] I will invite anyone wishing to testify in opposition to S.B. 363.

Liz Ortenburger, Chief Executive Officer, SafeNest:

I apologize. We are in support of this bill but were not able to press the buttons on the phone fast enough. I want to let you know that our shelter is constantly full. On a normal day in May, which today is, all 100 beds plus 17 hotel rooms plus my shelter campus in Mesquite are full. When we have events and overflow events, we have virtually no room to sleep people. We are currently spending \$27,000 a month on hotel rooms. Part of the reason we are full is because our transitional housing program is also full and backlogged. If we do not start to open up this pipeline for survivors to find housing, we will continue to be full, and potentially lethal survivors who need a place to escape homicide will not have a place to turn. Housing is the most requested resource by domestic violence survivors. Less than 1 percent of violence against women funding goes for housing. If we want to make Las Vegas and Nevada safer for domestic violence victims and stop the pipeline to homelessness, particularly for single moms, we must support this bill.

[\[Exhibit I\]](#) and [\[Exhibit J\]](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Torres:

Thank you. If we can, please be sure to put those remarks under support. Is there anyone else on the line? [There was no one.] I will now invite anyone wishing to testify in neutral on S.B. 363.

Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry:

I am here to answer any specific questions the Committee may have.

Chair Torres:

Are there any questions? [There were none.] I will invite anyone else wishing to testify in neutral. [There was no one.] I will now invite the bill sponsor for any closing remarks.

Mendy Elliott:

We have been in discussions with the Nevada Housing Division and just want to make sure on page 4, line 7, it is fine. We can add "women who are survivors of domestic violence." Where the issue comes in, as one of the reporters stated, the wraparound services that are being provided need to be provided to both men and women. From a fair housing perspective, we can add these three words to actually tighten up the domestic violence category, and it will be fine for fair housing. As it relates to women heads of household, we need to check to see if there is a way we could bifurcate and actually provide that as a category and not run amok of the fair housing laws. We are going to check on that, and then we will get back to you as it relates to that particular request, if that is okay with you. With that, unless there are other questions, I am good.

Senator Spearman:

I will end with this. I believe it is a song by India Arie that said, "She's somebody's sister/She's somebody's mama." Once upon a time, the women whom we are talking about were somebody's baby. I urge your support in making sure we eliminate the scourge of affordable housing for women, specifically in these four categories. They served, and many of them through no fault of their own.

Chair Torres:

At this time, I will go ahead and close the hearing on S.B. 363, and invite anyone wishing to testify in public comment today. [Public comment was heard.] Members, are there any remarks? [There were none.] The meeting is adjourned [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

Dylan Small
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 3, 2023, submitted by Yvette Williams, Caucus Chair, Clark County Black Caucus, in support of Senate Bill 272.

[Exhibit D](#) is a packet of letters in opposition to Senate Bill 272.

[Exhibit E](#) is a report titled "Low-Income Housing Tax Credit Program Qualified Allocation Plan," adopted on December 16, 2022, submitted by Mark Licea, Loan Administration Officer, Housing Division, Department of Business and Industry.

[Exhibit F](#) is a report titled "Supporting Veterans in Nevada," prepared by the Housing Assistance Council and submitted by Senator Pat Spearman, Senate District No. 1.

[Exhibit G](#) is a report titled "Access to Safe and Affordable Housing," prepared by Nevada Coalition to END Domestic and Sexual Violence and submitted by Senator Pat Spearman, Senate District No. 1.

[Exhibit H](#) is a report titled "2023 Nevada Housing Profile," prepared by the National Low Income Housing Coalition and submitted by Senator Pat Spearman, Senate District No. 1.

[Exhibit I](#) is a letter dated May 3, 2023, submitted by Gabby Everett, Director of Advocacy & Research, Three Square, in support of Senate Bill 363.

[Exhibit J](#) is a letter dated May 3, 2023, submitted by Katree Darriel Saunders, Vice President, Pardon Me Please/CPR, in support of Senate Bill 363.