

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

**Seventy-Ninth Session  
March 9, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:37 a.m. on Thursday, March 9, 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 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:**

Assemblyman Chris Brooks (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sandra Jauregui, Assembly District No. 41



**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Patricia Keyes, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Jocelyn Frye, Senior Fellow, Center for American Progress, Washington, D.C.  
Kara Jenkins, Administrator, Nevada Equal Rights Commission, Department of  
Employment, Training and Rehabilitation  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada  
Marlene Lockard, representing Nevada Women's Lobby  
Erika Washington, Nevada State Director, Make it Work Campaign  
Sondra Cosgrove, First Vice President, League of Women Voters of Nevada  
Steve Jimenez, Extern, Nevada Hispanic Legislative Caucus  
Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned  
Parenthood Affiliates  
Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America  
Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance  
Lea Tauchen, Senior Director of Government Affairs, Retail Association of Nevada  
Tray Abney, Director of Government Relations, The Chamber,  
Reno-Sparks-Northern Nevada  
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber  
of Commerce  
Randi Thompson, Nevada State Director, National Federation of Independent  
Business  
Yolanda T. Givens, Deputy District Attorney, Clark County District Attorney's Office  
Warren B. Hardy II, representing Nevada Restaurant Association  
Brian Reeder, representing Nevada Contractors Association  
Kevin E. Hooks, Chair, Nevada Equal Rights Commission, Department of  
Employment, Training and Rehabilitation  
Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services  
Kevin Burns, representing United Veterans Legislative Counsel  
Luis F. Valera, Vice President, Government Affairs and Diversity Initiatives,  
University of Nevada, Las Vegas  
Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor  
Peter Barton, Administrator, Division of Museums and History, Department of  
Tourism and Cultural Affairs  
Darrol L. Brown, Legislative Chair, Carson Area Chapter #388, Vietnam Veterans of  
America

**Chairman Flores:**

[Roll was called. Committee rules and protocol were explained.] We have three items on the agenda today. We have two Senate bills that have made their way to our Committee. I want to start with Assemblywoman Jauregui's bill by opening the hearing on Assembly Bill 178.

**Assembly Bill 178: Revises provisions concerning employment discrimination.  
(BDR 18-831)**

**Assemblywoman Sandra Jauregui, Assembly District No. 41:**

I am here to discuss Assembly Bill 178, which would revise the *Nevada Revised Statutes* (NRS) Chapters 233, 608, and 613, relating to discrimination in the workplace. Joining me today in Las Vegas is Kara Jenkins, Administrator of the Nevada Equal Rights Commission (NERC) of the Department of Employment, Training and Rehabilitation. She is here in a neutral position but can help answer any technical questions. In addition, on the phone, I have Senior Fellow, Jocelyn Frye, from the Center for American Progress. She will add additional comment and help answer questions as well.

The Nevada Equal Rights Commission was established to ensure there is equality in the workplace and to prohibit discrimination. It requires that men and women in the same workplace, conducting the same work, be given equal pay for equal work. Today, studies show that women are still paid less than their male counterparts, resulting in what we call the gender wage gap. Each year, the U.S. Census Bureau and the Bureau of Labor Statistics of the U.S. Department of Labor provide an estimate of the wage gap using annual average earnings based on survey data. Although the perception is that the gender wage gap has narrowed, in 2014, women earned 84 percent of what male workers were paid. According to the Bureau of Labor Statistics' 2016 study, women earned 83 percent, increasing the gap by 1 percent. Statistics show that for women of color the gap is greater.

When I originally submitted A.B. 178, the purpose of the bill was to correct pay inequality between men and women in the workforce. However, when you start breaking down wage gap statistics, you see the issue is not simply about gender. It is about a much more complicated issue and is part of a larger discrimination problem for members of any minority group. Whether they are a person of color, a senior citizen, a millennial, a woman, or a member of the lesbian, gay, bisexual or transgender (LGBT) community, everyone deserves equality in the workplace and a fair shot at the American Dream.

The Nevada Equal Rights Commission ensures these protections are extended to every Nevadan regardless of religion, race, age, sexual orientation, or sexual identity. Assembly Bill 178 seeks to give NERC added tools to help hard-working Nevadans get the pay they have earned and achieve equity in the workplace. We have a duty to our constituents, and the vast majority of businesses who play by the rules, to make sure that these discriminatory practices end once and for all. It is my hope that A.B. 178 will help do just that by giving NERC the improved tools it needs to correct these inequities.

Chairman, with your permission, I would like to walk through the bill now. Existing law created NERC [NRS 233.030 and NRS 233.157]. They investigate unlawful employment practices based on discrimination of gender, age, race, color, and sexual orientation. Currently, there is a 300-day statute of limitations in which to file a complaint. That is less than a year. My bill will increase the statute of limitations to two years. Currently, when NERC feels there is a valid complaint, they call both involved parties in and work to reach a settlement. This occurs even before there is an investigation. If there is a settlement prior to an investigation, then no further action is taken. If no settlement is reached, then an investigation occurs. After review of the investigation material, if the NERC Administrator determines that the employer acted unlawfully, an attempt is made to settle the matter through mediation. If a settlement is reached during mediation, then no further action is taken. When both initial settlement and mediation fail, a public hearing is held. If the employer is found to have acted unlawfully, they are served with a notice to cease the unlawful process and restore all benefits. In addition, A.B. 178 will allow the employee to recover attorney fees and punitive damages. It is important to note that the punitive damages will only be awarded if NERC determines that the employer acted unlawfully.

Current law also requires employers to maintain wage records for up to two years. My bill would extend the record-retention period to five years. In the bill, we are increasing the statute of limitations for filing a complaint from 300 days to two years. The reason for the record-retention period increase to five years is to allow the records to be available during the time it may take to complete all work on a claim. In my conversations with NERC, they have indicated that from beginning to end, it could take up to two years to close a complaint case. The two-year filing period and the possible two-year investigation period means the initial incident could be four years old by the time it is settled. We need to make sure that the employers have at least four years of records because it could possibly take four years of wage records to give NERC the information they need to complete their investigation. I have also added that if an employer fails to keep wage records for five years, there is a \$5,000 administrative fine. If a complaint goes to a public hearing, the complainant is barred from proceeding with the same case through any other administrative body. That is the current statute. If an employee files a complaint with NERC and they do not reach an initial settlement or settle in mediation but go to public hearing or take private action, they can no longer file the same case with any other agency, either state or federal. Section 6 of the bill is new. This section makes it unlawful for an employer to discriminate or retaliate against an employee for inquiring about or discussing wages.

**Jocelyn Frye, Senior Fellow, Center for American Progress, Washington, D.C.:**

It is my pleasure to participate with you this morning. I first want to recognize the important work you are doing just by considering the strengthening of laws that prohibit pay discrimination. I want to talk about the importance of addressing and strengthening equal pay laws and how those laws connect to the gender wage gap. I will start with some very basic principles. The first is that the wage gap and the gender wage gap that people often refer to and the concept of equal pay for equal work, are different. They are connected, but they are certainly different.

The second thing I want to talk to you about is equal pay is not solely a gender issue. It is, however, the way this issue is often discussed, both in the press and publicly. But it is clearly not solely an issue about gender. The third point is progress is sorely needed to strengthen protections for workers and better combat pay discrimination. Across the country, what we see is much of the leadership to strengthen the law is coming at the state level.

The first point: The wage gap and equal pay; these are certainly connected but are different. The concept of equal pay for equal work is a core antidiscrimination principle. There are a myriad of laws that protect against pay discrimination at the national level. The laws that most people refer to are the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. Both focus on a core concept which is that employers who are covered by the law have a distinct, very specific, and unchanging responsibility to adhere to the core principle of equal pay for equal work. That responsibility does not change depending on whether there is a huge wage gap or a small wage gap. They are required to not discriminate.

The gender wage gap is connected to discrimination, but it is not only about discrimination. There has been a lot of research that looks at the gender wage gap. The concept, generally speaking, is that it represents the difference between men's earnings and women's earnings. If you look at some of the most thoughtful economic research, economists will say that the gender wage gap is driven by multiple factors, a piece of which is discrimination. It is certainly not only discrimination. There are differences in where people work, in occupations, regions of the country, race, education, and hours worked. All of those things impact the gender wage gap. While it is hard to assess exactly what percentage of the gap is due to discrimination, there are certainly estimates of as much as 40 percent or slightly less. A significant piece is often described as unexplained. They cannot explain what is going on, but they think it may be attributable to discrimination. I think that is important to understand and not to confuse the two concepts. Often there is a debate about what the gender wage gap is and is not. Sometimes that is beside the point. We can debate about why the gender wage gap occurs. There are clearly a myriad of factors driving it, but it does not really change an employer's obligation to pay people fairly and to adhere to the law. And it does not change any obligation that people have the rights and protections they need to make sure they are paid fairly.

The second point is equal pay is not solely a gender issue. If you look at the data that is maintained at the national level by the Equal Employment Opportunity Commission (EEOC), it becomes clear that many of the wage discrimination cases that are filed before the agency cut across different issues. The vast majority of those cases are not brought under the Equal Pay Act but under Title VII of the Civil Rights Act. You also see cases brought under the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990. You will see cases that are brought based on race and national origin. It is important to understand that even though the popular discussion is often framed around gender, it is really a much broader issue that affects a lot of different people. If you look just at Title VII claims filed with the EEOC, about a third of those claims are filed by men. It is important to understand there are many different nuances to pay discrimination. It is not solely about women. It can materialize in a lot of different ways.

The last point that I want to raise is the need for progress. At the national level, the Equal Pay Act is over 50 years old. It is an important law, but it is also a law that needs to be strengthened. There has been a lot of conversation about how that should happen. There has been a lot of stalemate at the national level. We have seen much of the progress on equal pay being made at the state level. There have been some very important advancements: a law in California, a recent law in Massachusetts, and measures that have been pursued at local levels in cities and counties across the country. It is important to understand the role that you can play at the state level to drive the conversation and show there is an important commitment to ensuring every person in the workplace is treated and paid fairly.

**Chairman Flores:**

Assemblywoman, would you like to go through your mock-up of the proposed amendment first ([Exhibit C](#))?

**Assemblywoman Jauregui:**

As defined in NRS 613.310, section 2, an employer means any person with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. We originally drafted the bill eliminating that definition. To remain consistent with the chapter, I had my change removed and requested the amendment to keep the entire statute uniform.

**Assemblyman Ellison:**

I am a small-business person. I know regulations are coming in massively. The problem is, you start downsizing your workforce because regulations are getting out of control. You have to keep your Internal Revenue Service, U.S. Department of Treasury records for seven years. Your employment records are usually kept for about two years then moved out to off-site storage so you have room. Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor regulations exempted employers with less than ten employees, so some employers decided to start laying people off to stay below the ten-employee limit. Five-year record retention might cause employers to react the same way they did with OSHA regulations. I would like you to keep that in mind. This might have an effect on the number of people employed. Employers may decide they do not need that extra person. I have no problem with being fair to everybody. I think that is a great thing, but I also think some of the requirements, such as retention of five years of records, may be burdensome. If you cannot bring something up in two years, that creates a problem. Please consider that when you go through the bill. I think five-year record retention is a little long.

**Assemblywoman Jauregui:**

That is something I would consider and would like to work on with you. My intent when extending the records retention to five years was to give NERC the tools that it needed to do its job. By extending the statute of limitations to file a claim to two years, it is possible the claimant would be in the third year since the incident occurred. I wanted to make sure wage records would still be available. If we can give NERC the tools they need to help close cases in six months, there would not be any reason to extend wage retention time to five years. I would definitely be open to working with you on that.

**Assemblyman Carrillo:**

In section 18, there is a change from 180 days to two years. What is the reason behind that?

**Assemblywoman Jauregui:**

Currently, a complaint must be filed within 300 days. We are extending it to two years. I had a conversation with Ms. Jenkins, and last year they had 1,000 complaints filed. They only took 700. Three hundred of those were rejected. Not all were rejected because they did not meet the statute of limitations, but that was one of the reasons that some of those complaints had to be turned away.

**Kara Jenkins, Administrator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation:**

The 300-day statute of limitations is from the date of harm. That is the current statute of limitations for anyone filing a discrimination allegation with NERC. If it has been 301 days since the date of harm, we do not take the complaint. If the date the claim was filed is not within the statutes, we reject the case. This bill proposes to extend the statute of limitations to file a claim to two years.

**Assemblyman Carrillo:**

Were there continual incidents where claims were being filed outside the 300-day limit? Did NERC indicate this was something they needed to create equity?

**Assemblywoman Jauregui:**

This is my bill; no organization approached me to carry this bill. This is a bill that I feel strongly about. Being a woman of color, I want to make sure we have the same opportunity that everyone does in the workplace, and we are earning the same amount as our male counterparts. There should also be wage equity related to race, gender, religion, sexual orientation, or sexual identification. I think everyone needs a fair shot at earning the same wage for the same work.

**Assemblyman Daly:**

I have a couple of technical questions. Section 5 adds categories of records that need to be kept. I do not have any issues with that. I understand the listed records would be kept for five years, and the records would be furnished within 10 days after the employee makes a request. My question is on the \$5,000 penalty on page 4, line 34. The penalty is assessed for each missing document. I want to be clear. Are we talking each category of the record or each paycheck? It is not clear. I want to understand it in reference to the document categories in section 5. I want to be clear on what is intended.

**Assemblywoman Jauregui:**

I know the wording is a little unclear. My intent was if the employer did not keep the records for five years, there would be one fine of \$5,000. I know I need to work on tightening the language. My intention was not to fine an employer \$10,000 if in one month they were missing two paychecks. That was not my intention.

**Assemblyman Daly:**

This question may be for legal. You indicated if a complaint goes to public hearing, the complainant is barred from proceeding with the same case through any other administrative body. Can state law prohibit a person from taking federal action? It seems they would have that right separately.

**Assemblywoman Jauregui:**

I know if they go to public hearing, they are barred from seeking any other action, whether state or federal. I would like to clarify this with Kara Jenkins. Kara, if NERC finds that there is no case, can the employee seek other action?

**Kara Jenkins:**

Typically, we do not have public hearings on the matter. When I cannot conciliate a case, usually we close the case out. The EEOC may open an employment case. For an employment case, the EEOC could do a substantial weight review to make sure that our investigation and our findings were sound. That individual does have an opportunity to get what is called "a right to sue." It is typical. If we fail to conciliate and get a settlement, at that point in time in the investigation, NERC closes the case. It is closed. We are done. We get contract credit for that case, but then the EEOC can do one of three things. First, they can reopen an investigation. That is like their substantial weight. They look at the investigation we have done. They may ask more questions. They may get more witnesses. They typically do not do that. Second, they can have their own conciliation, their own mediation. They typically do not do that.

What they typically do is issue a "right to sue" letter to the charging party. This is the aggrieved person who is alleging discrimination in the workplace. Then at their own expense, the charging party will go to federal court. They have 90 days from the date of the "right to sue" letter to proceed on a federal level. That is a great opportunity for them to get punitive damages at that level. That is where you see punitive damages received. It is a jury trial, and it takes some time. Generally, it takes two to three years. Many folks do not have a lot of time to wait. They are more apt to settle at the point at which we reach conciliation, or we get a negotiated agreement. The other alternative is the right to sue on their own, going to federal court, getting their own attorney, and waiting two or three years to get heard in federal court and then possibly get punitive damages.

**Chairman Flores:**

How many cases per year do you reject because of the current statute of limitations? Do you think the change to the statute of limitations will cause more cases to come into your office? How expensive is the federal process? In other words, if I feel I have been the victim of discrimination or have been paid less for whatever reason, can you explain how expensive it is for me to pursue going to federal court as opposed to going through your office and, hopefully, being able to negotiate a settlement?



**Kara Jenkins:**

I will start with the latter question and talk about expense. If we do not settle the case at the state level before it gets litigious, it is costly. Currently, the charging parties who file a complaint with NERC pay nothing. We are a no-cost entity. We are very proud of that. In fact, last fiscal year we negotiated \$1.9 million in settlement monies for our constituents, your constituents. That was more than our operating budget of \$1.6 million. We did not take a dime of the \$1.9 million. We are budgeted for our salaries and our overall operating expenses.

Should we not settle a case, an option available to the claimant is the right to sue. This litigation would likely be pursued through the EEOC. I imagine it would be expected that claimants secure their own attorney. If they did that, they would incur legal fees and court costs. The process might require deposition hearings and the subpoena of records. They may also wait two or three years before their case is heard. Depending on how their attorney deems to charge them, payment of a retainer might be expected. Before it goes to a jury trial, there would be an opportunity to settle through alternate dispute resolution. If that were not successful, the next step would be a full-blown jury trial which could take significant time.

For the employers on the other side of the claim that have a deeper pocket and can afford legal fees and typically have in-house counsel, this is not necessarily a burden. Although if they do prevail in a jury trial, they will ask for attorney fees from the charging party. Those individuals who we see day in and day out, those are individuals who already have no employment, are looking for work, and are financially strapped. I cannot give you a dollar amount, but it is very expensive to go the federal route, and it is time consuming, which is probably one of the reasons we can be so successful settling claims.

As an example, if we can settle an equal employment discrimination complaint for \$20,000, the claimant would be able to leave having only suffered the time it took NERC to process and settle the claim. If claimants took their case through court, they might receive, as an example, \$60,000 in punitive damages. However, if you weigh the time waiting to get through the court system, court costs, and attorney fees, it is possible the punitive damages would be equal to or less than the settlement through NERC.

As I mentioned when I gave my overall presentation of NERC, we see employment discrimination based on race, color, religion, national origin, sexual identity or orientation, and disability. These are personal issues. When we work with a claimant, we have to do more than just say it is going to be okay. We have to ease these individuals into feeling okay and moving on with their lives. There is a personal indignity element associated with these complaints. If we can settle at the state level, we are very proud because the claimant does not have to endure another two to three years of federal court and take the chance that a jury may not award them punitive damages.

Now to your other question regarding the cases we receive at NERC. Last year, we received about 1,000 cases. Of those, we took in 700 cases. Three hundred cases, we sent away. We do not have the resources to track the reason each case was sent away, so we cannot give

you information on which cases were turned away because they did not meet the statute of limitations. I can tell you that if this bill becomes law, we will see significant increases in case filings because we will now expand our jurisdiction beyond the federal scope. The EEOC only takes cases that are within 300 days from the date of harm. If this bill becomes law, we will be expanding beyond the scope of the federal government. We will likely take on cases that must now be sent away because they do not meet the statute of limitations. To meet the greater anticipated caseload, NERC would need an increase in resources. We are working on a fiscal note with the Office of the Governor, which is not yet finished.

**Chairman Flores:**

Please elaborate a little on the statute of limitations. I understand your neutral position. You are not advocating one way or the other. It is important that this Committee understands why the extension of the statute of limitations is often necessary for victims. Please cite examples of why it sometimes takes longer than 300 days to file a complaint. Also, I know you do not track how many complaints you turn away because of the statute of limitations, but please give us an idea of how many complaints may be rejected on a monthly basis. This will help give us a realistic picture of what impact the statute of limitations has.

**Jocelyn Frye:**

With respect to the statute of limitations question, I think the important thing to understand, particularly when you are talking about pay discrimination, is that it is notoriously difficult to uncover. We all know, I am sure from our own experiences, that often people do not want to talk about pay. There is a lot of secrecy around pay. The practical reality is people often do not find out about pay discrimination until it is too late. The classic case that people are familiar with, a fairly recent case, is the *Ledbetter* case [*Ledbetter v. Goodyear Tire & Rubber Co.*, 500 U.S. 618 (2007)]. The employee had no idea she was being paid less than a counterpart until somebody slipped a note into her locker.

I do think there is a reason a longer statute of limitations can be helpful, particularly for folks who are trying to pursue pay discrimination claims. On the cost question, I appreciate Ms. Jenkins' very thorough summary of costs. It is hard to put an actual number on it. I will say that cases can cost in the hundreds of thousands of dollars when you start talking about attorney fees over the extended period of time needed to litigate a case. Quite frankly, most people simply cannot afford that. That is why state agencies or the EEOC are so important. Most people are going to rely on those two mechanisms to vindicate their rights. People just do not have the type of disposable income needed to pursue cases at length over multiple months and years.

**Assemblyman Kramer:**

I know when lawsuits are presented, the attorney or presenter of the case will have multiple causes of action. They will include the main cause of action but will also include everything that could influence what has happened. When these causes of action are heard, the main cause might be unsupported, but there may be other minor causes of action that are supported.

Section 2, subsection 3 of the bill states, "If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred . . . ." It may be that there are ten causes of action. Maybe the Commission clears the employer of nine, but they found one cause of action that was substantiated. Maybe it was not the cause of action related to the denial of pay or denial of a promotion or working conditions. Perhaps it was something else. Yet it still means the employer is subject to the penalty of \$5,000 per document that was not retained for five years. The assessed penalty for one unretained document per week of pay for two years could bankrupt a business. My concern is the penalty for unretained records is the same regardless of whether the unretained documents were associated with the primary cause of action or the cause of action for which the employer was cleared. Perhaps for some of the others, you could still bankrupt someone. That connection concerns me.

**Assemblywoman Jauregui:**

The section you read is existing law. If NERC deems that an employer has acted unlawfully, language added to section 2 subsection 3, paragraph (b), subparagraph (2), would give NERC the ability to restore benefits and rights, require payment of costs and reasonable attorney fees, award punitive damages, and assess a \$5,000 penalty for each missing document.

**Assemblyman Kramer:**

But that is exactly the point. Section 2, subsection 3 says that an unlawful practice has occurred. The unlawful practice may not be the primary cause of the complaint. When a complaint is prepared, there may be more than one cause of action. Usually, it is a litany of events that have taken place. Some have witnesses to back up the cause of action and some do not. Therefore, it may not be the primary cause of action that is found to have merit but a lesser cause of action that has a positive ruling.

The punitive damages, reimbursement for attorney fees, and a \$5,000 per-document fine still apply whether the bulk of the causes of action are true, whether one is true, or whether half or anything is true. To me, the fees, the attorney fees, and the \$5,000 per-document fine should be based on whether the majority of the case was won, or it was proven the discrimination affected pay or promotion. It should not just be whether any of the multiple causes of action was found to be true. A business could still be bankrupted paying on a finding for a lesser cause of action.

**Assemblywoman Jauregui:**

This is only for the cases that go to public hearing. I would like Kara Jenkins to give you further information.

**Kara Jenkins:**

We receive a lot of complaints. Many have multiple allegations. Our investigators are really good at paring down each complaint to actual probable cause findings. One of the things they will use as a tool in their investigation is employer records. As an example, we may get a complaint from a person who was not promoted, and they believe it was because of their age. They allege that everybody who was under 40 was promoted. They are 41 years old

and were not promoted even though they were qualified. We might ask the employer for a record to document promotions. If the employer did not have the record, I think this would be something we would shake our heads at. Having employer records helps keep the employer accountable and on point, and it helps us look at facts as data. It makes it possible to almost do an audit function of whether or not discrimination is happening.

Let me give you a glimpse of how some cases look. All complaints are only allegations until the point at which we find cause that maybe there is something more to each allegation. We might get a charging party stating that it was my race, my religion, my disability, and it is also because I am a male. When our investigators take a complaint, they begin their investigatory work. To begin, they will ask for an election of response from the employer. Basically, the employer is told there is an allegation of discrimination against the company.

We ask, how do you want to respond; what is your say; what is your take on this; what happened? We will ask for forms of documentation such as a printout of promotions, demotions, and discharges. We may ask for a spreadsheet of employee demographics. Who did you promote, hire, or fire? What we ask for is basically one record. That one record may relate to multiple causes of action. At this point, our investigators are just investigating the complaints.

Based on the investigation, we may find cause against the employer. We capsule the complaints to only those for which we can find cause and frame those into probable cause findings. Only those findings that have met probable cause with the support of my team and the Office of the Attorney General are scheduled for public hearing before NERC.

The Chair of NERC, Kevin E. Hooks, and our four Commissioners make the final determination on complaints that go to public hearing. Under the proposed changes in A.B. 178, if NERC determines that an unlawful practice has occurred, they may order the payment of punitive damages, payment of costs and attorney fees, and assess fines if they determined that records were not produced. I hope that gives you information of what we would do in a public hearing situation.

**Assemblywoman Bilbray-Axelrod:**

I am very happy with section 6, which talks about wage transparency. I think there is tremendous feeling that when folks can discuss their wages, it will help to shrink that wage gap. I do share the concerns regarding the \$5,000 fine. I think that needs to be tightened up. I also have a question about the five years. I am confused. I am looking at the Age Discrimination in Employment Act which necessitates that an employer keep records for three years. It is very unclear regarding how the records have to be kept. Would something like an Excel spreadsheet work where you have some of the information? Exactly how would you keep that information? Where did the five years come from? Are there other states that have that five-year requirement?

**Assemblywoman Jauregui:**

The current law says employers have to keep records for two years. This would extend the requirement to five years. It does not change how the records are kept, just the period for which records have to be kept. Ms. Jenkins may have more information regarding how wage records have to be kept. In reference to the extension of the record-keeping period from two years to five years, it could take NERC two years to close a complaint. If somebody comes in and files a complaint at two years, and it is going to take two years to close the case, that is four years of wage records that need to be on file in order for NERC to do its job. They need to be able to access those records. I was just covering the period from the statute of limitations to file a claim through completion of the investigation.

**Kara Jenkins:**

I am going to ask my friends at the Office of Labor Commissioner in the Department of Business and Industry how they interpret the law for employers to keep the records. We ask for the records through a subpoena. How they are kept, I do not want to speculate or make any assumptions. The Nevada Equal Rights Commission just wants the records. To the extent that we can get the records, we are happy and go on with our investigation. I will get back to the Committee with any further information I find.

**Assemblywoman Bilbray-Axelrod:**

The reason I am asking is because it is very different keeping five years of payroll stubs as opposed to having all employees on a spreadsheet. My other question is, what are other states doing as far as pursuing the wage gap and wage transparency?

**Assemblywoman Jauregui:**

I am not sure what other states do. This is my bill that I drafted for Nevada with the Legislative Counsel Bureau. Maybe Jocelyn can address what other states are doing as far as how long they are required to keep their wage records.

**Jocelyn Frye:**

I do not know the answer. I am sure that I can find out more about the record-keeping question. I will say that at the national level, there is variation. The Equal Pay Act, I believe, requires that the records be kept for three years. Under Title VII, it is different. In terms of how the records are kept at the federal level, there is language that states what information needs to be kept, but they do not necessarily dictate how you have to keep it. Employers can decide what different systems they want to have in place to retain the information as long as the information is kept somewhere. I would be happy to look into your question regarding record-keeping in other states.

**Chairman Flores:**

If you could, please provide that data to Assemblywoman Jauregui so she can provide it to the Committee. I believe there are other individuals on the Committee who have the same question.

**Assemblyman Ellison:**

You made the statement about employers having deep pockets. Not every employer has deep pockets. What if you have a client who does file suit, there is no merit, and loses. Does that employer have the right to go back and recoup the monies they expended for this trial? What are their rights?

**Kara Jenkins:**

Once conciliation efforts are over and NERC is done with the investigation, there is the right to sue that the EEOC will give the employee to go forward to federal court on the employment claim. Then it is between the employee and the employer and their attorneys. Typically, the winning party will ask for attorney fees, whether it be the charging party or the employer.

**Assemblyman Ellison:**

What if it goes just to district court or justice court? Do employers who may have spent thousands of dollars to defend themselves have any rights in this?

**Kara Jenkins:**

I will say that most of the time, the charging party will opt for federal court because they can get punitive damages. You rarely see a discrimination complaint under Title VII just go to state court. It can be removed and the proper place of jurisdiction is in federal court because it is under Title VII. I do not have an answer for you, but I do believe that you can go to state court. However, if the claimant has a good attorney, they will move to federal court for punitive damages.

Another thing that I do want to say is I hope I did not misrepresent myself when I said deep pockets of the employers. I do realize that we are a neutral entity, and we do outreach and training to employers so they can prevent having a complaint come against them. We do want them to be up on all EEOC developments and best practices for their staff. To the extent that I said deep pockets, if the implication was made that I think all employers are billionaires, I do want to apologize for that and make note for the record that if you have 15 or more employees, the thought behind that was you probably have more money than a charging party. The charging party we typically see coming to NERC has lost their job because of what they feel to have been employment discrimination.

**Assemblyman Ellison:**

If you get to federal court, that will bankrupt just about any small business. At that point in time, you may have \$50,000 to \$100,000 in costs. You bankrupt the employer and nobody wins. That is why I am saying that these laws have to be set up so it is fair to everybody and everybody has a fair shot and a voice. If you go right into federal court, there is no fair law because at that point in time, that small business is bankrupt.

**Kara Jenkins:**

We are neutral, which is why I think we are so successful in settlement. Everyone sees that it is in their best interest to settle. The employers are very happy because it is kept confidential, and the charging parties can move on with their lives. Both parties have less of a financial impact. Once cases go to federal court, it is public. I think my team is amazing, and I am not a bad mediator myself, but there is another incentive for people wanting to settle at the state level and that is saving money, court costs, time, and things of that nature.

**Assemblywoman Neal:**

I have a question for Ms. Frye. In section 2, subsection 3, paragraph (b), it says, "Order the employer or other person found to have engaged in the unlawful practice to . . . ." Does the status of the other person play a part? Does it matter who the other person is?

**Jocelyn Frye:**

Certainly at the federal level, and I assume Nevada law would work the same way, the employer is going to be held liable if the person who is involved in the discrimination is a person who actually represents the employer. It does matter. It certainly does matter who that person is. It cannot be a random person. It could be a supervisor. It could be another employee, but it has to be somebody who can be held liable for the unlawful practice.

**Assemblywoman Neal:**

I thought vicarious liability comes into play when an employee plaintiff tries to hold their employer liable for the discriminatory acts of other employees. To me, this sentence says that if the other person is liable, then we have another kind of burden of proof that happens now because the plaintiff is saying, Although I work for you, there is another employee or supervisor who is doing an act against me. I need clarification on that.

**Jocelyn Frye:**

I defer to your colleagues there. My understanding is that this is about whether you can hold an employer liable for discrimination. It may be the case that you can hold an employer liable for discrimination based on the action of a particular person, like a supervisor. I think that means that the employer or person found to engage in the unlawful practice, somebody who is engaged in an unlawful practice. It could be a variety of different people, but at the end of the day, this is about whether or not the employer is liable for that practice.

**Assemblywoman Neal:**

Section 2, subsection 3, paragraph (b), subparagraph (2), sub-subparagraph (III) references paying the cost of attorney fees. The proposed language is, "The Commission shall consider the willfulness of the conduct of the employer in determining whether to award punitive damages and the amount of such damages." Title VII of the Civil Rights Act of 1964, section 706(g), speaks to punitive damages and awards. I did not see willfulness attached to how you determine whether or not to award punitive damages or the amount of such damages. Walk me through what that would look like. I believe I saw the mention of intentional acts. Does this language mean the willfulness of your conduct will determine how much the award will be? Help me understand what it should say.

**Assemblywoman Jauregui:**

The language that was drafted was language that was drafted for me. I wanted to make sure the employers who were paying punitive damages were employers who acted willfully. I would be happy to work with you if you have suggestions based on the language you have read from EEOC and other cases that you think might be better worded.

**Assemblywoman Neal:**

I appreciate that because I think it might open a door. I do not know how that would be interpreted. If I was super hurt, should I get super damages? In section 2, subsection 3, paragraph (c), the \$5,000 fine for each missing document is a lot of money. Then in section 3, subsection 1, paragraphs (f) and (g), you added in "job classification" with "other terms and conditions of employment." What are the other terms and conditions of employment?

**Assemblywoman Jauregui:**

I would be willing to work with you on the \$5,000 fine. I do need to tighten up that language. It was not my intention to fine an employer for each pay stub that they did not keep on file. It was for not keeping wage records for five years if this bill passes with the five-year retention requirement.

As far as the "job classification" and "other terms and conditions of employment" language, I wanted the record category to be broader. I did not want it to just cover compensation, for example, or just the salary or the hourly wage. I wanted it to be an umbrella covering everything. If travel is required for work, I wanted to make sure they were getting paid the same as their male counterparts, that they were getting reimbursed for their travel expenses and housing expenses. I asked them to broaden the umbrella to cover more than the salary or hourly wage.

**Assemblywoman Neal:**

I do not want to get anybody confused. I support your idea and concept. In section 13, subsection 1, paragraph (b), it says, "Give and to act upon the results of any professionally developed ability test . . . ." What is that? I know that most of what I referenced is existing law, but you added the word "give." What is that test?

**Assemblywoman Jauregui:**

My intention was to make sure the employer would be able to prove that there was something other than sex or gender or religion that caused the pay discrepancy. The burden of proof would be on them to prove that there was something else, whether it was ability or education or production.

**Assemblywoman Joiner:**

I need to clarify, for the record, what this bill does. There is so much conversation about how this will be potentially harmful and burdensome to businesses. I want to be very clear that those businesses that are not discriminating and not violating this statute have nothing to fear. I would encourage businesses to support this and say we do not practice like this.



We treat our people equally. We pay fairly. In this bill, do you change the criteria at all for discrimination? I do not see that in here. I see additional time, additional tools, and additional protections for the victim and the hard-working person. I do not see anything that a business should be worried about if they are following the law. Is that true?

**Assemblywoman Jauregui:**

Correct. I am not defining what the discriminatory practices are. What I am doing is trying to give NERC more tools to do its job and bring equality to those people who were victims of discriminatory practices. I know this is a bold bill, but we have to act boldly for our constituency. That is our job.

**Chairman Flores:**

We will take two more questions.

**Assemblyman Daly:**

I agree with Assemblywoman Joiner that there is a safe harbor for people who are acting properly. There is, however, a double-edged sword. Some people are accused wrongly and then have to defend themselves. Primarily, if you are doing it right, you are going to come out just fine.

In section 13, I know what you are trying to get to, but it seems backward to me. If someone is being accused, the accuser should have the burden of proof. This seems backward that the court or NERC must find a person to be in violation of one of these things unless they prove themselves innocent. That is against the normal principles of how our justice system works. Please explain that or take a look at it a little more closely. If someone is accused, that person should not be considered guilty coming into the process.

**Assemblywoman Jauregui:**

My intent was having the employer show that the reason for the pay discrepancy was for reasons other than those listed, that it was not religion, gender, or sex. They would be able to prove the discrimination did not occur by showing that the pay discrepancy was for another reason, such as their ability to produce more on the job, they did not have the needed education, or they lacked some other skill.

**Assemblywoman Neal:**

I wanted to state that my questions are only about building a legislative record. I am really big on what is in the minutes. This is a big bill. My questions are built around the legislative record. They are built around issues that may seem cloudy. I am trying to get as much information in the record to be helpful in terms of what the legislative record says. The legislative record that we build here will be looked at by others. They will walk through the minutes and try to get a sense of what this bill is about. Then if they have questions and those question have been asked, they will feel comfort. It is not anything against your bill. It is about the legislative record coming first.

**Assemblyman McCurdy:**

I wanted to put on the record that I appreciate the boldness of this bill. I understand why it is needed and I understand why some of the language is so bold. We want to put this in statute to be a deterrent for those bad actors. We want to provide as many protections as we can for all of our hard-working Nevadans. I want to say thank you, and I look forward to working with you to make sure this happens.

**Chairman Flores:**

I would like to go to those who wish to speak in support followed by those who wish to speak in opposition and then the neutral position. I will say to those who wish to speak in opposition, it is my hope that you understand there is an expectation in this Committee that you always reach out to any bill sponsor when you are in opposition. It is incredibly disrespectful should you ever come in opposition without having taken advantage of the privilege of having that conversation with the bill sponsor. That is always an expectation: not just for any specific bill, but that is always an expectation. It is concerning to me should you ever come up in opposition without first having showed respect to the bill presenter. With that said, I am going to be very strict with the time for both those in support and those in opposition. It is important for the sake of fairness. If I cut you off, it is not because I do not like your comments. It is in the interest of fairness that you will be cut off. Everybody is going to get two minutes—including the opposition, support, and neutral positions. If we could start on my left and move to the right please.

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

Our national organization works to end discrimination in the workplace and to ensure that all workers, regardless of sex, race, national origin, age, or disability are able to bring home every dollar they rightfully earn. However, at the state level in Nevada, we lack the resources to take on individualized workplace discrimination claims. Contrary to popular belief, we are not an enormous statewide legal organization with 50 attorneys working on several different issues. There are really only two attorneys on our staff in Nevada, including me, and I handle the policy work. Our legal director, Amy Rose, takes on all of the litigation aspects that we handle at the American Civil Liberties Union. Therefore, unless we see a systematic case of discrimination happening, we are not able to take that on unless it affects a wide range of people. We rely on NERC to process these complaints and protect the rights of people who are facing discrimination in the workplace. As you have heard today, most individuals do not even realize they are facing pay inequities in the workplace until it is too late. This bill and the expansion of the statute of limitations in this bill will protect those individuals and allow NERC to do the important work that it does.

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

Our 30-member group met in November and decided our top legislative priorities. Pay equity came out as one of our top priorities for this session. We are also a member of the Nevada Coalition for Women's Equity, which was founded about one and one-half years ago. Eight different organizations came together for pay equity. We decided to have five priorities that all involve gender justice in the workplace, but again, pay equity came out as our number one priority.

I know you have already heard these statistics, but I feel it is important to repeat them. We discussed how women make 83 cents on the dollar. If you look at race as part of those statistics, African-American women working full-time and year-round typically make 63 cents for every dollar paid to their white male counterparts. For Latino women, this figure is 54 cents. For Native-American women, this figure is 58 cents. I wanted to point out those intersectional statistics between race and gender. If the woman is an immigrant or identifies as transgender, that makes the pay gap even larger. The last statistic I wanted to point out is this: over a period of 15 years, the typical woman in Nevada loses almost \$500,000 due to pay inequity. That is the amount of time since I finished my education and have been in the workforce. I have been imagining what I could have done with that \$500,000 instead of living from paycheck to paycheck.

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

The Nevada Women's Lobby has indicated that pay equity is our top priority, and we want to underscore how important this issue is to all of us. President John F. Kennedy signed the Equal Pay Act in 1963, calling it a significant step forward to ensuring that women who enter the labor force find equality in their paychecks. Unfortunately, 54 years later, we are here today because there is still so much work to be done. You have heard all the statistics, but wage discrimination lowers total lifetime earnings, which in turn reduces a woman's Social Security, her pension plans, and her ability to save for retirement or even a college education for her children. We need your help to raise Nevada women out of poverty. Assembly Bill 178 reduces some of those barriers. You might say, why are we here? We have John F. Kennedy in 1963; we have the Equal Pay Act. The reason we are here today is because those laws have been developed and are on the books, but for the reasons you have heard, the statute of limitations . . . [Chairman Flores called an end to the testimony because of the time limit.]

**Erika Washington, Nevada State Director, Make it Work Campaign:**

I do not want to repeat what has already been said but would like to reiterate some of the statistics. Sixty-five percent is the wage gap for African-American women. Adding to that is in 52.9 percent of Nevada households with children under the age of 18, their mother is the primary breadwinner, and 46 percent of those women are single.

I am here in support of A.B. 178 because it gives every opportunity that we have as a community to protect each other from discrimination, which is an opportunity for advancement. This bill widens the net, which will, hopefully, in turn help alleviate the wage gap issue. I would also like to note that the Make It Work Campaign has been in Nevada for a little over 18 months. In that time, we have organized hundreds and hundreds of women with stories about equal pay and childcare. They are from southern and northern Nevada. Some of the things we have heard are reasons why this extension of how long they have to report from the time of discrimination is important. People who are actually living from paycheck to paycheck, people who are truly living in the margins and cannot plan past their next mortgage payment, will not make a complaint if they believe that it will cause them more harm than good. I think it is important to remember that they may see the discrimination, but it may take them awhile to act just out of everyday issues that come up.

**Marlene Lockard:**

I want to add one important point that has not been made. The Nevada Equal Rights Commission has never been properly supported with funding or staff. You have heard their statistics of the time that it takes. It is important that we support them as well.

**Sondra Cosgrove, First Vice President, League of Women Voters of Nevada:**

We are in support of pay equity. I am also a history professor at the College of Southern Nevada (CSN). I cannot tell you how happy it makes me to see Assemblyman McCurdy sitting on this Committee. He is a former student body president from CSN.

I want to talk about my college students with respect to this bill. My students desperately want to have confidence in our government and our economy. They desperately want to believe that it is a meritocracy. They desperately want to believe in enlightened self-interest, but they do not have that confidence right now. They see there are laws on the books, and they see them not being enforced. I ask you to please work with Assemblywoman Jauregui on this bill so that it can give my students confidence that when they go out into our free-market economy, they are going to be rewarded for hard work, and they are not going to be discriminated against ([Exhibit D](#)).

**Steve Jimenez, Extern, Nevada Hispanic Legislative Caucus:**

Closing the wage gap is going to help Nevadans. It is clear A.B. 178 is here to strengthen the policies and procedures we already have in place. The Nevada Hispanic Legislative Caucus supports Assemblywoman Jauregui's bill in taking this step towards equity.

**Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned Parenthood Affiliates:**

Our three health centers are Nevada employers, so I greatly appreciate the thoughtful discussion you have had this morning. This will be a very good bill when you have incorporated all of the concerns. We are here because fair pay, promotions, and benefits are social determinates of health care. We support the bill because it will lead to healthy Nevada families.

**Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America:**

We are here to speak strongly in support of A.B. 178. As an organization dedicated to protecting reproductive freedom for all, we know there is a strong correlation between the ability to access health care services and economic freedom. Cost is one of the number one reasons that women cite as being unable to afford health care or having to postpone it altogether.

We believe that this legislation takes positive steps in the right direction to correct some of those inequities and empower women and families to plan their futures. I would like to note that, as an organization, we are grassroots led. We have thousands of members across Nevada, many of whom have stories that are similar to what we heard today. There are stories around inequities we think need to be heard more. We are here to represent those people as well.

**Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance:**

We strongly support A.B. 178. The Nevada System of Higher Education has a strong antidiscrimination policy. Because of state and federal programs, we have strong programs in place to ensure that. As our students go out into the workforce, we want to ensure they have equal pay and equal rights. I support wage transparency. As a state employee, anyone can go on a certain website and find out all of our salaries. I think that is a healthy thing for an entity to do. This gives people some assurance that they are fairly evaluated and know where they stand in that process. Therefore, we would like to support this bill.

**Chairman Flores:**

Is there anyone else in Las Vegas or Carson City who would like to speak in support? [There was no one.] Those who wish to speak in opposition, in Carson City and Las Vegas, please make your way up to the witness table.

**Lea Tauchen, Senior Director of Government Affairs, Retail Association of Nevada:**

I am speaking in opposition. While we agree with the principal concept being discussed today that pay discrimination is not right, we do have concerns about this bill. I will go through the sections where we find the most concern.

In section 1, which is the extension of time to file the employment claim, we do not believe that this change is necessary. We feel this time frame is arbitrary and will provide employers with increased uncertainty. It also increases the possibility that relevant witnesses are no longer with the company when an investigation occurs. Additionally, the EEOC deadline, which has been discussed already, is 180 days and is subject to exceptions that extend to 300 days. We actually see 300 days as the maximum length in statute. In section 2, we are concerned with the introduction of punitive damages without a willfulness requirement, especially since the maximum punitive damages amount is unclear. Again, this leads to more uncertainty for the employer. Furthermore, the proposed \$5,000 penalty for each missing document has already been discussed, but I do want to reiterate that we believe it is excessive. There is no explanation of what constitutes a missing document.

In section 3, we are opposed to the expanded record-keeping requirements. The additional record-keeping categories, the mandate to provide employees with the records within ten days, and the mandate to maintain the records for five years all are overbroad and burdensome for an employer. There is no limitation on how many requests an employee can make, and we found these timelines far exceed other states and the federal statutory requirements.

Section 13 removes the employer's ability to pay employees differently at different locations. Section 13, subsection 2, asserts that if an allegation of discrimination is made, the employer is assumed to have violated the statute unless they can affirmatively show a preponderance of evidence. We view that as the employer is guilty until proven innocent. Finally, in section 19, this act becomes effective on July 1, 2017. [Chairman Flores called an end to the testimony because of the time limit.]

**Tray Abney, Director of Government Relations, The Chamber, Reno-Sparks-Northern Nevada:**

I represent 1,500 members of The Chamber, Reno-Sparks-Northern Nevada with the vast majority of those members being small businesses. Certainly, I will associate myself with all of Ms. Tauchen's comments. While the intent here is noble, we will always oppose legislation that increases the administrative burden on small businesses and seeks to transfer money from those small business owners to wealthy lawyers.

This bill says the business owner is guilty until proven innocent. Assemblyman Daly may find it surprising that I agree with him on that concern. There is no language for willful violations in this bill. Vague terms such as "other terms and conditions of employment," we certainly have concerns about. We question giving a state agency the power to impose punitive damages. If NERC needs more resources to do what is already in law, then let us talk about that. If they need more funding, let us go to the money committees.

I am pleased to learn that NERC was neutral on this bill. Let us help them do their job maybe in another way. This bill would have a chilling effect on hiring. I have heard a lot about hard-working Nevadans today. Some of the hardest-working people you will meet are small business owners. They do not get overtime or weekends off. You do not create jobs by making it more expensive and burdensome to do so. That is what this bill does.

**Assemblyman McCurdy:**

Did you talk to Assemblywoman Jauregui before coming here?

**Tray Abney:**

We communicated by email, and Ms. Tauchen represented me in a face-to-face meeting with the sponsor.

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

The Las Vegas Metro Chamber of Commerce is opposed to the bill in its current format. We will review the amendment, and we appreciate the amendment as an offer by the bill's sponsor. As Mr. Abney indicated, the chambers of commerce are composed of many small businesses. While we have large businesses that are members of the Las Vegas Metro Chamber, our membership is about 85 percent small businesses. For clarification, that is a business with fewer than 15 employees. Our members care about their employees. The membership has been reaching out to us on a staff level to express their concerns with the mechanisms of the bill—not with the intent through the policy, but the mechanisms.

I will share with you some of the concerns that have been expressed to me in the past few days. Their concern regarding the extension from 300 days to two years; from two years to five years of record-keeping is burdensome; the \$5,000 per missing document is extensive and very troublesome. We also do not know what the definition of a document is. One member indicated to me that one allegation could close down his small business. There were others with those types of concerns. Also, the litigation cost is a concern. As indicated, most

small and medium businesses do not have in-house counsel. Most of them do not have an attorney on file with them, so the cost for retainers would be a litigation cost concern. The effective date is also a concern. After this meeting, we will follow up with the bill sponsor and have further dialogue.

**Randi Thompson, Nevada State Director, National Federation of Independent Business:**  
I represent over 2,000 small businesses across the state. A reminder that 98 percent of businesses in Nevada are small businesses. They create 60 percent of the net, new jobs. I concur with what my colleagues have said. The date of impact of July 1, 2017, definitely needs to be looked at and delayed.

**Assemblyman Carrillo:**

Do the collective chambers of commerce have resources available to small businesses, such as legal services to assist them? You represent them, but do you help them when there is a claim made by an employee? Please elaborate on what help your organizations offer.

**Paul Moradkhan:**

For the members of our Chamber, we offer resources through webinars, training programs, affinity programs through The Human Resource USA. We do make resources available to our membership. There are venues out there for them.

**Randi Thompson:**

We have a nonprofit legal center. Our members have access to lawyers. I spoke with a member last week who is dealing with a lease. She needed a lawyer. We do have lawyers on staff for our members. I believe that our members have up to four hours a year they can utilize that service. Most of our members do take advantage of it for situations such as this.

**Tray Abney:**

We have connections, and we can send people to our members who offer these services. We provide webinars and educational seminars. We are a nonprofit of five to six employees, so we do not have an attorney on staff. We just have a connection to individuals who provide legal or other help.

**Assemblyman Carrillo:**

I just wanted to clear that up in the record. You provide resources to assist when a member comes up against statute or changes to statute.

**Yolanda T. Givens, Deputy District Attorney, Clark County District Attorney's Office:**

I am appearing on behalf of Clark County in opposition to A.B. 178. I would concur with the other comments in opposition to this bill. I am not sure what has been highlighted in regard to the expanded limitations period. I believe Assemblyman Daly indicated that section 18 also expands the limitation period. Section 1 expands the limitation period to file a complaint with NERC. Section 18 expands the limitation period to file a complaint with district court from 180 days to two years. It is tolled while the complaint before NERC is pending. You never know how long a position for judicial review of a NERC decision could

be pending for district court. It could be three or four years. Those types of events or facts could, as one of the others in opposition indicated, make an employer miss relevant witnesses or have stale evidence. Those kinds of things make it difficult to defend these types of claims.

I also wanted to add Clark County would have to change how it currently operates in defending these types of charges before NERC. We use subject-matter professionals and individuals who have expertise in the area of diversity, Title VII claims, Americans with Disabilities Act claims, et cetera. With a buttressed remedial authority proposed in the bill for NERC to award attorney fees, costs, and punitive damages—punitive damages not just for missing documents, but punitive damages that would not be greater, according to the bill, than back pay, annual leave, and other fringe benefits, there is actually a two-punitive damage hit with the bill. The county would be forced to be prudent and send in attorneys to defend at the administrative level, not just at the litigation level. Those kinds of increased costs cause the county to want to speak in opposition to this bill. Finally, may I just say, I understood that the expert indicated that there was some sort of secrecy in regard to salary or compensation. Public employee compensation and salary is public information.

**Assemblywoman Monroe-Moreno:**

I know the Clark County District Attorney's Office has a lobbyist in Carson City. You brought up a number of concerns. Do you know if your lobbyist had an opportunity to speak with Assemblywoman Jauregui to address these issues before we came to the hearing date?

**Yolanda Givens:**

My understanding is that the county representatives made several attempts to try to speak with the sponsor of the bill and were unable to get a meeting.

**Warren B. Hardy II, representing Nevada Restaurant Association:**

This is a difficult issue. As a society, as a community, as a business community, as a Legislature, we need to actively do all we can to eradicate discrimination in all of its forms, wage and otherwise. This is an important issue we do need to address. Many of our concerns have been addressed by the Committee and other speakers. We need to find a way to truly target the bad actors in this and work together collectively. I appreciate Assemblywoman Jauregui being willing to sit down with us and hear our concerns and continue a dialogue. While we are in opposition of the bill in its current form, we look forward to the opportunity to continue the dialogue with her.

**Brian Reeder, representing Nevada Contractors Association:**

The Nevada Contractors Association represents more than 600 contractors, suppliers, and professional members throughout the construction industry in southern Nevada. That includes businesses of all shapes and sizes; deep pockets, shallow pockets; no pockets. We want to say we look forward to addressing our concerns directly with the bill sponsor. We agree with a lot of what the opposition has said. We do not disagree. We do support equal treatment of employees. However, we do have concerns there may be some challenges for our members presented in this bill.



**Chairman Flores:**

Is there anybody else in Carson City or Las Vegas who wishes to speak in opposition? [There was no one.] Is there anybody in Carson City or Las Vegas who wishes to speak in the neutral position?

**Kevin E. Hooks, Chair, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation:**

I am the Chair of the Nevada Equal Rights Commission and the chief executive officer of the Las Vegas Urban League, where we, through our entrepreneurship center and our child care services, serve nearly 2,000 small businesses across the state. With my appointment by Governor Sandoval, I committed to make NERC a more effective body. To that end, I submit the following: NERC has 17 employees based in two offices. They are all conscientious, hard-working professionals led by our Administrator, Kara Jenkins. They make us proud every single day with the work they do fighting discrimination on our behalf.

Last year alone, we achieved a 98 percent settlement rate. We take no fees from any of these awards. Additionally, we settled nearly \$2 million worth of cases for Nevadans. This amount is more than our annual operating budget. It is a great return on your investment. As a state entity, we are required to be neutral in this matter.

As Chair of NERC, I support any opportunity to receive more support and resources for this wonderful body and the work we do. I believe we have a great opportunity in Nevada to further ensure equality for all Nevadans and send a clear message that there is no place for discrimination in the workplace in today's society.

**Kara Jenkins:**

I really do not have much to say after our Chair spoke so wonderfully about NERC. We are, of course, neutral on this bill. We are very delighted to be at the table, to be talked about, and to be considered. I am here to offer any knowledge that I have.

**Chairman Flores:**

Is there anybody else in Las Vegas or Carson City who wishes to speak in a neutral position? [There was no one.] I would like the bill sponsor to give her closing remarks.

**Assemblywoman Jauregui:**

Thank you for allowing me to present A.B. 178. This is a bill I am very passionate about. I thank you for the wonderful questions and the discussion. I also want to thank Kara Jenkins and Jocelyn Frye for being here with us. Thank you to those in opposition who did reach out to work with me. I want to remind everyone it is really important to reach out to the bill sponsors. My bill was heard and referred to committee on February 13. That was 24 days ago. I had one person reach out to me two weeks ago. Everyone else followed up or touched base with me about two days ago. This did not leave enough time for us to work together on amendments to this bill. I am happy to meet with everyone after the hearing. I want to be a good community partner and make sure that we address everyone's concerns.

**Chairman Flores:**

It is the expectation of this Committee that all those in opposition reach out to the presenter. That is something that should have happened a while back. Now you have the opportunity to take advantage of it and do it. We all know the process in the building. It is not new. For those who are constituents, I think those individuals are entitled to come into this building and make demands, but everybody else knows the process in this building. You go to the bill sponsor. It is the expectation that you talk to them and work with them. We work together. That is the whole purpose of us being here in this building. I really hope that we do not have to have this conversation again with anybody. Anybody who comes before this Committee, I do not care who is presenting, I do not care if I love or hate the bill, please reach out to the sponsor. That is just common courtesy, and it is the expectation that you do that. Should we have to have this conversation again, I think we may have to address it differently. That is just common courtesy. With that said, I want to close the hearing on A.B. 178. Next on the agenda, we have Senate Bill 58, which revises provisions relating to veterans.

For those veterans who are in the room, we thank you for your service. We are appreciative and understand that a lot of what we have here is thanks to the sacrifices of men and women like you. Thank you for your service. I would like to open up the hearing on S.B. 58.

**Senate Bill 58: Revises various provisions relating to veterans. (BDR 37-124)**

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

Thank you for the opportunity to present an overview of Senate Bill 58, which revises provisions governing the membership of the Interagency Council on Veterans Affairs (ICVA) of the Department of Veterans Services, the Nevada Veterans Services Commission (VSC) of the Department of Veterans Services, and certain advisory committees. It revises provisions relating to service organizations, which the Director and the Deputy Director of the Department are required to aid and assist, and provides other matters relating to veterans. The intention of this bill is to expand the membership of Nevada's veterans commissions and councils in order to provide different insights and experiences and to improve state coordination and cooperation with state veterans services and organizations.

First, S.B. 58 would add the Administrator of the Division of Human Resource Management (DHRM) of the Department of Administration to the ICVA. The ICVA's duties include the requirement to develop and disseminate best practices for improving the outcomes for veterans. Key to accomplishing this duty is improving employment outcomes. The DHRM Administrator, as the State of Nevada recruiting and retention expert, will provide human resource expertise to the ICVA.

Next, *Nevada Revised Statutes* (NRS) Chapter 417, Veterans' Services and Honorary Recognition Related to Military Service, requires the Department of Veterans Services to aid, assist, encourage, and cooperate with every nationally recognized veterans service organization. Senate Bill 58 would expand this language to include state veterans service organizations.

Our national veterans service organizations do an amazing job advocating on behalf of our military and veterans by actively lobbying Congress and the U.S. Department of Veterans Affairs (VA) on veterans issues. Additionally, they provide remarkable support to our local communities. This work includes, but certainly is not limited to: The Disabled American Veterans (DAV) transportation program that provides free transportation to VA medical facilities for injured and ill veterans; the Vietnam Veterans of America work with at-risk veterans, especially homeless and incarcerated veterans; the Veterans of Foreign Wars who, through the Buddy Poppy program, have honored those who have sacrificed by raising millions of dollars to support the well-being of veterans; and the American Legion and American Legion Auxiliary, whose programs include Boys State and Girls State, high school civic programs that teach a new generation about patriotism and civic duty. Nevada leaders such as Governor Sandoval and Senator Reid are alumni of this important community program. This is just the tip of the iceberg—over 30 national veterans service organizations actively support veterans and their communities in Nevada.

Working with representatives of national veterans service organizations is vital to ensure that Nevada becomes the most veteran- and military-friendly state in the nation. But Nevada also has dozens of fine state veterans organizations—organizations such as the Nevada Veterans Coalition, the Nevada Veterans Assistance League, the Nevada Military Support Alliance, and the Women Veterans of Nevada, just to name a few. These state organizations should be formally brought to the table.

Senate Bill 58 would permit representatives of state veterans service organizations to serve in positions on the VSC, the Advisory Committee for a Veterans Cemetery in Northern Nevada, and the Advisory Committee for a Veterans Cemetery in Southern Nevada. These appointed positions are currently only open to veterans from national veterans service organizations. Representatives of these state organizations would be well qualified to assist the Governor, the Legislature, and the Department of Veterans Services.

Finally, S.B. 58 would add two new members to the VSC: one member from the Women Veterans Advisory Committee of the Department of Veterans Services, and one member who is enrolled as a student at an institution of higher education in this state. Both new members must possess an honorable discharge from some branch of the military or naval service of the United States. The VSC has changed over time to reflect the demographics of veterans in Nevada. This would be another such change. Our larger veterans service organizations tell us that women and younger students are generally not well represented in their organizations. Thus, unique and growing veteran populations have not been well represented in the VSC.

Mr. Chairman and members of the Committee, thank you for the opportunity to discuss these important recommendations. I am prepared to answer any questions you may have.

**Assemblyman Ellison:**

Thank you for bringing this bill. I was happy to see when this bill was heard in the Senate that it was unanimously passed. That shows how important this bill is and what it represents. It looks like there were good comments and the bill was well-vetted.

**Chairman Flores:**

At this time I would like to ask those who wish to speak in support to please come up.

**Kevin Burns, representing United Veterans Legislative Counsel:**

I am the Chairman of the United Veterans Legislative Counsel. We are an umbrella group over all those service organizations you just heard Director Miller talk about. We were elected from those to carry forth to this body the one unified voice of the veteran community. That unified voice said please support S.B. 58. As Director Miller talked about, we are the only reason for her existence. The Department of Veterans Services exists to help us. We feel that this bill opens lines of communication. Two traditionally underserved communities are being added to the VSC—that of a woman veteran and a student veteran. That will serve to make sure that all subcultures within the veteran community are heard.

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

I am here in support of S.B. 58, in particular section 3, subsection 2, paragraph (c). At the University of Nevada, Las Vegas (UNLV), we are proud to count approximately 1,550 student veterans and military personnel enrolled this academic year. Rebel Vets organization, which is the chapter of the Student Veterans of America organization at UNLV, is a very active organization on campus. A lot of student leaders are Rebel Vets. Statistically, with our veteran students, there is a 74 percent retention rate, a 69 percent graduation rate, 70 percent of the student vets have been deployed, 37 percent reported economic stress, and 25 percent are pursuing a degree in a science, technology, engineering or mathematical discipline.

In light of the various issues, services, and challenges that military and veterans centers deal with, we firmly believe that one of the additional seats on the VSC that is held by a student veteran will further the purpose of the VSC.

**Chairman Flores:**

Is there anyone else in Las Vegas or Carson City who would like to speak in support of this bill? [There was no one.] Is there anybody who wishes to speak in opposition? [There was no one.] Is there anybody who wishes to speak in the neutral position? [There was no one.] May I have the bill presenter come back up and give us any closing remarks.

**Kat Miller:**

I appreciate your time today, and I appreciate your consideration of this bill. It will improve the state's ability to support Nevada veterans.

**Chairman Flores:**

I will close the hearing on S.B. 58. Next on the agenda we have Senate Bill 70, which revises provisions governing the management of certain abandoned or unclaimed property by the Department of Veterans Services. I will open the hearing on S.B. 70.

**Senate Bill 70: Revises provisions governing the management of certain abandoned or unclaimed property by the Department of Veterans Services. (BDR 37-166)**

**Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor:**

Senate Bill 70 is a bill from the Office of the Governor. I have with me Katherine Miller, Director of the Department of Veterans Services, and Peter Barton, Administrator of the Division of Museums and History, Department of Tourism and Cultural Affairs. They are here to help answer any questions you may have.

Senate Bill 70 is a Governor's Office bill with a goal to preserve Nevada's military and veterans history. Last Memorial Day weekend, Governor Sandoval had the privilege of accepting on behalf of the state a two-acre memorial that features 18 larger-than-life statues spanning 200 years of American history from the Revolutionary War to the global war on terror. If you have not had the privilege to visit this memorial located in Sparks, Nevada, I highly encourage you to do so. Shortly after the grand opening of the Nevada Veterans Memorial Plaza, several veterans and their families began leaving behind military items and artifacts such as military medals, framed photos, and other military emblems and insignia, much like the items left behind at the Vietnam Veterans Memorial and our national monuments in Washington, D.C.

Therefore, the proposed changes are intended to ensure that the state is doing everything possible with the items left behind by our veteran community by expanding the authority of the Department of Veterans Services (NDVS) to manage the transfer of abandoned or unclaimed artifacts deemed to have military significance and add protections to NDVS against any possible actions.

First, changes to *Nevada Revised Statutes* (NRS) 417.090 would allow NDVS to transfer property deemed to have military and historical value to the Nevada State Museum or the Nevada Historical Society if either deems the items to hold historical value and is worthy of preservation.

Next, if the items are not transferred to the museum or historical society, NDVS could then transfer such items to any governmental agency or nonprofit organization, specifically, to one of our veterans service organizations or to the U.S. Department of Veterans Affairs (VA). Both of our state VA hospitals operate a volunteer office that manages their military displays throughout the hospitals.

Additionally, proposed language includes protections to NDVS against any action which may be brought after the transfer, disposal, or destruction of any property. If the items are not deemed to hold military or historical value, and there is no capability of storing such items,

then as a matter of last resort, the items would be disposed of appropriately. These protections will ensure no action is taken against NDVS for the disposal or transfer of such property. Finally, in order to ensure transparency and as a way of informing the veteran community of the policies and procedures for the transfer and disposal of such items, we ask that the policy be maintained on the NDVS website ([Exhibit E](#)).

**Assemblyman Daly:**

In section 1, subsection 2, paragraph (b), you talk about the policy that you are going to maintain on a website. I would like an explanation of what might be in the policy. I am assuming there would be things in there concerning the return of items if they are no longer needed, or if you would allow them to secondarily dispose of the items. I want to know if there are safeguards in place.

**Cesar Melgarejo:**

Most of these items would not be returned because we would not know who the owner was if they were just left at one of our monuments. Some of the considerations of the policies would be a time limit, whether the museum or historical society would take these items, and whether the items themselves hold any significant historical military value. As an example, the USS Nevada Memorial behind the State Capitol has an ornamental item that would sit on a desk, that could be purchased at a gift shop. It looks great, so we have left it there at the memorial; however, the item does not hold any significant military value.

**Assemblyman Daly:**

I just want to make sure I was clear. When you have said you are going to give something to a museum or give something to somebody else, what would they have to do before they could dispose of it? Would they have to return it to you?

**Cesar Melgarejo:**

This was a question that was brought up in the Senate. Once the item is handed over to the VA, the museums, or a veterans service organization, they would own the item so they could do whatever they please with it.

**Assemblyman Ellison:**

Could you define what you are considering property? Each county may have a different definition of property in relation to items left in cemeteries. It is such a broad area. Usually counties have a person who is not a relative gather up what has been left in the cemeteries.

**Cesar Melgarejo:**

Some of the items that have been left behind include framed pictures of the service members themselves. That would be considered property. These are items that would be left behind at a memorial or one of our veterans cemeteries. Property is not specifically defined in the bill, but there is no broader definition to it. We do consider property to be those items left behind.

**Assemblywoman Neal:**

I have a question regarding page 3, line 15. It says, "An action may not be maintained by any person against the holder or former holder of the artifact . . . ." I wanted more clarification. The holder at this point could be the museum, or it could be a private person. Is that correct? Are you going into a cemetery and picking up items that have been left for a period of time?

**Cesar Melgarejo:**

The cemeteries would be our Nevada veterans state cemeteries, which are maintained by NDVS. There is another section in *Nevada Revised Statutes* where items with military significance are given to NDVS, which would be the owner at that point. This expands their authority. Right now, NDVS has to maintain these items; however, they do not have the budget or the capabilities to maintain a large amount of these items. Right now, there are fewer than 100 items in a closet somewhere. This would allow NDVS to distribute these items to museums or other various organizations. When NDVS takes ownership of these items, they would be the owner thereof. Once they are transferred to the museum or various organizations, those organizations would be the owner. This protection was added in case someone comes forward in the future saying that they did leave a Bronze Star Medal at the memorial, and NDVS no longer owns that item.

**Assemblywoman Neal:**

How do you know the family member wants you to take what was left and put it somewhere else? Where is the permission process? Is there no permission process?

**Cesar Melgarejo:**

There is no permission process. These items are left overnight or for several days at the memorial. Typically, after a day or two, either a Buildings and Grounds Section staff of the State Public Works Division of the Department of Administration or the Capitol Police Division of the Department of Public Safety collects the items and turns them over to NDVS.

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

Let me give you an example of some of the things that are left. Someone may take one of those small cloth flags and leave it there as a symbol of respect in front of a Vietnam memorial. Right now, those items are collected. That property belonged to somebody. I would not throw it away; I would take it down to my cemetery and leave it in a container so somebody might be able to reuse it and put it on a grave. I have no authority to do anything with that property right now. Or somebody might leave a model of a ship in front of a Navy memorial, or something that has more value, some papers that might have some historical value. I have no authority to do anything with that property right now other than put it into a closet. We thought it would be better to take these materials and have the authority to give them to the museum or at least have the museum look at them, or other historical agencies—the Army museum, the Navy museum—to see if there is something of value that could be shared with the public at large.

Then there are going to be some things that are categorical. Somebody leaves a small teddy bear. Was this teddy bear intended to represent a child leaving something for a Vietnam vet, or were they just in the area and a child lost it? We work with Buildings and Grounds in determining if the item could be considered a lost-and-found item, like somebody's wallet. How do you know when somebody left an item accidentally and not as a tribute to our military and civilians? We want the authority to at least take that item after it has been determined that it is not lost-and-found and be able to work with historical societies, museums, et cetera, to see if there is a need for them. There are going to be some categories of items that we may determine to have no historical value. After time, it is possible that nobody will want it, although I will tell you both the VA hospitals and our veterans service organizations are pretty emphatic if something has any potential for having that type of value, they want to retain it.

**Assemblywoman Neal:**

That is helpful. I did not see where the bill delineated between monument tribute and a personal grave where the family members have placed something on the grave, and they want it to remain there.

**Kat Miller:**

We do have a separate policy that governs memorials, flowers, gifts, et cetera, that are left on a gravesite at our cemeteries. That is already covered in our policy. The bottom line: We mow every week. Our policy is clear and we let family members know in writing that when they inter somebody, anything left after a week will be gathered from that gravesite. It may not even be a week. It might be a day, depending on when it is left. This authority would then allow us to take a look at what is collected and see if they have historical value. Since I have been here, to my knowledge, we have not had anything left at the cemeteries that would have historical value. It is almost always pictures and flowers that are left.

**Assemblywoman Neal:**

That is policy, not statute. There is no point where we are having a conversation about the value of it to me. I have a more sentimental attachment to something that is left at a grave. I think there is some conversation that should be had around what the circumstances are if it is a personal grave. Would the item have historical value if I placed it there? If the item is picked up by someone and it is accidentally destroyed or disposed of, is the person who caused that to happen totally off the hook? That is what that line says, no action?

**Kat Miller:**

This is a common problem at the Vietnam Veterans Memorial in Washington, D.C., and at cemeteries throughout the United States, not just at veterans cemeteries. If somebody leaves a tribute at a cemetery site, the normal practice is to dispose of it. What this bill would do is give us the opportunity to take that item and try to place it, rather than destroy it, which is what the current practice is. We do not want to do that. We want to make sure that these items are at least looked at to see if they can be kept in a museum or a veterans service organization, so we can honor that service. The intent is to prevent exactly what you are talking about.



**Assemblywoman Bilbray-Axelrod:**

I have experience with seeing things that are left at cemeteries. The flowers that you just brought out might be gone the next day. I am curious. The national Vietnam Veterans Memorial is a perfect example. There were always things left at the memorial, everything from a bottle of Jack Daniels to a flag. What is the policy on the national level?

**Cesar Melgarejo:**

In drafting this bill, I did reach out to the District of Columbia and the National Park Service, U.S. Department of the Interior. They have warehouses full of items from the Vietnam Veterans Memorial. They are in the process of building a museum just for those items. That would be a large fiscal note for the state if we were to do something like that.

**Peter Barton, Administrator, Division of Museums and History, Department of Tourism and Cultural Affairs:**

I will speak about the process from our point of view with respect to this bill. The Division of Museums and History has a pretty simple vision. We are the most trusted stewards and engaging storytellers of Nevada's heritage. This bill aligns perfectly with both of those tenets. In terms of stewardship, it provides an opportunity to secure objects of importance to our shared heritage, and then use those objects to tell stories about Nevada's men and women who exemplify service, honor, courage, and sacrifice in military service. Our statutory authority is NRS Chapter 381. *Nevada Revised Statutes* 381.009 codifies the process for converting abandoned property to state property. That is already in statute. Essentially, we take these objects and evaluate them. If we believe they have historical value, we hold them in safekeeping for three years, after which we put notice through a legal notice process over a 60-day period. If no one makes a claim on that property, it becomes state property within the museum system. Each of our museums has a written collections management policy and a collecting plan. Anything that would come forward from the NDVS would be evaluated and benchmarked against our collecting priorities. From our perspective, we see this as a positive action. We have established protocols, policies, and statute in place and feel we are fully equipped to support this legislation. Some of the items we would be interested in would be journals, letters, medals, and personal items that help us tell the stories of the bravery of the men and women who served in our military.

**Chairman Flores:**

I would like to ask those who wish to speak in support of the bill to please come forward.

**Kevin Burns, representing United Veterans Legislative Counsel:**

The United Veterans Legislative Counsel fully supports the passage of S.B. 70. If you go to the section that Assemblywoman Neal was speaking about, the section just above that is the reason we support the bill. If Mr. Barton determines that it does not have significant value to the state, one of the things that this bill does is allow the item to be passed back to a different veterans service organization. While it might not necessarily have value to the state, it may have value to the Disabled American Veterans chapter in Elko or the Veterans of Foreign Wars chapter in Dayton where that member who was buried at the cemetery came from. This bill allows that property to be transferred to us so that we can keep it in perpetuity.

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

We strongly support this bill. I would like to address Assemblywoman Bilbray-Axelrod's concern regarding the items collected at the national Vietnam Veterans Memorial. While I am not a subject matter expert, I do have historical knowledge. Each item left is collected every day sometime at night. They do not tell anybody when the collection will occur. The items are catalogued and warehoused with the highest respect for all the items that are left, no matter the size or the value. There is a huge warehouse in Maryland, and they are working on a second warehouse. Over 1 million items have been left at that memorial. That is what this bill is going to do for Nevada: It will provide respect. It will give NDVS, the museum, and cultural centers the ability to collect those items and keep them for us.

**Chairman Flores:**

Is there anybody who wishes to speak in opposition? [There was no one.] Is there anybody who wishes to speak in the neutral position? [There was no one.] Again, I would like to thank you all for your service. I would like to close the hearing on S.B. 70. It is my intent to get both of the Senate bills that we heard today on a work session for tomorrow. Should any of you have any issues, I ask that you come forward and let me know at any time today. Otherwise, they will be on work session for tomorrow. That is S.B. 58 and S.B. 70. Is there anybody here for public comment? [There was no one.]

**Assemblyman Ellison:**

I want to apologize because I went through that bill so quickly; I thought it was adding property tax ad valorem to items. Then I read that it was items that were left at memorials. I was glad to get clarification. Thank you.

**Chairman Flores:**

The meeting is adjourned [at 10:53 a.m.].

RESPECTFULLY SUBMITTED:

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Patricia Keyes  
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 178 presented by Assemblywoman Sandra Jauregui, Assembly District No. 41.

[Exhibit D](#) is the written testimony presented by Sondra Cosgrove, First Vice President, League of Women Voters of Nevada, in support of Assembly Bill 178.

[Exhibit E](#) is written testimony presented by Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor, dated March 9, 2017, regarding Senate Bill 70.