

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

**Seventy-Ninth Session  
February 23, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:35 a.m. on Thursday, February 23, 2017, in Room 4100 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/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Ellen B. Spiegel, Assembly District No. 20



**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services  
William Baumann, Chair, Nevada Veterans Services Commission  
Patti Jesinoski, Private Citizen, Las Vegas, Nevada  
Luis F. Valera, Vice President, Government Affairs & Diversity Initiatives,  
University of Nevada, Las Vegas  
Kevin Burns, Coordinator, Veterans Resource Center, Western Nevada College; and  
representing the United Veterans Legislative Council  
Darrol L. Brown, representing Carson Area Chapter #388, Vietnam Veterans of  
America  
Marlene Lockard, representing Nevada Women's Lobby  
Nancy Stiles, representing American Association of University Women of Nevada  
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada  
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber  
of Commerce  
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association  
Shannon Chambers, Labor Commissioner, Office of Labor Commissioner,  
Department of Business and Industry  
Jeanette K. Belz, representing The Associated General Contractors of America,  
Nevada Chapter  
Mike Cathcart, Business Operations Manager, City of Henderson  
Jeffrey Haag, Administrator, Purchasing Division, Department of Administration  
Joanna Jacob, representing Nevada Contractors Association  
Les Lee Shell, Director, Office of Risk Management, Department of Finance,  
Clark County  
Omar Saucedo, Public Affairs, Las Vegas Valley Water District, Southern Nevada  
Water Authority, and Springs Preserve  
Elisa Cafferata, 2016-17 Commission Chair, Nevada Commission for Women

**Chairman Flores:**

[Roll was called. Committee rules and protocol were explained.] I would like to recognize the members in the audience who are veterans. Thank you for your service and thank you for being here this morning. We appreciate everything you do for us, and it is not taken for granted.

We have two bill hearings for today. I will open the hearing for Assembly Bill 22.

**Assembly Bill 22: Revises certain provisions relating to veterans. (BDR 37-123)**

**Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services:**

Thank you for the opportunity to present information regarding Assembly Bill 22. This bill proposes a number of changes to *Nevada Revised Statutes* (NRS) Chapter 417 to reflect mission changes, the addition of a Deputy Director that was authorized during the 78th Legislative Session, and to eliminate restrictions on stationing of the Director and the Deputy Director.

In the past two years, I have done a lot of research on NRS Chapter 417, and I have learned a lot. I have learned that our mission of connecting veterans to benefits has not really changed since 1943, and it is at the core of what we do. However, a lot of other language has changed to reflect the changing world, new veteran demographics, and new missions. For example, the Nevada Veterans Services Commission (VSC) no longer requires that one of the members be a veteran of the Spanish-American War. In this session, you will be asked to consider whether or not a woman veteran and a student veteran should be added to the VSC. It was interesting for me to go back to 1943 and look at all these changes. My study left me with two thoughts. First, we need to be true to our core and keep language in the statutes that reflects connecting veterans to services. However, we have an obligation to change that language when it no longer reflects our reality or the needs of our veterans.

With that as a preamble, I would like to discuss the specific changes in A.B. 22 that I am recommending that would affect NRS Chapter 417. The Department of Veterans Services (NDVS) was established in 1943 as the office of veterans' service commissioner [Assembly Bill 82 of the 41st Session]. The office had three responsibilities when first established: to assist veterans and their families to file claims; to give aid, assistance, and counsel to each and every problem of all our veterans and veterans service organizations; and, as was stated in the original statute, to ensure to the fullest extent the benefits and privileges conferred on veterans by a grateful government. Over time, new responsibilities were added, but there are some significant duties that are not captured in the current version of NRS.

I would like to start with mission changes. The Department of Veterans Services has the statutory responsibility to distribute information to veterans. This responsibility has never been fully accomplished due to our inability to locate veterans who are residents of Nevada. We can locate some, just not all of them. With federal grant funding from the U.S. Department of Veterans Affairs and new access to the U.S. Department of Defense returning service member data, which we are just getting this year, NDVS is creating a veterans information system. This system collects veteran information from both government sources and from veteran self-reporting. This will allow us to better locate and communicate with Nevada veterans. The code has already been developed for this program, and we are getting ready to move forward. I would like to have the language in NRS reflect this new mission.

Specifically, the added duty is in section 4, subsection 10 of the bill and reads, "Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible." This is a huge and very important undertaking, and one currently not listed in the critical statutory duties.

Our next proposed addition is in section 4, subsection 11 of the bill and reads, "Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department." A common request we receive, both from veterans and community members, is to validate the legitimacy of veterans service organizations that veterans are either turning to for assistance or that they are being asked to support financially with donations. We currently do not have systems in place to track or validate these organizations. Again, going back, one of our statutory missions is to provide information on any question or concern of veterans or family members. When we are asked about some specific organizations, I cannot answer those questions because I do not have a system in place to do that kind of research.

The veterans registry would benefit both veterans and other service members regarding the legitimacy of these organizations, and it would benefit the service organizations that seek to establish their legitimacy. It is possible to modify the Department of Veterans Services NVVetNet website portal to create a registry of vetted organizations, but before undertaking this project, we would ideally have statutory authority. We have begun planning efforts for a registry with the support of a consulting project undertaken by Nevada's Certified Public Management Northern Cohort Class of 2017.

The final proposed mission change is section 4, subsection 12 of the bill and reads, "Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgement." Since 1943, the agency has played a key role in ensuring that Nevadans are given the opportunity to recognize our veterans and our military. Examples of events we create or support include Memorial and Veterans Day ceremonies; special anniversary commemorations, such as the beginning and end of wars and conflicts; and acknowledgement of unique populations of veterans, such as women and Native Americans. The funding for these activities is already included in our budget or comes from private donations. This duty, which has been an agency responsibility since its inception, is not but should be formally included in the list of the Director's duties.

Assembly Bill 22 would repeal NRS 417.035, "Director: Official bond. The Director shall execute and deliver to the Secretary of State his or her official bond in the penal sum of \$500,000 with a corporate surety licensed to do business in this State, conditioned to ensure his or her faithful discharge of responsibilities as guardian of the estates of those veterans and dependents for whom he or she acts. A separate bond for each estate is not required." Between 1961 and 2008, the Director was charged with managing funds for veterans declared by the courts to be unable to handle their own financial matters. The NDVS has not

managed a guardianship program for almost ten years. The language that requires a bond because of that guardianship program is no longer required. We would like to see that taken out of the language.

The other changes we are recommending in A.B. 22 do pertain to deputy directors. As background, NRS Chapter 417 only discusses the one Deputy Director created in 1947. In the 2015 budget, a second NDVS deputy was added. Action was needed to either add the second deputy director to NRS or to remove the first from the statute. We submitted a bill draft request last session to add the second deputy, but it did not make it through in time to be considered.

When drafting A.B. 22 for this session, I elected to remove the language pertaining to the deputy directors rather than add a second deputy. This was done because a review of other statutes governing assigned responsibilities revealed no examples of Deputy Director duties. The Division of Human Resource Management, Department of Administration, recommended that there would be no specific reason to add those duties. Not only was it unnecessary, it might impact the Director's ability to manage emergent missions and responsibilities.

Additionally, as currently written, NRS Chapter 417 gives one Deputy Director the exact same duties as the Director. However, this duty delineation is inaccurate. Our Deputies do not have the same responsibilities as the Director, especially fiscal responsibilities. Both Deputies do support the Director in the development and implementation of veterans services and programs. For example, the Deputy Director of Programs and Services manages the cemeteries, the veterans advocacy offices, and veterans education and employment programs. The Deputy Director of Health and Wellness manages the Nevada State Veterans Home, planning for the new Northern Nevada Veterans Home, veterans suicide prevention, disabled veterans sport programming, and veterans homelessness partner support. With me today at the table is Ms. Wendy Simons, who is the Deputy Director for Health and Wellness.

After A.B. 22 was published, leadership from several veterans service organizations contacted me and expressed concern that removing the "Deputy Director" language would have the unintended consequence of removing the requirement that this deputy be an honorably discharged veteran. These representatives also indicated that they would prefer that the second deputy be listed in statute and that the second deputy be a veteran. They did acknowledge that finding a veteran with the needed qualifications for the position of the Deputy Director for Health and Wellness would be difficult. Nursing home management and oversight is a highly specialized niche, and all concerned parties agreed that whoever was hired needed to have the qualifications because the decisions would impact the quality of veteran care and health.

If NRS required both deputies to be honorably discharged veterans, the current Deputy Director for Health and Wellness, Ms. Simons, who is a former nursing home regulator for the state, has successfully operated elder care facilities for years, and has served as an expert consultant for many elder care facilities, would not be eligible for the position.

Supervising nursing home operations is a very specialized field that requires knowledge of medical care, thousands of federal and state regulations, and complex Medicaid, Medicare, and other insurance processes and law. If a veteran qualified, that veteran would be an ideal candidate. However, geriatrics and nursing home management is not a core competency of the U.S. Department of Defense, and we have found few veterans with these competencies.

In support of veterans service organizations who expressed their concerns, I have submitted an amendment to A.B. 22 ([Exhibit C](#)) to address the qualifications of deputies, keeping the requirements for the Deputy Director of Programs and Services the same as is currently in NRS, and adding Deputy Director of Health and Wellness qualifications that would permit hiring a nonveteran if a qualified veteran was not available.

The last change deals with office location changes. Statutes require that the Director be located in the same city as the regional office of the U.S. Department of Veterans Affairs, which is currently in Reno. When the office of veterans' service commissioner was created in 1943, the commissioner personally filed claims on behalf of veterans, so it made sense to locate the commissioner in the same city where he was filing claims. It has been decades since the commissioner, now Director, personally filed claims. The mission of the agency has grown to include duties other than assistance in filing claims, requiring the Director to coordinate with federal, state, and local authorities throughout Nevada, not just Reno. With the advent of new digital technologies and the ability to communicate better, plus a plane flight back and forth from Las Vegas, which was not available in 1943, it is a lot easier to manage from wherever the Director is located. Eliminating this location requirement would allow the Governor to select the best-qualified candidate for the position of Director and place the Director where the needs of the state would dictate at the time.

*Nevada Revised Statutes* Chapter 417, which currently only reflects one Deputy Director, requires that Deputy to reside in Clark County. When this Deputy Director was created in 1947, it was to serve the counties of Clark, Lincoln, Nye, and Esmeralda, with all remaining counties assigned to the Director. With this decision, the state was essentially split in half with two Departments of Veterans Services. Over time, NDVS has become a functionally aligned and centrally managed agency. For example, the Deputy Director of Programs and Services runs both cemeteries, north and south, instead of previously where there were two management teams handling different cemeteries with different standards. It was not a good way to do business. The Governor no longer appoints NDVS deputies. This is the responsibility of the Director, and no formal office of the Deputy Director exists. This proposal would remove language outlining office locations, not only for the Director but also for the Deputy Director positions, to give the state the flexibility to manage these positions.

Thank you for the opportunity to make this important request, not only on A.B. 22, but also on the amendment that was filed. I am prepared to address any questions you may have.

**Assemblywoman Joiner:**

Thank you for bringing this bill. I love the idea of a registry and think it is fantastic. My question is a technical one on your amendment ([Exhibit C](#)). When you talk about not naming the deputies in the bill and the reason being that you want the flexibility to use them where you need them, it looks like the amendment specifically names a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness. I am trying to square that with what you just said. The limit on how many deputies you have would just be in the unclassified pay bill. Is that how it would work? I want to make sure I understand your amendment, and why you are naming them when you originally did not want to.

**Kat Miller:**

Originally, I did not want to name them, again, based on the Division of Human Resource Management recommendation. One of my statutory responsibilities is to support veterans service organizations throughout Nevada. Veterans service organizations who came to me felt strongly that the qualifications of the deputies should be listed so we could ensure that there was a veteran. Was there a need to call one the Deputy Director of Programs and Services and to call one the Deputy Director of Health and Wellness? No. I could easily change that to Deputy Directors if that makes more sense to the Committee. I want the ability to hire the most qualified person for the Deputy Director for Health and Wellness. I am not convinced, based on when we went out to hire last time, that I will find a veteran. If I do, that is wonderful, but I want the authority to hire a nonveteran for that position. For me, the needs of the veterans in our care at the nursing home trumps the necessity for hiring a veteran for that position. Ideally, I would have both. However, if I do not, I have to hire one. I needed to describe the titles in order to show the different qualifications.

**Assemblywoman Joiner:**

I understand that reasoning, and I like that you have put back all the requirements. I may not have asked my question correctly. Under this amendment, does this still allow you to have the two you name, but then also additional deputies as needed? Is that the proposal?

**Kat Miller:**

I was not thinking in the future of adding another deputy, but as it stands right now, adding personnel positions would have to go forward in our budget. If I received budgetary authority to hire another position, if we did list deputy directors, I would have to come back for a statutory change to clean up that language. As I understand, the budgetary process to add the deputy, which happened in 2015, is being cleaned up with the language in this amendment. The statute is not what gave me the authority for the deputy; it was the approval of my budget in 2015. If there comes a time in the future where we would have to take away a deputy or add another deputy, that would be introduced in the Governor's budget and then brought before the Legislature.

**Assemblywoman Joiner:**

That may be a question for the legal department. The original bill seems to leave it open to the number of deputies and then the pay bill would take care of the number. I want to make

sure if we approve the amendment, it is either two deputies and that is it, or it is two deputies with the ability to add another deputy. I want to make sure we are all on the same page about what you need.

**Kat Miller:**

What the agency needs is the flexibility to have the number of deputies that is necessary at any point in time. It may be one deputy if the veteran population were to go way down or they decide to implement some other type of structure. It may be ten deputies. What I do not want is for the statute to say there are two deputies because then we would have to go back to the Legislature to change as needs require.

**Assemblyman Carrillo:**

My question is in regard to section 4, subsections 10 and 11 of the bill regarding maintaining a statewide database. Are these veterans service organizations federally funded?

**Kat Miller:**

There are some veterans service organizations that receive federal grants for funding; there are some that are privately funded; and there are some that have no funding stream at all but go out and do good work on behalf of veterans.

**Assemblyman Carrillo:**

In section 4, subsection 11, it states, "... publish a digital copy of the registry on the Internet website maintained by the Department." What kind of safeguards are going to be put in place to ensure the privacy of veterans, whether they be a young veteran or an older veteran? Once this information gets on the Internet, it is always out there.

**Kat Miller:**

In terms of anything on our website, it goes through the Nevada Employee Action and Timekeeping System. Sometimes I find that a bit frustrating because it has many firewalls and requirements to ensure it is protected, which is a good thing. In terms of the names that would be on the registry, it is for organizations and not individuals. It is a self-select system. Currently, we have NVVetNet on which employers can create a profile. What we would do is add a dimension to NVVetNet to check if it is an organization that we have been able to verify, whether it is a legitimate 501(c)(3) or 501(c)(4), whether the Better Business Bureau had any problems with it, whether our federal partners and other partners knew of anything criminal, et cetera. We would then indicate that the organization was vetted by our office. It does not mean we would say no other organization is any good; it would just say that we have vetted the organization that has chosen to be on the registry.

If I receive a call from a veteran who asks about specific organizations and their legitimacy, we would then call that organization to encourage them to create a profile on NVVetNet as an employer. We would then verify that it is a legitimate organization. This helps benefit the organization as well for when we receive calls from veterans in the future. Again, it



would not be individual veteran's information; it would be organizations that chose to participate in the registry for the benefit of veterans and for the benefit of their organization, which now has someone, at least at that point in time, vouching for them.

This is going to be complicated in terms of determining those levels of checks. Whom do we work with? We know the Better Business Bureau and the Office of the Secretary of State are two of several different sources we can work with. We are not ready for prime time. What I would like to do is get a head nod and make this a statutory responsibility before I go much further down this road.

**Assemblyman Carrillo:**

To clarify, that database would be secure. It is not so much because of firewalls, it is because of groups out there who want transparency and want that information regarding who is receiving what kind of benefits, whether it is veterans benefits or retirement benefits. To me, that opens a Pandora's box with that information getting out there. That is more of what I was referring to, some public entity or think tank who wants the information and transparency. They want to know what our veterans are receiving and where the monies are going. That is my concern and what I was focusing on. I want to make sure that is put on the record in case we have a problem five years down the road from a group that wants this information opened, so they can have the transparency they feel is needed, especially for our veterans.

**Kat Miller:**

We have taken note of your concerns. We are still in the development process, but those are important points. We are going to have to be working with many people as we develop this registry to make sure we protect the information, and it does what it is intended to do. What it is intended to do is to make sure veterans are not giving their money to shady operators who are cloaking themselves in the American flag but to organizations that are helping service members and their families.

**Assemblyman Daly:**

Thank you for bringing the bill. I also want to thank all of our veterans and anyone who has served in the military for our country. I wanted to put that on the record. I want clarification on how the bill was drafted. I know our staff does a good job with what information they receive. I also want to get clarification on how the amendment is looking. There seems to be some conflict. I want to be clear that you first asked for unlimited deputies, but you only have two in your budget. Is one of the barriers that you only have authority for two deputies?

**Kat Miller:**

Currently, we have budgetary authority for two Deputy Director positions. My understanding is in order to get a deputy, it has to go through the budgetary process. The Governor has to introduce it in his budget, and the Legislature has to approve it. That would be the process for approving deputies. Regardless of what goes in the statutes, if the statute says we can only have one deputy, then we would have to come back through this body. However, right now the statute does not say we can only have one deputy; it just

addresses the duties of one deputy. The statute does not have any language indicating we can only have one deputy or two deputies. This is really more housekeeping because the NRS does not jibe with the reality of the number of deputies we are authorized and the Legislature authorized under the budget.

**Assemblyman Daly:**

That is what I understood. I had to ask the first question in order to get to the next question, so the Committee can understand what you have and what the process is in order to be as efficient as we can as we look at your amendment. Hopefully, we will end up getting the language correct.

You are budgeted for two deputies, one is for Health and Wellness and the other is for Programs and Services. If we add a line that indicates you can hire other deputies, you would still have to get that position through the budget process, but there would not need to be another statute change. I think what we are trying to get to is the best way for you to do it. If the language states two deputies, then you would have to get the position in the budget and then get a statute change if you want another. If you get it in the budget for another deputy, you would not have to necessarily do a statute change. I think that is the line of questioning we are trying to get to—what the existing language looks like, what the amendment looks like, and which way the Committee believes the language should be in order to accomplish those two things.

**Kat Miller:**

The most efficient way is not to address the deputies at all. There is no other state agency that lays out the duties of the deputy directors. When the duties are laid out, it is because they have some other specific statutory reason to do so. They have duties distinct unto themselves. The reason I am bringing the amendment forward is because my partners and national veterans service organizations feel very strongly that there should be a statutory responsibility that our veterans be honorably discharged veterans. That is the only reason we are adding the language. It would be much more efficient to do what the other agencies do and not address personnel positions that do not have specific reasons for addressing them in statute.

**Assemblyman Daly:**

I understand, and I think that helps the Committee to then figure out what the amendment is going to look like when it is drafted and the direction we give to our staff. I know we do have a bill in another committee with the Office of the Secretary of State that listed the deputies, and they are adding a deputy. It is not unheard of.

My final question is, I understand there is a difference between a veteran and someone who was in military service but does not meet the definition of a veteran. Do you service both and help all people who served in the military regardless of their veteran status?

**Kat Miller:**

Veteran status depends on the particular veterans benefit that is being entitled. For example, there may be a veteran who was dishonorably discharged and does not qualify as a veteran under our statute but who is homeless. We certainly support anyone who served in the military because that is what we do. If it is a veteran who was enlisted for six months and was raped, a veteran who has military sexual trauma but does not meet the qualifications, we would certainly help that veteran connect to services for military sexual trauma, regardless of the definition of veteran.

**Assemblyman Daly:**

I thought that was the answer, I just wanted to get it on the record to make it clear in case anyone has that question.

**Kat Miller:**

I did not know there was another bill having to do with deputies. I did not mean to say anything that was unlawfully or unknowingly misrepresenting any facts when testifying or otherwise communicating with the Legislature. I also want to let the Committee know that there are representatives from United Veterans Legislative Council who will also be presenting another nuance and a recommendation for another adjustment to the amendment today. There will probably be some other voices with other changes we may want to make, voices who you will be hearing from today.

**Assemblywoman Bilbray-Axelrod:**

I am going back to Assemblyman Carrillo's comments about the database. I love the idea of a database and having opportunities for veterans to know about services. I think this will be a fantastic way for veterans service officers (VSO) and other organizations to get the information to veterans. From my work with veterans, I know the hardest thing is letting them know these programs do exist. My concern is that this group of people have been taken advantage of many times. I am thinking of one organization in particular that was very high profile, and it turned out they were lining their own pockets. What would the vetting process be? If a veteran came to you and said he had been using a particular organization and has an issue with it, how would the organization be removed from the registry? Is this something you anticipate your VSOs using in giving out information, or is it a database that could be searched by veterans?

**Kat Miller:**

As they say, the devil is in the details. We are not ready for prime time, and I do not know exactly what the vetting would look like. I do know we would run it through the Office of the Attorney General and other people to make sure what we do is legal. We would also have to have some disclaimers on the website because if there was an organization that was completely legitimate on paper and still had practices that were problematic, we would need to have a disclaimer indicating the organization had been validated. However, people would have to do their own checks. We are going to have to have some protections because the best of organizations can make mistakes or go down a path that may not be helpful. We would have a list of veterans support organizations on NVVetNet. The public would be able to look

at that and see vetted and nonvetted organizations. Anyone can create a profile on NVVetNet. For example, there is a chaplain who wants to marry veterans for free, which is a service. If you happen to be a veteran who wants to be married for free, that service is available. However, is that something I want to call a legitimate organization because tomorrow he may charge \$1,000? It is not really what we are intending to get at. Currently, NVVetNet allows employers, businesses, and nonprofits to create a profile to inform the community of their services. This would then provide a degree of discrimination to the organizations that we vetted, so individuals know the organization meets the criteria for a veteran-friendly service organization.

We have a statutory responsibility to answer questions when people call us. If people call wanting to know if Beyond the Yellow Ribbon program is legitimate, we can let them know it is a program by the Nevada National Guard that helps veterans and military service members get reestablished into employment. However, maybe my VSO or someone else in the agency does not know that information. Someone may call and ask about an organization that I do not know about. I want to approach this in a more systematic way so we can have processes for identifying positive organizations. It may also draw some of these organizations to us to create profiles because they can then say they have been vetted by the Department of Veterans Services.

How would I pay for this? We have a webmaster now who vets organizations, but it is at a very high level. If someone we know is creating a profile on NVVetNet whose services are not veteran-specific, do we want them vetted? This would tighten up the procedure and force us to come up with criteria and then publish the information.

**Assemblyman Kramer:**

I have a couple of comments and then a question. My limited experience with the statutes does show that most deputies are described for each of the departments that have deputies, not just left unknown. There are probably exceptions to that, but there are quite a few departments where each of the deputies is described. Secondly, listening to you talk, I hear a lot of passion for what you do, and I thank you for your service in doing that. I am a veteran. I know there are discounts veterans can get at different places. If I have a Verizon phone, I can get a 15 percent discount. All I have to do is show my DD Form 214, Certificate of Release or Discharge from Active Duty (DD-214) form. The DD-214 form is not always the easiest thing to find. I know I can call Fort Leavenworth and get another form mailed to me, but it would be beneficial if your database had some way to download or find a veteran's DD-214 if needed. That is a request, and I do not know if it can be met or not. All veterans know what a DD-214 is, and if a person has to prove he is a veteran, he has to have that form. It might also be a part of your database that shows who is a veteran and what their status is.

My question has to do with section 10, subsection 3. When you gave your introduction, you said the language was removed that the Director had to establish a bond. Was that removed in another legislative session and this is just a tail to that, or is this because the Director is not appointed the guardian and, therefore, there is no need for the bond in that regard? I am looking for clarification.

**Kat Miller:**

When I get back to the office, I would be glad to send this Committee the list we received from the Division of Human Resource Management that details all positions in NRS that have specific responsibilities outlined. It is quite a long list, but I would be glad to send that to you, so you can see the language that is not included for deputies. The U.S. Department of Defense currently has a way for veterans to pull up their DD-214, but only if that veteran served within the last eight years. They do have a project where they are trying to scan the DD-214s and add the older ones, but they have not done that yet. We are looking forward to the time that every veteran can log onto the system and pull down their DD-214.

As a part of our veterans information system, what we will be doing when it starts up is pull all data from the Department of Motor Vehicles (DMV) for those veterans who choose to put the word veteran on their driver license. With that information, we will be able to add the discharge status of that veteran. The way the Legislature wrote the rule, a veteran does not have to self-identify as a veteran. It would only be for those veterans who opt to identify as a veteran. Once that happens, we will be a lot more efficient at helping veterans and other state organizations, such as the DMV. A veteran has to bring their DD-214 to the DMV in order to get "veteran" placed on their license. If we had the database up, DMV personnel could simply click and find the veteran and his status. The veteran would then not have to take the DD-214 to the DMV. We are not there yet. Hopefully, in three or four years, we will be.

Regarding the guardianship duty, that duty was taken away from the agency in 2009, so we stopped running guardianship programs in 2009. This is legacy language requiring a bond for a duty we have not done in ten years. Why we have not taken it out in past years, I am not sure, but it needs to come out.

**Assemblyman Ellison:**

Can you give me the chain of command in the absence of the Director? If you remove the Deputy Director position, who would take over in the absence of the Director?

**Kat Miller:**

In my absence, the senior Deputy Director serves as the Director. It depends on the issue. If an issue came up regarding nursing homes, the person who would direct that issue would be the Deputy Director who is the expert in that area. The acting Director of the agency would be the senior Deputy Director.

**Assemblyman Ellison:**

Regarding section 4, subsection 10, do you not already have a database?

**Kat Miller:**

We do have NVVetNet, which is an opt-in database of veterans, service providers, supporters, and employers. What section 4, subsection 10 would do is allow us to provide rigor toward those veterans service organizations who are asking for donations. We would be able to vet those organizations. We do not currently have a database of veterans in Nevada. That is what the veterans information system will give us. We do have a grant from the U.S. Department of Veterans Affairs. I have my information technology expert here if there are any technical questions. Consider it a data warehouse that will be flowing information in from the DMV and other agencies regarding the veterans in Nevada. It also goes through the State Registrar of Vital Records, Division of Public and Behavioral Health, Department of Health and Human Services, in order to make sure it is a living record rather than a repository of every veteran who has been in Nevada since the Spanish-American War.

**Assemblyman Ellison:**

Is the privacy of the veterans protected?

**Kat Miller:**

Absolutely.

**Assemblyman Ellison:**

Are you saying this bill will allow you to hire a nonveteran if a veteran was not qualified? There are millions of veterans who are more than qualified, such as generals, majors, or sergeants who could be qualified for this position. I cannot believe that an honorably discharged veteran cannot be found.

**Kat Miller:**

We have hired for this position once before, and I can tell you what my experience and the experience of other state directors I have checked with through the National Association of State Directors of Veterans Affairs has been. It is not easy to fill these positions. It is very difficult. The U.S. Department of Defense (DOD) does have medical professionals, but generally speaking, the DOD is not involved with geriatric medicine, and they certainly do not run nursing homes. The liability and risk to the state to have someone managing those programs who does not understand the business of care facilities is huge. It has taken me five years of being in this position to understand I do not know enough to provide oversight. That is why I came to the Legislature last session to get a Deputy Director who could not only help ensure we build the new home to appropriate standards, but that we manage the existing home properly. It was only when I brought on Ms. Simons that we were able to go from a four star to a five star, and were able to make significant changes by adding physical therapy programs. I cannot tell you how much money we were leaving on the table with Medicare and Medicaid because we did not understand those systems. Is there a veteran out there who might have been discharged in 1980 and then went into the nursing home field and is an expert in that area? Absolutely, there might be one out there. If there is that person, I want to hire him. However, if there is not that person, I do not want my hands tied

and have to select someone for this position who is not fully qualified. That is the purpose of this bill, to give me that option if we cannot find a fully qualified veteran to hire someone who can do the job.

**Assemblyman Ellison:**

I truly believe there are qualified veterans in every field. I just want to address my concern. I do not believe a nonveteran has the heart to serve in that position that a veteran would.

**Assemblywoman Monroe-Moreno:**

In the original language in the Legislative Counsel's Digest, it removes the requirement that a Deputy Director be a resident of Nevada. However, section 2, subsection 4, paragraph (a) states the person must "Be an actual and bona fide resident of the State of Nevada." I want to make sure that the position of Deputy Director is a bona fide resident of Nevada and we are not looking outside the state to hire someone.

**Kat Miller:**

In the initial bill, I was taking out all language for deputies so you would not have seen "bona fide resident." In the amendment, we added it back in since we added the qualifications. In the past, we have gone outside of the state. The requirement was that before they could accept employment, they had to be established as a resident. We have gone outside the state to hire. The deputies we have hired since I have been the Director have been people who were already residents of Nevada. We have opened the search nationwide before and the candidates were all informed that, should they be hired, they would have to establish residency before accepting their first paycheck.

**Assemblywoman Monroe-Moreno:**

What is the time frame to establish residency?

**Kat Miller:**

When I was hired as the Deputy Director, it was 30 days. As it is currently written in the language for the Deputy Director, which has gone through the Office of the Attorney General and the Division of Human Resource Management, it indicates the person has to be a resident of Clark County. I lived in Reno at the time, so I had to relocate and establish residency within 30 days.

**Assemblyman McCurdy II:**

In regard to Assemblyman Ellison's comment about finding qualified candidates who are veterans, have you initiated any conversations with any of our institutions of higher education to develop a pool in order to make sure we are grooming the next generation of leaders in our state?

**Kat Miller:**

Yes, is the simple answer. The Nevada System of Higher Education has been doing some incredible things working with our veterans. There has been legislation passed in the last couple of years that helps in doing that. We are also looking at some different

models and tools that would allow us to do some career path training for our veterans. The U.S. Department of Labor has a tool, but it is not great. We are looking at doing something in Nevada with the Office of the Governor. Every day we are looking at ways to do that.

In regards to the qualifications of this position, less than 1 percent of Americans serve in the military. When we look at qualified people who are available, especially in Nevada and especially with the shortage of medical providers—I believe we are 49th or 50th in terms of medical providers per capita—there is not a huge pool. I can only speak personally, but if I go to a doctor, my first question is what are your medical credentials, not are you a veteran. I hate saying that out loud because people are going to think I do not love veterans. I am a veteran, my husband is a veteran, my son is a veteran, my daughter is a veteran, my dad was a veteran, and my grandfather was a veteran. If there is a qualified veteran, I am going to hire him, but I am not going to hire someone who is not qualified for the job. I do not want to be locked into that corner. That is the purpose of that portion of the legislation.

**Assemblywoman Neal:**

Regarding the location of the offices, is the repealing of NRS 417.070 just to allow flexibility, or is there still going to be an office maintained in Las Vegas?

**Kat Miller:**

It would repeal the requirement that a Deputy Director or Director has to live in one city or another. This would allow the Governor to decide where he wanted his Director located and for the Director to decide where the deputies are located. I cannot see a time where you would not have one of the three positions in either Washoe County or Clark County simply because the travel costs would be incredible and the physical presence is needed. We do not want the language to state one deputy has to be in Clark County and the other in Washoe County. Perhaps both deputies are in Clark County and the Director is in Washoe County. The constraint in NRS 417.070 was based on a 1947 construct where the Director had to be in Reno for the purpose of filing claims for veterans. I would love to see the language from 1947, but it looks to me there was a concern as southern Nevada was growing that there be a presence in southern Nevada. I believe we are mature enough at this point to understand the needs of veterans communities and where our staff needs to be located. I would like the Governor to have the flexibility to choose a Director and put that position where it is needed. That is a decision that needs to be made by the leadership, but I would like that flexibility.

**Assemblywoman Neal:**

The reason I ask is because the language in NRS 417.070 states "office" not "person." My second question is regarding repealing the bond. I understand it has not been used for ten years, but who actually took over those duties to deal with the veterans who could not handle their own affairs?



**Kat Miller:**

The U.S. Department of Veterans Affairs took over a large part of those duties. Also, the state Department of Health and Human Services took over some duties based on the need for guardianship, not based on a person's veteran status. As I look back on our staffing, the only staff we had to perform this duty was one Administrative Assistant II position who would basically make sure checks went from the employer to whatever bills needed to be paid. It was not guardianship in the true sense. It was very limited and it was not done particularly well because it was not staffed appropriately. In 2009, the decision was made to move that mission to agencies that had the wherewithal to accomplish it properly.

**Chairman Flores:**

One of the recurring conversations we have been having in the Committee in the past couple of weeks has been regarding the disconnect we have. As a state, we are constantly looking to help veteran-owned businesses, yet we have no way of tracking them. I wonder if this database mentioned in section 4, subsection 10 would be a way for us to help veteran-owned businesses and they be included in the database. Could this be a place where that information is published?

**Kat Miller:**

We have been struggling with that over the last couple of years. There is already a database in the state for tracking small businesses. I have had discussions with the Department of Business and Industry and the Office of Economic Development, Office of the Governor about creating a field in the existing database where the businesses are identified as veteran-owned rather than creating a completely new database. What I would like to do is look at the existing databases and identify those veteran-owned businesses. They are very receptive, and we are working on that because, as you say, it is very difficult to reach out to small businesses to tell them these preferences are there if we cannot identify the small businesses. Currently, our office does not have the ability to do that. Rather than our office using our database for that purpose, modifying the existing database in order to identify veteran-owned businesses is the way to go, and that is what we are currently working on.

**Chairman Flores:**

I believe I had this same conversation with the Office of the Secretary of State before this Committee. It seems we are all on the same page, so in the near future we will hopefully see a box on the database identifying veteran-owned businesses.

Is there anyone wishing to speak in support of A.B. 22, either in Carson City or Las Vegas?

**William Baumann, Chair, Nevada Veterans Services Commission:**

I am also the national deputy Veterans Affairs Voluntary Service chair for Disabled American Veterans. I am in support of A.B. 22.

**Patti Jesinoski, Private Citizen, Las Vegas, Nevada:**

I urge you to vote for the passage of A.B. 22. My understanding of the addition in section 4, subsections 10 through 12, appears to be a better safeguard against fraudulent organizations

preying on veterans and their families, as well as the general public. Ensuring that each generation of veterans is recognized annually is important to acknowledge publicly the services of the men, women, and families of the armed services.

The only addition I would like to see is that these services vetted in section 4, subsection 10 are also vetted to show the percentage of donations going to the vetted services offered and not to the running of the organization.

I agree with Assemblyman Ellison about hiring a nonveteran because of the qualifications, and it is a valid question. Sometimes, changing the criteria and looking outside the box is the answer. As an example, a pharmacist in retail who has dealt with multiple insurance companies may also be the person who can certify nursing homes, have discussions, and be on boards. A pharmacist may also have a wider understanding of regulations and what other services are available. Changing the criteria may be a way to hire a veteran who qualifies. Thank you for supporting A.B. 22.

**Assemblyman Ellison:**

I want to thank them all again for their service.

**Chairman Flores:**

Is there anyone else wishing to speak in support of A.B. 22?

**Luis F. Valera, Vice President, Government Affairs & Diversity Initiatives, University of Nevada, Las Vegas:**

The University of Nevada, Las Vegas (UNLV) would like to register its support for this bill. The Military and Veteran Services Center at UNLV has identified this as a bill we are in support of.

**Chairman Flores:**

Is there anyone else in Carson City or Las Vegas wishing to speak in support of A.B. 22? [There was no one.] Is there anyone in Carson City or Las Vegas who wishes to speak in opposition to A.B. 22? [There was no one.] Is there anyone in Carson City or Las Vegas who wishes to speak in the neutral position?

**Kevin Burns, Coordinator, Veterans Resource Center, Western Nevada College; and representing the United Veterans Legislative Council:**

I am the chairman of the United Veterans Legislative Council (UVLC) about which Director Miller spoke. By way of refresher for continuing members and introduction for new members, the UVLC is an umbrella organization over the nationally recognized veterans service organizations of the Veterans of Foreign Wars, The American Legion, the Marine Corps League, and Disabled American Veterans. We are elected from those organizations into the UVLC. Our stated mission is that we can do all of our cussing and discussing behind closed doors as we figure out this political process and come forward with one unified voice.

The reason I am here today is to talk about A.B. 22. I am obviously testifying under the neutral standpoint. The reason I am testifying as neutral is because of the language. There is a symbiotic relationship between the 300,000 veterans that we represent and the Director of the Department of Veterans Services. Assemblyman Ellison hit on the language we were a little hung up on. We support everything in A.B. 22 except for one sentence. If you look at page 2 of the proposed amendment presented by the Director [page 2, ([Exhibit C](#))], regarding the Deputy Director of Health and Wellness, subparagraph (b) talks about having to be a veteran, but then states "OR" and subparagraph (c) talks about someone who is qualified with four years of service in the civilian world. Many of our members feel we want to hire a veteran, but we also understand Director Miller's problem, if you will, with finding someone who is actually qualified. A vast majority of us would take a qualified member to run a nursing home and understand the intricacies of licensures, Medicaid, et cetera. The reason we would prefer that is because it is obviously easier for us to teach someone qualified to run a nursing home about veterans than it is to teach a veteran those intricacies. Our recommendation is simply to change subparagraphs (b) and (c). We would want it to say that the preference is a veteran. Subparagraph (c) would become, "However, if a qualified veteran cannot be found, then a person who is qualified to run the nursing home would then be hired."

**Darrol L. Brown, representing Carson Area Chapter #388, Vietnam Veterans of America:**

I am also a member of the United Veterans Legislative Council (UVLC). Until UVLC has a chance to discuss this matter, we are in the neutral position. Serving 26 years in state and federal government, I know it is critically important to get the qualifications correct when putting out a hiring announcement. As Mr. Burns mentioned, we are not against A.B. 22, we just think the qualifications as a veteran are important. As it stands, the proposed amendment ([Exhibit C](#)) allows the hiring authority to skip right down to subparagraph (c). We would rather have them go through subparagraphs (a) and (b) before getting to (c). Therefore, if no qualified veteran can be found, then the hiring authority can use subparagraph (c). I had many issues with that when I was a hiring authority because state personnel and federal personnel were always on my back about having to do this, this, and this before getting to that. We feel it is critically important to get to that position. Until we can actually discuss this at our next meeting, we are in the neutral position.

**Assemblyman Ellison:**

I am not familiar with the process, but I know there are many veterans in the medical field. We probably look in Nevada first and try to hire from our own state. However, I believe if there is no qualified veteran in Nevada, then we must do a national search. I am not sure if we do that or not, but perhaps outside of Nevada, there are good, qualified veterans who could fill these positions. That is my personal belief.

**Darrol Brown:**

Assemblyman Ellison, I wholeheartedly agree with you. Again, we are not opposed to the proposed amendment. We think everything should be exhausted under subparagraphs (a) and (b) before getting to subparagraph (c).

**Chairman Flores:**

Is there anyone else in Carson City or Las Vegas who wishes to speak in the neutral position? [There was no one.] Would the bill sponsors please come forward with any closing remarks? If there is any interest in addressing the proposed amendment, we would appreciate that conversation.

**Kat Miller:**

Thank you again for the opportunity to talk today and the great questions. The UVLC spoke to me before we came into this meeting. We are open to discussion on this amendment or any other amendment. I believe there is some middle ground here. I will work with the UVLC. I cannot commit to anything because I work for the Governor. Any amendment would go through him, and we would take a look at it. However, I do think there is an opportunity for some adjustments that will make the UVLC happy, and we will work on this amendment for you. We will roll up our sleeves and get to work.

**Chairman Flores:**

I would ask that you also speak with Assemblyman Ellison, as I believe he made a proposal as well. I am going to close the hearing for Assembly Bill 22. I will open the hearing on Assembly Bill 106. Before we get started, I would like to thank Assemblywoman Spiegel. I know she has been working diligently with different stakeholders in the past couple of days to listen to their concerns. I appreciate individuals working together. Those of you who had opposition, I appreciate you speaking with her and not coming to me first. That is something we expect of everyone on this Committee. If you have any form of opposition to any bill, I do not appreciate people talking to me first. The expectation is to talk to the bill sponsor. Once you speak with the bill sponsor, then you can come speak to me.

**Assembly Bill 106:      Revises provisions governing government contracting.  
(BDR 27-295)**

**Assemblywoman Ellen B. Spiegel, Assembly District No. 20:**

I am here today to talk about Assembly Bill 106, which provides for equal pay in government contracts. The reason this bill is important is because currently, and historically, women do not get paid the same amount as men. Federal statute requires equal pay, but it oftentimes does not happen. This chart [page 2, ([Exhibit D](#))] is from last year and shows the pay of women compared to non-Hispanic white men. Overall, women earn about 80 cents on the dollar compared to men. The reason for this bill is because it does not seem right to me that when we have public policy saying there should be equal pay for equal work but then we use government funds in a way that is not consistent with the policy.

When we look at the wage gap between women and men [page 3, ([Exhibit D](#))], we increasingly see that it affects our hardworking families. Back in 1967, only about 26 percent of women were in the workforce. The pay disparity did not affect traditional two-parent households as much because there just were not as many women in the workforce

as compared to now when almost 65 percent of women are in the workforce. There are women earning 80 cents on the dollar, or less than 80 cents on the dollar depending on their ethnic background. It has a big impact on our families and on our economy.

The goal of A.B. 106 is to ensure that projects funded with public monies provide equal pay for equal work [page 4, ([Exhibit D](#))]. As the bill was drafted, there were a number of issues. Over the past week or two, I have been meeting with stakeholders. I have met with over 30 different people talking about this bill. Yesterday, I had a stakeholder meeting with over 25 people. I want to share with you some of the concerns and tell you what happened at that meeting.

As outlined in the bill, one of the concerns is the certification process is very burdensome and very expensive. It could favor out-of-state employees instead of hiring in-state employees. Some of the definitions are problematic. The criminal penalties are problematic. There were issues with federal purchasing and how the two processes could have conflict. There were questions about whether this bill, if enacted, would apply to parent company employees and have clawbacks nationwide and impose Nevada standards nationwide, or if it would just affect Nevada employees. There were questions about certification time frames and renewal time frames, and there were questions about exemptions and the process for exemptions. There was a list of concerns and a list of practical applications to the bill that went on and on.

At the same time, there was an overwhelming spirit of stakeholders wanting to support the concept behind equal pay for equal work. During our meeting yesterday, we discussed what we could do with the bill to change it and remake it in a way that would support the legislative intent, yet address all of the different issues. We came up with the idea of developing a pilot program that uses carrots instead of sticks. In other words, we would give incentives to businesses who demonstrate that they provide equal pay for equal work. We would do it in such a manner that would determine results, track results, see what issues come about, and look at how we can then, down the road, look at expanding things so we can make sure equal pay for equal work is in fact done here in Nevada.

My next steps are to continue working with the stakeholders [page 5, ([Exhibit D](#))], including people from the business community, state government, and local governments. I know there are a number of those stakeholders here now. I would then like to come back to this Committee with an amendment that addresses the concerns of stakeholders, has the spirit the bill intended, fulfills the legislative intent, and then we can proceed forward.

**Chairman Flores:**

I would like to let the Committee know how I would like the line of questioning to proceed. In the interest of running this Committee as efficiently as we can and not falling behind on bill hearings, I asked Assemblywoman Spiegel to give us an overview of where she is at on the bill so we could have something. As you know, we are one of the busiest committees, and we need to get the bills heard. With that said, because there are sections we know will

be amended, I would prefer we do not ask specific questions relating to those sections. I would like Assemblywoman Spiegel to go through the sections that she knows will likely not be amended, if any. The members will then ask questions regarding those sections.

**Assemblywoman Spiegel:**

I believe we are going to pretty much change the entire bill. We are going to be coming at this with a different approach. I want to make sure that we address everything in an appropriate manner in a way that is cost-effective to the state. As an example, much of this bill talks about the process involved with the certification program. In having meetings with the Office of Labor Commissioner, Department of Business and Industry, we discussed that process would require at least three full-time employees, which is impractical. Everything from the process and how we move forward to the implementation needs to be looked at so we can do this in a manner that would be effective for reaching the goal and in a way we can afford.

**Chairman Flores:**

Keeping that in mind, what I would prefer we do is take this time and allow Committee members to raise issues they have themselves, so while you are in the stakeholder meetings, you can address those issues as well. Once you have the amended language, I would like you to let the members look at it, and I can get a read from the members to see if everyone is comfortable. At that time, we will have another hearing. Members, if you have specific concerns you feel should be addressed during the stakeholder meeting, or if you would like to include yourself at that stakeholder meeting, I would prefer we take the time now to do that. Again, I do not want to analyze language that we are not going to have in the bill. I do not believe that is in the interest of time or efficiency. If you have broad concerns with the bill that you wish to be addressed, you may bring those up now.

**Assemblywoman Neal:**

I am not sure if this is an appropriate question to ask, but you mentioned incentives. This is not currently in your bill but may be in the future. What kind of incentives are being proposed?

**Assemblywoman Spiegel:**

We were talking about coming up with a preferred provider program whereby businesses that do grant equal pay for equal work and are able to demonstrate it will be given a preferred provider status. They will be listed on a website and promotional materials as being preferred providers. We were also talking about perhaps developing some sort of logo the businesses could use in their own marketing materials indicating they provide equal pay for equal work. The businesses would then be known for being responsible businesses that do provide equal pay for equal work and done in a way that will positively impact their business and help their business grow.

**Assemblywoman Neal:**

Would this be a website with no state money involved in incentives or tax credits?

**Assemblywoman Spiegel:**

We have not discussed any tax credits. Theoretically, there could be some state money required for the website, but it would be minimal. We are looking to do this in a way that would avoid having a significant fiscal impact on the state.

**Chairman Flores:**

In a conversation Assemblywoman Neal and I had, the only concern I would like to raise is equal pay for equal work is something that everyone should do. I am having a hard time incentivizing someone for something they must do. In other words, a thank you incentive for treating women the same as opposed to not incentivizing for doing something the law already says has to be done. In having that conversation with the stakeholders, I appreciate the intent, but I am having a hard time with creating an incentive for doing something that is already required.

**Assemblywoman Spiegel:**

I appreciate your concern and I understand exactly what you are saying. This brings me back to some of my personal experiences in the early days of e-commerce. There were a number of things websites were told they should do, dating back to the earliest days of e-commerce, which included having the sales page be on a secure website and having credit card numbers stored in a secure manner. At the time, I was doing consulting work for MasterCard. We put together a program called MasterCard Shop Smart! Merchants were able to demonstrate to MasterCard that they were doing what they should be doing—and it was what everyone should be doing—by following opt-in industry guidelines. These merchants were given additional promotional benefits, so people would feel confident shopping there and knowing the merchants were behaving in a responsible manner. It was one of those things in the early days of e-commerce that gave people a little comfort and a little boost to help the industry take off. I understand it can be difficult to give someone an incentive for doing the right thing, but sometimes it becomes a matter of making sure the public knows what the right thing is.

**Assemblyman Carrillo:**

Thank you for bringing this bill forward. It is definitely an issue that we need to address. I understand there are going to be changes, but I am curious about section 22, subsection 1, paragraph (c) regarding the workforce analysis. Who would perform that workforce analysis? I am concerned this process could be particularly onerous and costly for small businesses and minority-owned businesses.

**Assemblywoman Spiegel:**

That is a concern that has been raised. We talked about the onerousness of all the processes and the burden on small business. In our meetings, we discussed some ways that other states, such as Minnesota, have dealt with this. Minnesota requires chief executive officers to sign an affidavit indicating they comply with equal pay for equal work; this affidavit is accompanied by a \$150 fee. We discussed doing something like that, which would be

less onerous. However, there have been other issues Minnesota has had with their bill. In our discussions, we are looking at ways we can put forth something that will not be overly burdensome on businesses but will still achieve the public policy ends.

Additionally, the bill as written covers firms with 50 or more employees. In my experience with larger companies, there is typically someone in human resources who has hiring grids with job descriptions and salary ranges. It would be a matter of looking at it like that. However, we are probably not moving forward with that approach.

**Assemblyman Carrillo:**

Whenever you have public works there must be compliance. In fact I know unions have it, but I am not sure if nonunion would. Not everyone is being paid the same, for instance, a plumber. Plumbers may not be getting plumber's wages; they may be getting a different wage that might be lower. Is the compliance aspect something you are looking at? It does not matter if the employee is a journey person. You are looking at the person, not the sex of the person. You could have a plumber who is a female, or an electrician or a carpenter. I am wanting to understand the parity. There are people out there who do their due diligence to make sure their members are getting paid what they are supposed to be getting paid. It is not about equality. It is more their position and being paid an electrician's wage versus a laborer's wage, or whatever it may be. I hate to throw you a curveball like that, but if you could get to the nuts and bolts.

**Assemblywoman Spiegel:**

This bill is in the spirit of not trying to be overly burdensome but looking at one job classification and the employees who fall within that job classification. For example, I was speaking to a woman yesterday who is a nurse. She told me she performs some of the exact same job functions as a physician in the rural areas. Their job descriptions are equal. She earns 67 cents on the dollar to what the doctor earns for the exact same procedure. However, as important as I think it is to make sure there is parity across the board. I do not think we have the resources to go back and say if the nurse is doing the same thing as the doctor, we need to do this, but we need to make sure the woman nurse who is earning 67 cents compared to the doctor is not earning 80 percent of that 67 cents.

**Assemblyman Carrillo:**

I understand that, but are you comparing the doctor to the nurse? There are male nurses and there are female nurses. Would a male nurse in a rural area be making more money than the female nurse in the rural area?

**Assemblywoman Spiegel:**

We are not actually comparing the doctor to the nurse, but we would not want the woman nurse making 80 percent of the 67 cents.



**Assemblyman Daly:**

I do support equal pay. I have heard from some people in the building as well who do support the concept. There is a fine line. It is already a federal law. I agree with Chairman Flores as well regarding the incentives. However, I also understand it is almost a "help them get there" or a bidder's preference, if you will. For a preferred provider to say there is an incentive if they actually comply and then go through the effort to get the certification or the recognition to be on a preferred provider list, this is similar to what we have in the bidding process for a preferred provider who would get a 5 percent advantage. I think some of those things are good, but the devil is always in the details. How do you actually apply it? How do you enforce it? The only other comment I have is I believe the U.S. Equal Employment Opportunity Commission or the Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation would have jurisdiction over this. I do not know if that is an avenue where you could get some enforcement without incurring a fiscal note. I appreciate the bill and I hope you are successful with the stakeholders in finding something that can work.

**Assemblywoman Spiegel:**

I appreciate your comments. I know it is federal law, and I know everyone is supposed to do it, but the data shows it is not happening. Given that it is 2017, it is astounding to me that we need to have a bill like this. You are right, the devil is in the details. I am pleased the stakeholders are willing to work with me to do this in a way that is focused on achieving the goal and not looking at getting mired down in the process. Obviously, we have to work through the process issues in order to come up with something that will be effective, not be too burdensome, and not cost the state money. Those are the goals.

**Assemblyman Daly:**

I hope you are successful. I know many of the employers we deal with have collective bargaining agreements with their employees. Men or women, if they are qualified and can do the job, receive the same pay. In fact, we make sure that happens. I cannot say I know what happens with their office staff. I know the field employees are covered, and they do receive equal pay.

**Assemblyman Brooks:**

I want to thank you, Assemblywoman Spiegel. This is an important issue and a conversation that is long overdue. I am glad you are bringing this up in this session with this bill. The compliance of what you are trying to achieve is complicated. I can imagine the resistance you have faced, but we appreciate your persistence trying to find a solution. I believe there is a tremendous amount of value in recognizing the companies who are doing the right thing. Companies who have collective bargaining agreements with their workers are automatically complying with the intent of your bill. Recognizing these companies has value. I know I look for things like social and environmental responsibility in the businesses I do business with.

**Assemblywoman Joiner:**

I want to thank you for bringing this bill. I cannot tell you how many times I hear people say this is not a problem, yet we keep seeing the data showing it is a problem. For businesses who think this is not a problem, they have nothing to fear. They need to document it, show what they are doing to support it, put their name on it, swear by it, and be proud of it. I thank all the businesses who are working with Assemblywoman Spiegel, and I thank you for working so hard on it because it is a problem, it is happening, and anyone who does not think it is happening in their workplace, I encourage them to document that and join a program like this. I think we need to do something. It is a problem and we need to find some sort of incentive and some sort of solution for those who are doing a good job.

**Chairman Flores:**

Is there anyone wishing to testify in support of the bill, either in Carson City or Las Vegas?

**Marlene Lockard, representing Nevada Women's Lobby:**

Fifty-four years ago, John F. Kennedy signed the Equal Pay Act of 1963. As has been stated here, although we have made some significant strides since 1963, true parity still eludes us. We feel this bill is another mechanism to ensure we close some of the loopholes that are open and are a reality, as Assemblywoman Joiner pointed out, that are not being done consistently across the board. We absolutely support Assemblywoman Spiegel in her efforts to work with the stakeholders. We hope this can be resolved.

**Nancy Stiles, Private Citizen, Minden, Nevada:**

I am here on behalf of the American Association of University Women (AAUW). We are strongly supporting this effort to tackle the persistent gender and racial pay gap. The AAUW was founded in 1881 and is very well known for their research. In fact, the first research project that was done in 1881 was done to defend the position that women did not have health issues by attending college. That is the truth, and it was the first research project AAUW did to dispel that myth. The issue of equal pay for equal work is not a myth; it is actually math.

The AAUW has 170,000 members, 1,000 branches nationwide, and more than 900 college and university partners across the country. In Nevada, we have 500 members and supporters. The AAUW has long supported ending gender pay discrimination, having released our first report on pay equity in 1913. As early as 1922, the AAUW called for a gender-fairness reclassification of the United States civil service and a repeal of the gender-based salary restrictions in the Women's Bureau of the U.S. Department of Labor. In 1955, the AAUW supported a bipartisan bill requiring equal pay for work of comparable value requiring comparable skills. As you know, Congress eventually enacted the Equal Pay Act of the 1955 bill in 1963. Like Assemblywoman Spiegel, I am wondering why in 2017 we are having this discussion.

The AAUW's biannual report, *The Simple Truth about the Gender Pay Gap*, is something I recommend you each read. That will prove to you that this is a matter of math, not a matter of myth. Our advocacy work spans local, state, and federal efforts. We lead the nationwide coalition dedicated to passing the Paycheck Fairness Act, a much needed and long overdue update to the 1963 law. With this background in mind, I am pleased to speak to you today about AAUW's strong support for A.B. 106.

We have clear and convincing data that the gender gap is not a myth, but a problem that undermines the economic security of American families. Not only to American families, but actually to the economy of America itself. To that point, I would like to share with you some of the reports from that simple pay gap research that has been done. The report provides reliable evidence that sex discrimination in the workplace continues to be a problem for women who, on the average when working full time, earn just 80 cents for every dollar, as you have heard. Our reports demonstrate just how much this pay gap impacts women, families, businesses, and the economy in general. Over a lifetime of work (47 years), the total estimated loss of earnings of women compared to men is \$700,000 for a high school graduate, \$1.2 million for a college graduate, and \$2 million for a professional school graduate.

Some say it is just a matter of personal choice—what the man chose versus what the woman chose. However, our analysis found that just one year after college graduation, women were paid 82 cents of what their similarly educated and experienced male counterparts were paid. Ten years after graduation, the pay gap widened and women were paid only 69 percent of what men were paid, despite the fact that the women were more likely to obtain an advanced degree. There is still a 7 percent unexplained difference in the earnings of male and female college graduates one year after graduation. The detractors would like to say that 7 percent does not seem like that much. I would challenge that and suggest that 7 percent of their paycheck would come to be very consequential.

It is important to remember that the pervasive pay gap does not affect all women equally. In fact, it affects women of color much more. African-American women are paid only 62 percent and Hispanic women are paid only 54 percent compared to white men's wages. That is according to 2014 research. It is increasingly clear that the gender pay gap follows women throughout their lives and in very insidious ways. Women who complete their college degrees are less able to pay off their debt for student loans. In 2012, among students who graduated in 2007 and 2008, women working full time had only paid off 33 percent of their student debt. It was even less for African-American women, who four years after graduation had paid off less than 10 percent of their debt, much less than other women and men. Paying women equally would not just unburden them from debt more quickly, but it would significantly impact the state of poverty in the United States. We know the state of poverty influences any number of areas. A recent analysis found that the poverty rate for working women would be cut by half, from 8.2 percent to 4 percent, if women received equal pay.

Equal pay is not simply a women's issue; it is a family issue. Between 1967 and 2012, the percentage of mothers who brought home at least a quarter of the family's earnings rose from less than one-third to nearly two-thirds.

In conclusion, America is a nation that is founded on the idea that all are created equal. That should hold true for women at work as well as at home. Paying people fairly for the work they do should not be dependent on their race, gender, or identity.

**Chairman Flores:**

If you have any specific information you think is necessary for us to look at, please provide that for our secretary.

**Nancy Stiles:**

I have provided that to your secretary ([Exhibit E](#)). I would appreciate the Committee looking at the research reports the AAUW has done.

**Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada:**

I am here before you because our coalition of 30 member groups statewide came together in December to vote on our top five priorities for this legislative session and pay equity was in that top five. I know you have already heard this from Ms. Stiles, but I wanted to point it out again. This is not just a gender issue; it is a racial justice issue. Even while women make 79 cents on the dollar compared to what their male counterparts make, black women make 63 cents, Native American women make 58 cents, and Latino women make 54 cents. We know these statistics gets worse if a woman identifies as transgender or if she is an immigrant.

Another statistic that really jumped out at me is that over 15 years in Nevada the average woman loses \$499,101. That is nearly a half-million dollars that women in Nevada are losing due to pay inequity. This disparity also compiles and impacts women later in life due to their retirement contributions being lower. That leaves more women at or below the poverty level at retirement age. Please pass A.B. 106 when you have the language.

**Chairman Flores:**

Is there anyone else, either in Carson City or Las Vegas, wishing to testify in support of A.B. 106? [There was no one.] Is there anyone in either Carson City or Las Vegas wishing to testify in opposition to A.B. 106?

**Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:**

I would like to thank Assemblywoman Spiegel. She has done a great job helping facilitate the conversation and convening the stakeholders. The Las Vegas Metro Chamber of Commerce is part of that dialogue. I want to thank her today for her presentation and summarizing many of the concerns that have been shared by the stakeholder group. We look forward to coming to a resolution on this issue.

The Chamber is proposing a draft for many of the reasons Assemblywoman Spiegel shared with you. We are not opposed to the concept, just in terms of the mechanics and the unintentional impacts it could have on Nevada businesses, especially as it compares to out-of-state businesses. We are a part of the stakeholder group. We are working with Assemblywoman Spiegel, and we hope to be able to support the outcome. However, we are opposing the current draft. We are aware she is completely rewriting the bill.

**Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association:**

I would like to echo the comments from Mr. Moradkhan. We are here on the current draft. I would be remiss if I did not acknowledge the willingness and, frankly, the unbelievable accessibility of Assemblywoman Spiegel on this issue, and we applaud her. We want to get to the destination, but it is ultimately the road on which we get there. We believe through the stakeholder group which she has let us take part in, we will be able to get there. At that time, we will be in support of the amended bill.

**Chairman Flores:**

Is there anyone else wishing to speak in opposition to this bill? [There was no one.] Is there anyone in Carson City or Las Vegas wishing to speak in the neutral position?

**Patti Jesinoski, Private Citizen, Las Vegas, Nevada:**

I would like to speak on pay disparity and try to get understanding. I wish there could be graphs shown of actual wage differences between the different groups based on how long that person has been in that position. As a female pharmacist, my company hired a person just out of college for the same current pay rate as me. I have practiced pharmacy for 40 years and had been with the company for 10 years. Is there no allowance for these companies for the hiring of an experienced person versus no experience? When pay disparity is raised, how much of it is due to hiring experience compared to hiring a fresh-entry applicant into the field? Does experience count for nothing in job performance? Is an experienced worker not allowed a pay acknowledgement for decades more experience than a college graduate? Regarding that nurse getting paid 67 cents compared to the doctor's \$1 salary, the doctor also spent more money for education and more years to get to his position than what the nurse did for her years in school and the cost of her schooling.

**Shannon Chambers, Labor Commissioner, Office of Labor Commissioner, Department of Business and Industry:**

The Office of Labor Commissioner, Department of Business and Industry stands neutral on A.B. 106, but we will continue to work with Assemblywoman Spiegel to accomplish the intent of this bill. I can echo the comments made by those in opposition that the stakeholder meetings have been extremely productive, and I believe we will have a good product to bring back to this Committee.

**Jeanette K. Belz, representing The Associated General Contractors of America, Nevada Chapter:**

We also appreciate Assemblywoman Spiegel's accessibility. We met with her privately, as well as in the stakeholder group. The only thing we ask is that she get a bigger room because there were so many stakeholders, we were standing.

**Mike Cathcart, Business Operations Manager, City of Henderson:**

We also want to thank Assemblywoman Spiegel for working with the group. We would have been in opposition to the original bill, but we hope to be here in support of the amended version.

**Jeffrey Haag, Administrator, Purchasing Division, Department of Administration:**

I am here this morning to provide neutral comment on A.B. 106. I would like to thank Assemblywoman Spiegel for the collaborative approach she has taken on this issue. We appreciate the spirit of this legislation, and we hope to continue the conversation to draft language that accomplishes the intent and incentivizes businesses to participate in contracts here in the state.

**Assemblywoman Neal:**

I am wondering if any of you met with Assemblywoman Spiegel in January to talk about this bill?

**Shannon Chambers:**

I did not meet with Assemblywoman Spiegel in January. I did meet with her as soon as I saw the actual language in the bill to bring some issues to her attention right away. I did not know a concept this broad was coming forward.

**Jeanette Belz:**

I did not meet with Assemblywoman Spiegel in January. We were not aware this bill was coming. However, within moments after we realized what was in the bill, we did make an appointment with her and met privately with her prior to when she brought the stakeholders together. I could look up the date if that would be helpful to you.

**Mike Cathcart:**

We began meeting with Assemblywoman Spiegel when we saw the language in the bill and received feedback from our staff.

**Jeffrey Haag:**

We did not meet with Assemblywoman Spiegel in January. We did meet with her earlier this month as soon as we were made aware of the bill draft.

**Chairman Flores:**

Are there any other questions from the Committee members? [There were none.] Is there anyone else wishing to testify in the neutral position?

**Joanna Jacob, representing Nevada Contractors Association:**

The Nevada Contractors Association is the southern Nevada chapter of The Associated General Contractors of America. To answer Assemblywoman Neal's question, we also did not speak to Assemblywoman Spiegel before this bill came out. As soon as we saw the language, we participated in a private meeting with her. We are neutral on this language. We are currently working as a part of the stakeholder group and wanted to put on the record that we are participating collaboratively with Assemblywoman Spiegel.

**Les Lee Shell, Director, Office of Risk Management, Department of Finance, Clark County:**

I want to reiterate that we appreciate Assemblywoman Spiegel's willingness to work with us on this issue. To answer Assemblywoman Neal's question, we also only reached out to her when we saw the bill draft language. We hope to continue to work with her to appease our concerns.

**Omar Saucedo, Public Affairs, Las Vegas Valley Water District, Southern Nevada Water Authority, and Springs Preserve:**

I would like to echo the comments already expressed. We were also not aware of the bill until we saw the language come out. We were happy Assemblywoman Spiegel was willing to include us in the stakeholder meeting because we also had some concerns regarding the mechanics of the bill. We, too, were delighted with the progress we made yesterday in the stakeholder meeting. We are very much in support of this legislation and the spirit of the legislation. We are hoping to continue to work with others who have similar concerns to make sure the bill comes forward. Hopefully, we can provide some positive feedback and some good legislation for Nevadans.

**Elisa Cafferata, 2016-17 Commission Chair, Nevada Commission for Women:**

Because the Nevada Commission for Women does not have a budget or a staff, we sent out a survey to Nevadans and received 400 responses. We held a series of workshops to collect data on the question of what women need to be successful at work and take care of their families. We are still finishing the summary of the report. However, pay equity was one of the top issues identified around the state as an issue for women trying to be successful and take care of their families. I am happy to see that this is probably one bill of several you will see addressing this issue.

I would also like you to be aware that the Nevada Commission for Women has two bill draft requests proposing a gender equality index, which would ask businesses more about their policies and less about a grid of salaries and positions to promote equality between genders. Regarding the point-in-time salary questions, this is the data, but we would also like to see how we are doing in Nevada in terms of how our companies are promoting general equality through the lifecycle of people's careers. As has been pointed out in the testimony, making sure we promote that equality throughout the entire career of Nevadans is important because of the cumulative impacts, not only on the salary but the retirement and Social Security. This is a lifelong issue that we would like to see some policies put in place.

We appreciate the approach of providing incentives. We believe when we start to see these reports of companies that are doing more to promote equality between the genders, we can use that to promote economic development. We could then say that people should come work in Nevada because we treat people fairly, regardless of race, creed, color, gender, sex, sexual orientation, identity, et cetera.

We appreciate this bill and think there is a long conversation that will be had. We did not have any conversations with Assemblywoman Spiegel because we do not have concerns. We think the bill is great and look forward to the conversation going forward.

**Assemblyman McCurdy II:**

I would like to put on the record that I want to thank all the stakeholders for working with Assemblywoman Spiegel on this issue. We look forward to a finished product that will provide more equity in pay and equal pay for equal work.

**Assemblywoman Bilbray-Axelrod:**

I want to thank Assemblywoman Spiegel for bringing this bill. I do believe it is an issue and should be on the table. I would like to point out that this bill was filed as a bill draft request in August with the line stating, "Provides for pay equity and fairness in government contracts." I think this could be a lesson for us all when we are reading the bills to then have the stakeholders meet in January before the beginning of session so we can be as productive as possible. We need to pay attention and get ahead of the curve so we do not have to start from scratch.

**Chairman Flores:**

Is there anyone else wishing to testify in the neutral position, either in Carson City or Las Vegas? [There was no one.] I will echo the remarks of Assemblyman McCurdy II. I appreciate all the stakeholders working with Assemblywoman Spiegel. It is the intent of this Committee for all the stakeholders to have a genuine conversation. I am not suggesting that has not happened, but I do not want to see a bill that is just a symbolic gesture. That has happened in prior sessions where we have a bill that becomes a symbolic gesture with no teeth and does nothing. It is our expectation for the stakeholders to come to the table with a genuine willingness to work with Assemblywoman Spiegel in order to do something that is real.

**Assemblywoman Spiegel:**

I would like to make two points to wrap up. Ms. Stiles was talking about the research from the AAUW. I did use some of their research in my presentation. If you would like to see the study, *The Simple Truth about the Gender Pay Gap* that Ms. Stiles was referring to in her testimony, there is information about finding that link [page 4, ([Exhibit E](#))].



On a more personal note and to address the concerns raised by Assemblywoman Neal and Assemblywoman Bilbray-Axelrod, I started working on this bill over the summer and looked at ways to see what we could be doing to help address the gender pay gap. It is a very complex issue, as you all know. This bill was designed to be one piece of the puzzle. I did submit the bill draft request in August, but I did not get language or know what was going to be in the bill until quite recently.

I began my career in corporate America. I found out I was a victim of the gender pay gap. I was working side by side with a man. My job got too big, and they split it in half and hired a man, Paul, to work sitting next to me to do half of my job. He had less experience and went to a school that was not as good. One night, while working late, he turned to me and said, "I can't believe we are working this hard and I'm only making \$34,000 a year." This was in the 1980s. I was only in the 20 thousands. I had been there over a year. The next day I went to my boss about what Paul was earning compared to me. She said, "Paul's a guy." I said, "Yes, I know Paul's a guy, but what does that have to do with anything?" She said, "He has a girlfriend, and he's saving for an engagement ring. He's going to get married and be supporting a family. You are single and don't have those kinds of obligations." I have faced this issue myself. Ultimately, as my career progressed and I stayed in corporate America, I saw that things were going on. It did not make me happy. Ultimately, it is a big part of why I went out to start my own company, so I would not have those issues, and I could pay myself whatever I wanted based on the business I would bring in.

Being a business owner and a member of a citizen's legislature, it is hard when we are not in session to convene stakeholder groups, to get to different parts of the state, and to set aside countless hours to have meetings. This is because we know we are going to be in Carson City and will have time early in the session to sit down and work things out. I would like to apologize to the Chairman, the Vice Chairwoman, and the members of this Committee for the state the bill is currently in and for taking your time in presenting a bill that is not a bill. I would also like to thank you for your consideration and kind support of the underlying intent. I hope to come back to you with a bill that meets the objectives in a way that is meaningful and effective.

**Assemblywoman Neal:**

This Committee supports you, and I support the creation of good policy. I can take a hard line when it comes to policy, but you have my support in regards to trying to clean this up and make it a manageable bill that meets the goals of equal pay for equal work. I understand what the goal is, and if it passes, there could be an effect for African-American women and Latino women alike in order to change the dynamic that has been around for a long time. Whatever efforts or access you need, I am here for support. I hope we can have a really good hearing next time.

**Chairman Flores:**

Assemblywoman Spiegel, there is going to be a working group out of this Committee who will be working directly with you. This group will be led by two of our returning members, Assemblywoman Joiner and Assemblyman Carrillo. Members of this working group will also include Assemblywoman Bilbray-Axelrod, Assemblywoman Monroe-Moreno, and Assemblyman McCurdy II. All of these members will be a part of that working group and will join in those stakeholder meetings. Hopefully, all of us working together will provide what is necessary to make this a good bill.

I am going to close the hearing on A.B. 106. Is there anyone in Carson City or Las Vegas for public comment? [There was no one.] Having no further business, this meeting is adjourned [at 10:49 a.m.].

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Committee Secretary

APPROVED BY:

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Assemblyman Edgar Flores, Chairman

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 22](#), dated February 20, 2017, presented by Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "2017 AB106," dated February 23, 2017, presented by Assemblywoman Ellen B. Spiegel, Assembly District No. 20.

[Exhibit E](#) is written testimony of the American Association of University Women of Nevada, dated February 23, 2017, submitted by Nancy Stiles, Private Citizen, Minden, Nevada.