

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

**Seventy-Ninth Session
April 4, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:13 a.m. on Tuesday, April 4, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Lesley E. Cohen, Assembly District No. 29
Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman James Ohrenschall, Assembly District No. 12



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Isabel Youngs, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Michael Kelly, Chairman, Nevada Democratic Veterans and Military Families
Caucus
Doug Williams, Veterans Coordinator, Division of Human Resource Management,
Department of Administration
Kevin Burns, Chairman, United Veterans Legislative Council
Nancy Amundsen, Director, Department of Comprehensive Planning, Clark County
Danielle Walliser, Private Citizen, Las Vegas, Nevada
Jerry Smith, Private Citizen, Las Vegas, Nevada
Michael Anthony Dias, Private Citizen, Las Vegas, Nevada
Bonnie Cisneros, Treasurer, Baro Canyon Homeowners Association, Las Vegas,
Nevada
Steve Tobenkin, Private Citizen, Las Vegas, Nevada
Joshua J. Hicks, representing Southern Nevada Home Builders Association
A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Denise Stewart, Carson City Center Manager, Department of Public Safety
Julie Butler, Chief, General Services Division, Department of Public Safety
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association

Chairman Flores:

[Roll was called. Rules and protocol were explained.] We will start with Assembly Bill 309.

Assembly Bill 309: Revises provisions relating to the employment of veterans and certain widows and widowers by the State. (BDR 23-762)

Assemblywoman Lesley E. Cohen, Assembly District No. 29:

Thank you for letting me present Assembly Bill 309, which aims to increase the numbers of veterans employed by the State of Nevada. With me is Michael Kelly, the Chairman of the Nevada Democratic Veterans and Military Families Caucus, the Nevada representative for VoteVets.org, a member of the Nevada Veterans Council, and a member of the United Veterans Legislative Council. He also worked with the State of Nevada for seven years and is a United States Army veteran. In southern Nevada is Doug Williams, the Veterans Coordinator for the Division of Human Resource Management, Department of Administration. He helps match veterans with job opportunities in the state. He is available at the Grant Sawyer State Office Building to answer questions regarding hiring veterans in the state. He is a retired United States Air Force Master Sergeant.

As some of you may recall, the Governor has said he wants Nevada to be the most veteran-friendly state in the Union. This bill is a step in that direction. According to information compiled in the Governor's Interagency Council on Veterans Affairs' 2017 *Nevada Veterans Comprehensive Report* [page 35, ([Exhibit C](#))]:

As reported by the VPLI [Veterans Policy Leadership Institute], utilizing the American FactFinder Nevada, in 2015 Nevada's veterans made up 7.9% of the population. In 2016, American FactFinder estimates that the veteran population makes up 10.4% of Nevada's total population.

I think that disparity is part of our issue. There are some problems with our data. The U.S. Department of Veterans Affairs (VA) estimates that Nevada is home to 225,073 veterans with total VA expenditures in Nevada over \$1.8 billion. We have uploaded a copy of the 2017 report as an exhibit for your review ([Exhibit C](#)); however, the key data for our purposes today is this:

As of July 2016, there were 18,496 state employees and 530 of those employees have identified themselves as a veteran. Based on that data, veterans currently represent 2.9% of state employee workforce.

Again, 10.4 percent of Nevada's population are veterans. We are dealing with a difference of about 7.5 percent. One of our issues with the state employment of veterans is data.

As detailed in the report, Assembly Bill 62 of the 78th Session required data collection. Assembly Bill 309 will expand on that and seek to raise our numbers of veterans in state employment at the same time. Section 1 amends *Nevada Revised Statutes* (NRS) 284.015 by adding a definition of "veteran" into the state personnel's system. Section 2 details the appointment of a Veteran Personnel Coordinator, who will coordinate activities for recruitment, hiring, and retention of veterans and widows and widowers of persons killed while on active duty. Section 3 amends the duties of the Administrator of the Division of Human Resource Management of the Department of Administration concerning veterans. Section 3, subsection 2, paragraph (h) includes submitting reports to the Department of Veterans Services. That report is also available to the public. It is a monthly report with the names of all veterans and the widows and widowers of members killed in the line of duty employed in the classified and unclassified service of the state.

Section 3, subsection 2, paragraph (i) requires a report each quarter on the number of veterans and widows and widowers of persons killed in the line of duty employed in the classified and unclassified service of the state. That report is to be submitted to the Governor and the Director of the Legislative Counsel Bureau for the distribution to the Legislature. Subsection 3, subsection 2, paragraph (j) is ensuring, to the extent practicable, that the percentage of state employees who are veterans and widows and widowers of members killed in the line of duty is proportional to those living within the state. We want to increase that number and have numbers in state employment in line with the actual number of veterans in the state.

Section 4 adds to the report which is already required to be provided—each appointing authority shall report to the Administrator about a change in a position of public service, whether the appointee is a veteran or widow or widower of persons killed in the line of duty. Section 5 concerns preferences in hiring. We already have a veteran hiring preference within the state, but this section will increase that preference to 22 points for veterans and widows and widowers of members killed in the line of duty. The number 22 was chosen on purpose to send a message. It is widely reported that 22 veterans commit suicide per day. This statistic comes from the VA's *Suicide Data Report, 2012*, which analyzed death certificates from 21 states from 1999 to 2011. There has been some concern that this number has been taken out of context. I have an article that explores that number. I did not submit it as an exhibit, but I do have it if anyone wants to see it.

What I think is important is that the number 22 means something among the veteran community. It has become a rallying cry. If we use that number, we as a state are acknowledging this means something to them and they mean something to us. We see the contributions you have made as a community, and we are not just saying we value you, we are showing that we value you. The section continues to have a five-point preference for Nevada National Guard members and any widow or widower of a veteran—not just a widow or widower of a member killed on active duty, but the widow or widower of any veteran. A widow or widower whose spouse was killed in the line of duty gets 22 points on their exam, while a widow or widower of a spouse who was a veteran and did not die on active duty gets 5 points. The other qualifying persons continue to get the five-point preference.

In section 5, subsection 1, paragraph (a), the federal definition of a veteran is taken out because we defined a veteran in a previous section. Section 6 is conforming language for the annual reports to the Interagency Council on Veterans Affairs. Section 6, subsection 2, paragraph (b) has to do with the existing report, and it adds, ". . . and widows and widowers of persons killed in the line of duty while on active duty" Section 7 has to do with requirements to submit to the Legislature the report that we previously discussed. Section 8 is the effective date, which is July 1, 2017. That is it for the bill as it stands.

Additionally, I attached an amendment ([Exhibit D](#)). It is a conceptual amendment. The amendment includes a few recommendations that came out of the Interagency Council on Veterans Affairs' Report for 2017 ([Exhibit C](#)). I did not print out the entire report because it has already been disseminated to the Legislature, and it is extremely long. I did, however, attach the page with the recommendations to the amendment.

Recommendation two increases interviewing rates, with the belief that the more veterans and widows and widowers of members killed on active duty who are interviewed, the more who will be hired. It is giving some preferences in interviewing; however, the veterans and widows and widowers who are interviewed must be qualified. We are not requiring anyone to be interviewed who is not qualified. We are just asking that if someone is qualified, that person gets an opportunity to be interviewed. If people are not qualified, we are not asking the state agency to seek people out.

For instance, if ten people have applied and five are veterans who are qualified, all five get an interview. Recommendation three improves the veteran preference process. It allows veteran preference points to continue with the veteran and widow or widower through the worker's employment with the state for all promotional examinations. Right now, if you are a veteran you get some preference points when you are hired with the state. But that preference does not follow you as you continue with your career in the state.

Assemblyman Daly:

In section 3, subsection 2, paragraph (j), I know we are trying to get some parity regarding employment in the state. Do we have access to that information? How will we figure out if we are meeting the goal? What happens when we achieve the goal?

Assemblywoman Cohen:

That is one of the problems we have had. There are other bills in the Legislature this session that have addressed the fact that veterans do not always consider themselves veterans. We are working on that, not necessarily with this bill, but ensuring the correct language is used. For example, asking if a person was in service as opposed to asking if the person is a veteran. Some veterans do not use the moniker "veteran" because they did not serve during wartime.

Assemblyman Daly:

Hopefully we will be able to get access to the information. I think it is what we need to do. I was just curious if we have a plan to get the information. It seems like that is part of the disconnect. I see where you added in the state's definition of a veteran. I read through that, and basically, all you have to do is serve and be discharged for anything other than dishonorably. I see where you removed some of that language at the end of the bill because it is covered in the definition. I think I understood all of that.

Assemblywoman Cohen:

I think that is part of what came out of the 78th Session—collecting the data and ensuring the state is following its preference guidelines. Even if it is not handled in this bill, the state is collecting that data.

Michael Kelly, Chairman, Nevada Democratic Veterans and Military Families Caucus:

One of the biggest problems we have is data collection. Unfortunately, part of it is that veterans are not reporting. The other part is that the Division of Human Resource Management is not necessarily collecting data to properly report how many veterans are even employed in the state. This bill is a welcome first step to determine how many veterans are in the state. The biggest issue we are concerned about is the data collection.

Assemblyman Daly:

I wanted to help you a bit with section 7, which creates an exemption to a requirement that exists already in that section of the law that says any report we are sending off to the Legislature needs to be reviewed after five years. They do not have to send the reports anymore after five years. The Legislative Commission reviews the usefulness of the reports.

We have spent a lot of time in past legislatures putting that in because we were getting thousands of reports no one was reading. I asked Assemblywoman Miller and Assemblywoman Neal the same thing yesterday. I ask you to consider not giving that exemption. It does not kill the report; it just gives the Legislative Commission the ability to review it later. I would be uncomfortable with the exemption after we have decided that we have to examine reports no one is reading.

Assemblywoman Cohen:

Okay, thank you.

Assemblywoman Bilbray-Axelrod:

You did a great job explaining the significance of the number 22. It is not lost on me at all. Can you explain how that number would work in practicality? It seems like a fairly high number to be added to an examination score. On Veterans Day this year, I had a woman whose husband unfortunately committed suicide. Would she get five points?

Assemblywoman Cohen:

The 22 is a high number, and I recognize that. When I put it in there, I knew there may be some concern with how high the number is. Ultimately, I knew that number might be reduced. But I want to at least start there. I think it is important that we recognize sacrifices that are made. Twenty-two is for widows and widowers of people killed in the line of duty. Unfortunately, the widows and widowers of people who have committed suicide would not be considered for the 22 points. The widow or widower would get five points if their spouse committed suicide.

Assemblyman Ellison:

It looks like this is only for state agencies. This reporting is not required for private enterprises or small businesses, is it?

Assemblywoman Cohen:

Right. This is to encourage our state to hire more veterans. We have a high number of veterans who live in the state of Nevada and our employee records do not show that we have that same number of veterans employed by our state. Some of that may be because our data collection is not effective, but it seems to be more than that. It seems to be a combination of ineffective data collection and also that we do not seem to be hiring and retaining veterans.

Assemblyman Ellison:

I thought we heard testimony on another bill. It sounded similar in terms of collecting information. But I thought we already had this information. When you are hired by the state, your veteran status goes into a database. Is that not true?

Mike Kelly:

One of the problems has been that when you apply for a state job, you apply through Nevada Employee Action and Timekeeping System (NEATS). When you apply with NEATS, you state your veteran preference. However, once you are hired, that entire profile

disappears. You have to reconstruct an entirely new profile. Oftentimes the veteran preference is dropped. For some reason, no one has figured out how to transfer the same veteran information from application through retirement. You have to literally redo the paperwork, sometimes two to three times.

Assemblyman Ellison:

Once this information is collected, where does it go and how do they collect it?

Assemblywoman Cohen:

In 2015, there was some legislation that dealt with veteran hiring with the state and some data collection with the state. This bill is continuing what was already started in 2015. That is part of what Mr. Williams is doing as the Veterans Coordinator with the Division of Human Resource Management. His job is to help veterans get hired with the state and work on the data retention.

Assemblyman Ellison:

Who holds the information?

Assemblywoman Cohen:

The Division of Human Resource Management. As set out in this bill, it will be a part of the report shared with the Legislative Counsel Bureau.

Assemblyman McArthur:

I want to follow up on the 22 points. I am worried there may be pushback on this bill. What is the total test score?

Mike Kelly:

It is 100 points. You could get 22 out of 100 points. Right now, it is ten points for a disabled veteran and five points for a veteran.

Assemblyman McArthur:

So if you score 80 points, now you have 102 points? I do not want to make it look like too many points. I understand why you are using 22, but there may be pushback on that.

Mike Kelly:

The veteran community is flexible. We believe the 22 points emphasizes the importance and seriousness of veteran suicide and the effect employment plays on that. We are flexible. Nothing is set in stone. It is a powerful symbolic witness from the state of the sacrifices of the veteran community.

Assemblywoman Cohen:

The points are not necessarily based just on a test score. For example, if you are a Nevada resident, you get five points. If you came from a state agency that closed and you tested to join another state agency, you get another five points. There are different places where you get points added in.

Assemblyman McArthur:

I am fine with all of this. The bill says that 22 points must be added to a passing grade. I am worried some people may look at this and believe that is too big of an advantage. I do not want to hurt the bill. That is my only concern.

Assemblywoman Cohen:

Perfectly understandable.

Assemblyman Kramer:

I know there are some areas in state employment with a higher percentage of veterans than other areas, for example: adjutant generals; the Nevada National Guard; Nevada Highway Patrol; and the Department of Corrections. I am curious whether any weighting has been given to that. Maybe that is where some of the reporting comes in.

**Doug Williams, Veterans Coordinator, Division of Human Resource Management,
Department of Administration:**

We definitely have departments where our percentage of veteran employees is assuredly higher whether it is the Department of Corrections, the Department of Public Safety, or even our Department of Health and Human Services. As far as how that point system could factor in those departments is difficult to determine. It could be significant in some cases with our Department of Corrections and our Department of Public Safety. They have a different promotion system process. If those points were being added into the promotion, it could be quite impactful.

Assemblyman Brooks:

I am looking at the amendment recommendations ([Exhibit D](#)). You have notes on how to improve the interview process. Is that meant to be mandatory or permissive? For example, the agencies can do these things, or they must?

Assemblywoman Cohen:

I want to work with Mr. Williams on this because it is coming out of the Interagency Council on Veterans Affairs recommendations. There is some delay because we have to get the amendments done after the last deadline. We want to ensure that people who are qualified get the maximum number of interviews possible. The idea is that if we can get more interviews for qualified veterans and their widows and widowers, we can get more employment. I think we ultimately will be looking at some mandates, but interviewers will not have to seek people out. We do not expect the agencies to do that.

Mike Kelly:

One of the greatest concerns in the veteran community is that veterans are not getting interviews. They are absolutely not getting that. However, we do not want to take a harsh approach. We want to see what is going on with the data collection. With passage of this bill, we will see an increase in the number of veterans hired and retained by the state. If we do not see that change, if we see the numbers are stagnant, maybe we will pursue stricter avenues.

Assemblywoman Neal:

My question is about section 5, subsection 2. You have, "but only to one promotional examination" struck out. It allows the 22 points to be applied to essentially every promotional exam. You have not articulated the need to increase the points from 5 or 10 to 22. There is no rational relationship for that increase. There are two bills sponsored by the Department of Veterans Services already—Assembly Bill 22, and Assembly Bill 19, which was heard in this Committee. What kind of coordination are you doing with the Department of Veterans Services regarding their existing two bills to collect data?

Mike Kelly:

The veteran community has not heard about data collection as far as state employment. We have heard about data collection as far as veterans in the state, but nothing specifically geared towards veteran employment. The strikeout is because of promotional opportunity. One of the biggest problems in the veteran community is that they are not being retained after being hired by the state. They are not being promoted, and they cannot use their veterans preference for promotion. In other states, they are permitted to use their preference for promotion. The veteran community asked that the inability to apply the preference points again be struck out.

Doug Williams:

As things currently stand, veteran employees get to use their veterans preference once only for promotional opportunities whether or not they are a state employee for 15 or 20 years. Other areas, such as possession of a degree, have a certain number of points assigned to them and those points can be assigned over and over again in different promotional opportunities. As it is struck through, it is allowing a veteran employee the ability to apply that preference multiple times throughout their career instead of just once.

Assemblywoman Neal:

So the veterans get points one time, but you also get points if you have a degree?

Doug Williams:

Yes. Each department establishes their own promotion process. They determine the areas they feel are relevant, related, or important to the promotion, such as performance of duties, education, et cetera. They assign a certain point value to that. The veteran preference can only be applied once, whereas the other areas can be applied multiple times.

Assemblywoman Neal:

Are there situations where other people who are trying to work for state agencies also get the removal of the provision limiting the number of times someone can use preference points? I am looking for an inequity in the system. Who else in the system is allowed to use their points every time they take a promotional exam?

Doug Williams:

The individuals who can use a preference or points every time will be individuals who hold a bachelor's degree. If they gained that bachelor's degree five years ago, ten years ago, et cetera, they could apply those points on every promotional opportunity. A veteran's status is not changing, but that preference can only be applied once throughout their state career.

Assemblywoman Neal:

So you are a veteran, you have a bachelor's degree, and you have other areas of expertise that a division is assigning points to. What is an example of the baseline set of points you would get just being a veteran with a degree and other performance points you may get? To me, that is a baseline. Then we are throwing 22 points on top of that. Is that correct?

Doug Williams:

I do not have subject matter knowledge of the point system those different departments use. I would not be able to speak on exactly how those 22 points could weigh into that process.

Assemblywoman Neal:

I just want to be clear that this is an adding game. We have a baseline, and we are adding 22 points. If a person takes a test, we could have the veteran points, the degree points, the performance points, and then add 22 points. I just want a yes or no answer. Is there a baseline set of points that we add the 22 points to? It does not matter if you do not know the exact points it is out of. I want to know what the math equation looks like.

Doug Williams:

Yes. That is how I understand it. Whatever that baseline is, the veteran preference points would be in addition to that.

Assemblywoman Neal:

Thank you. My suggestion would be to get with the Department of Veterans Services about their database. Section 3, subsection 2, paragraph (j) says, "Ensure, to the extent practicable, that the percentage of officers and employees in public service . . . is proportional to the percentage of veterans and such widows and widowers residing in this State." I do not understand what that means. Can you give me an example of this percentage increase?

Assemblywoman Cohen:

I do not like language that is vague and unspecific, but I think that is reflective of the fact that we do not have exact numbers yet. We are still trying to come up with data. I think it is also indicative of trying not to bind the hands of our departments. I read it as being aspirational.

Assemblywoman Neal:

Your intent is to expand the percentage in all three of those categories into the departments?

Assemblywoman Cohen:

Yes.

Chairman Flores:

Are there any other questions from the Committee? [There were none.] Is there anyone wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill?

Kevin Burns, Chairman, United Veterans Legislative Council:

The United Veterans Legislative Council is an umbrella group over the nationally recognized service organizations contained within the state. We are elected to bring forth the wishes of our members. One of those organizations is the Disabled American Veterans. We support this bill and thank Assemblywoman Cohen and Mr. Kelly for the amount of work they have done on it. The reason I am testifying in neutral is because of two consequences of this bill, and we believe they are unintended. In section 5, current statute states that nondisabled veterans get five points and Nevada National Guard members get five points. The language as proposed separates that, and veterans would get 22 points but the National Guard members still only get 5 points. We think that is wrong. We believe the National Guard members and the veteran community should get the same amount of points.

The other issue is that section 5 removes the difference between disabled veterans, who currently get ten points, and nondisabled veterans, who currently get five points. The difference in points is due to the disability a veteran has incurred during service, which can hinder that veteran from obtaining employment elsewhere—even with the state. We would like to see that additional five points for being a disabled veteran.

Assemblyman Ellison:

I think you are totally right. I have a question regarding section 5, subsection 1, paragraph (a). It strikes out "veterans not dishonorably discharged from the Armed Forces of the United States" and "with disabilities." If you go down to paragraph (b), it strikes out "ex-servicemen and women who have not suffered disabilities" Is that what you are talking about?

Kevin Burns:

If you are referring to section 5, subsection 1, paragraph (b), the widows and widowers of veterans would still only get five points. The 22 points would go to the widows and widowers of servicemembers killed in the line of duty.

Assemblyman Kramer:

If memory serves me correctly, the definition of a veteran is someone who has served six months active duty. It strikes me that a very high number of our National Guard members have served six months or more of active duty and thus would be qualified for the veteran status as opposed to just the National Guard status. That is my recollection.

Kevin Burns:

I think if you look at NRS Chapter 417, it defines National Guard members as veterans after they have served for six years.

Jim Penrose, Committee Counsel:

Yes. The bill adopts the definition of "veteran" contained in NRS 417.005, which defines a veteran as someone who:

Was regularly enlisted, drafted, inducted or commissioned in the: (a) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States; (b) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years

There is some additional language as well. As far as the National Guard is concerned, that is the relevant language.

Mike Kelly:

Before Assemblywoman Cohen closes out, I want to address one thing in relation to the disabled veteran preference. One of the reasons the change was added was because oftentimes many agencies observe the points and will not hire a disabled veteran. I hate to say it, but it is a sad reality. They see the preference points and assume the veteran that is disabled is incapacitated and cannot perform duties, so they do not hire them. The purpose was not to insult disabled veterans. I am a disabled veteran as well. The point was to try to ensure that all veterans are captured without prejudice or preconceived notions about the ability of a veteran to be able to perform the duties of the job at hand.

Assemblywoman Cohen:

I will get any more information you would like, especially about state hiring. It is a very complicated situation. We are definitely open to working with anyone with any suggestions or concerns they want us to address. As far as the feeling of discrimination, I was surprised when I was at a veteran's organization event and I heard veterans who said they did feel discriminated against in hiring. I was very taken aback and surprised by that. I heard anecdotes about veterans who felt discrimination in hiring and that they were not given a chance. I want to ensure that not only is our state giving veterans that chance, but rewarding people for their service. It will not just benefit veterans who deserve that reward, but it will benefit our state overall.

Chairman Flores:

I will close the hearing on A.B. 309. I will open the hearing on Assembly Bill 337.

Assembly Bill 337: Revises provisions governing termination of the employment of members of the National Guard. (BDR 36-1134)

Assemblyman Elliot T. Anderson, Assembly District No. 15:

I am here to present Assembly Bill 337 which revises provisions governing the termination of members of the National Guard. Assembly Bill 337 extends employment protections to National Guard members from another state who are employed in Nevada. In current law, the employer of a National Guard member is prohibited from terminating the member's

employment if the member is ordered to active service or is ordered to perform other duties required by the Nevada National Guard. This bill would provide the same protections for National Guard members who work in Nevada but who are members of the National Guard in another state.

Under existing law, a Nevada National Guard member may seek a hearing under the Office of Labor Commissioner, Department of Business and Industry, to regain employment. This law expands that right to National Guard members from other states who are employed in Nevada. The bill also allows a member of the Nevada National Guard or a National Guard member from another state to bring a civil action in a district court against an employer if the Labor Commissioner does not rule that member's employment was terminated unlawfully. Finally, if the district court rules in favor of the National Guard member, the court must award the National Guard member attorney's fees and costs in addition to the following relief: immediate reemployment to the position in which the Guard member would have been employed and immediate restoration of seniority and benefits and all lost wages and benefits as a result of the termination.

I think this is a pretty straightforward change. There is not a whole lot of substantive change here, but you need to consider that we have some people who may be National Guard members in Utah or California. It is fairly common because being a National Guard member is not a huge time obligation most days. I know that this happens and people have cross-border living situations. They either go into the reserves in different states or go into the National Guard in different states just based upon the military occupational specialty alone because there are different units across the country. People may be in that situation solely because they want a specific military occupation. I am aware of this happening where I grew up in Wisconsin. I am fairly confident it happens here.

I think it is also important to expand these provisions to allow members to recoup attorney's fees. Most people who are starting out do not have money to go to an attorney. You are effectively shutting off the courtroom door to Nevada National Guard members if you do not allow them the ability to recover attorney's fees in an action. It is a fairly straightforward change.

Chairman Flores:

Are there any questions from the Committee? [There were none.] It might be the first time ever we have not had a question. I will not pressure anyone into asking you a question. I will let it go. Is there anyone wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] Assemblywoman Neal is going to kill this by asking a question.

Assemblywoman Neal:

I was going to let it go, but I cannot. Section 3, subsection 2 refers to the award of attorney's fees to the member under certain circumstances. When they award the attorney's fees, is that for wrongfully discharging them from their job, or is there another reason?

Assemblyman Elliot T. Anderson:

I think this is the standard language we use for attorney's fees. First of all, it is reasonable attorney's fees. In Nevada that is calculated by the Lodestar Standard—reasonable hours times a reasonably hourly rate. The court will not award attorney's fees if they do not prevail. You need someone who brings an action and prevails in a lawsuit. That is the standard way courts handle attorney's fees. If they bring an action, they are successful, and they find that *Nevada Revised Statutes* (NRS) 412.139—which is contained in section 1 of the bill—was violated, the court would have the authority under section 3 to award attorney's fees. They have already had the authority to bring a civil action. In this case, we would allow for those reasonably expended attorney's fees to ensure the Nevada National Guard member is made whole. Even if they are restored to their employment position, with back wages, et cetera, they are still out money for an attorney. I think attorneys can be cost-prohibitive. Employment attorneys generally work on a contingency basis for that reason. Without this, you will not have the ability for the Nevada National Guard members to get relief.

Assemblyman Ellison:

What if the employee on active duty had to be replaced? Is there a difference?

Assemblyman Elliot T. Anderson:

We have had strong protections with both the Servicemembers Civil Relief Act and Nevada law for people who are activated and go to active duty or have a change of duty station. It is current law that employers have to hold those positions open. That is a requirement under the law. They do not have to keep paying National Guard members when they are not there, but they do have to ensure the member can come back to that position. They cannot fire them. In my own law firm, we had someone who was on reserve duty and that paralegal position was held open. That is a requirement under various reserves and National Guards. This bill would simply expand the same protection in existing law to those employees who may be National Guard members of a different state but who live in Nevada.

Assemblyman Kramer:

I am in favor of this bill except for one thing that turns me around virtually every time I see it. When we talk about reasonable attorney fees, I am in favor of loser-pay, but it has to work both ways. If someone brings a suit that they lose, they should have to pay the other person's attorney's fees, just as you are asking the employer to pay the attorney fees of the person treated unfairly. I do not like when I see only one person responsible for that.

Assemblyman Elliot T. Anderson:

That is a policy choice for the Committee. I certainly think if you make that a requirement for an 18- to 22-year-old National Guard member who is probably not making a ton of money and who is not able to afford an attorney, you will up the risk. If I am their attorney, I will say, Here is the risk of bringing this litigation—you could find a new job, but if you are wrong, you will be out these attorney's fees. I think the practical effect of doing that in statute is that you will discourage people from utilizing their rights. I believe that loser-pay is more appropriate when you are talking about business litigation. There are prevailing

party statutes for attorney's fees, but generally, you do not do that when you have people who do not have those means. Certainly, these people are going to be in a tough spot. They will not be working. They will be out of that job because of a violation of the statute. I want you to understand what the ramifications of that are for National Guard members. I can respect your opinion. This is just my proposal as to how to address this problem.

Jim Penrose, Committee Counsel:

Provisions of existing law, Rule 11 of the Nevada Rules of Civil Procedure and NRS 18.010 both provide for an award of attorney's fees in any case where the court determines the action has been brought without reasonable ground. In the case you postulated where a lawsuit was obviously completely frivolous—assuming the employee had the ability to pay—a court would be authorized to award fees.

Assemblyman Elliot T. Anderson:

It is not just the party who can be sanctioned in that regard. I do not think most attorneys are filing suits in which there will be no recovery. But if you have an attorney who is your quintessential boogeyman, and they were harassing a businessperson, the court would be able to force that attorney to pay as well. I just believe when you are talking about a party in general, it would not be appropriate in this context because of the huge imbalance you would have in the courtroom for this type of action.

Chairman Flores:

We almost went through the whole hearing without a question, but Assemblywoman Neal had to ruin it. I would like to close the hearing on A.B. 337. Next on the agenda is Assembly Bill 393.

Assembly Bill 393: Sets forth legislative findings and declarations concerning certain changes in zoning and development standards. (BDR S-1157)

Assemblyman James Ohrenschall, Assembly District No. 12:

Assembly Bill 393 came out of concerns expressed to me by my constituents regarding proposed developments on Sunrise and Frenchman Mountains. Those of us who live on the eastern side of Las Vegas know what national treasures those areas are. They are places where families can hike. There are camping opportunities on the eastern side of Sunrise and Frenchman Mountains. They border the Lake Mead National Recreation Area. A lot of the area is managed by the Bureau of Land Management (BLM), U.S. Department of the Interior. It is called an "Instant Study Area." They were studying which designation they felt would be appropriate for the area. However, there is a lot of private land and proposed developments south of Nellis Air Force Base, around the mountain. There have been requests to the Clark County Board of Commissioners—because all of this is in unincorporated Clark County—to change zoning standards and waive hillside development standards. Those of us who live on the east side of town understand the struggles we face, whether it is traffic, services, parks, community centers, et cetera. There is a real concern about waiving development standards and allowing development up there that would overburden our area.

Assembly Bill 393 is an effort to let our county commissioners know this is something we are concerned about. We hope they will not waive those development standards or change the zoning for those areas on Sunrise and Frenchman Mountains. A lot of the treasures of that area are discussed in the bill. There is a natural geological treasure there called the Great Unconformity. I am not a scientist or geologist, but from what I have read about it, geology students can go to Frenchman Mountain and see different levels of rock that date back millions of years. There are only a few other places in the world where there is this kind of rock formation that shows the history of the earth. It is a unique natural area juxtaposed to our busy, urban Las Vegas world. Many of us who live there would like to see it stay that way.

I have support from pretty much all the legislators—my colleagues—who represent that area and areas close to it. I was hoping Senator Manendo would be able to get down here. We have supporters in Las Vegas, and I think Commissioner Giunchigliani is down there as well.

Assemblyman Ellison:

I am glad you brought up the Wilderness Study Areas (WSAs). We have been trying to get these WSAs changed for a long, long time. Should this not be an issue seen in front of the county commissioners? I know Assemblyman Kramer has the same concern I do, but should this issue go to the county commissioners first to see if they can do this? This might set precedence around the state.

Assemblyman Ohrenschall:

Initially when I came up with the idea and went to the Legal Division of the Legislative Counsel Bureau, I thought maybe a resolution would be the right way to go. This is a decision that is up to the Clark County Commissioners. I assumed we would send a resolution expressing our concern. The Sunrise Mountain area is now called an Instant Study Area, not a WSA. It is hard to understand what those are under the BLM lingo, but that is what it is. They are studying whether it should be a WSA. From what I have seen, it does not seem like they concluded it should be a WSA. They thought people in urban Las Vegas and Clark County enjoy hiking, bird watching, et cetera. They did not want it to be cut off.

Similarly, I think if high-density developments are approved at the top of that mountain, it will be a lot harder for people to get up there and enjoy the bit of natural desert we have left in urban Clark County. This certainly is a decision for Clark County Commissioners, but the counties are creatures of state statute, and I think we have a right to tell them how we feel.

Assemblyman Daly:

Is this more or less just letting them know our feelings, or is it binding the county commission? It seems to me this is a county commission issue. I know we just had the meeting on Assembly Bill 277 and went through that whole exercise on local laws. If it is just a recommendation, that is different from if it is binding to the county commission.

Assemblyman Ohrenschall:

I might defer that question to legal counsel, but first, there is an amendment that I believe will be verbally proposed by Commissioner Giunchigliani or one of her representatives. It has to do with hillside development standards and trying to take what Clark County has in their code and put it into state statute.

Nancy Amundsen, Director, Department of Comprehensive Planning, Clark County:

Commissioner Giunchigliani is at a board of county commissioners meeting today, so she could not be in attendance. Our legal department and the Department of Comprehensive Planning have looked at this bill. Generally, we are neutral to it. We do have concerns with section 1, subsection 2. I have language that we would request you consider. The language would be:

The Legislature hereby declares that it is consistent with the Legislature's intent in NRS 278.020 subsection 2, paragraph (a) and NRS 278.160 subsection 1, paragraph (d) that the Board of Commissioners of Clark County protects the hillsides of the undeveloped desert lands adjacent to the western faces of Sunrise Mountain and Frenchman Mountain from intense development by implementing hillside standards and deferring to the land use plan designation for those adjacent lands.

The reason this is more comfortable for us is because at this point, we are going through the Sunrise Mountain land use plan update. In addition, we have hillside development standards we are looking at tightening. The county feels that this bill would be supporting what is already in existence. We are doing modifications, so we are more comfortable with the proposed amended language.

Assemblyman Ohrenschall:

I had the opportunity to discuss that language with Commissioner Giunchigliani, and while I apologize for not having a formal amendment from either the Commissioner or me, I do consider that a friendly amendment.

Assemblyman Ellison:

You already have a master plan for that area, do you not?

Nancy Amundsen:

Yes, we do. However, we have five-year updates. At this time, we are going through the update process for that area. We are not anticipating changing that area, but we will put additional policies related to hillside development in our land use plan. We do have an existing land use plan, but we are going through the public process for the update.

Assemblywoman Neal:

Does the proposed amendment change the declaration that the Board of Commissioners of Clark County maintains the existing zoning and hillside development?

Nancy Amundsen:

The land use plan dictates the zoning of the site. *Nevada Revised Statutes* (NRS) speaks to both the county being able to create its own land use standards as well as its own land use plan. We would like to clarify that the bill relates to NRS and the county's ability to make these decisions. It is similar, but it is connecting it to NRS provisions.

Assemblywoman Neal:

Did you follow the hearing for A.B. 277 on Friday?

Nancy Amundsen:

Yes, ma'am.

Assemblywoman Neal:

Assembly Bill 393 is just declaring legislative intent. I want to know your opinion about the relationship between the legislative intent being stated in this bill and A.B. 277.

Nancy Amundsen:

In discussing this with Commissioner Giunchigliani, this bill is not creating the law. Assembly Bill 277 is deleting the Red Rock Bill and creating a conservation area buffer zone. That is not specific to the Red Rock Canyon National Conservation Area. It also applies to Sloan Canyon National Conservation Area and Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area.

However, this is just stating the Legislature's intent to agree or support the county's recommendations for hillside development and the land use plan in the Sunrise Manor area, which would be Frenchman Mountain and Sunrise Mountain. I do not believe this is legislative law; it is just a declaration of intent.

Assemblyman Ohrenschall:

I believe that is important because so many of the developers are requesting zone variances and waivers of hillside development standards. That is why I believe A.B. 393 would be important.

Assemblywoman Neal:

I understand where you are going with this, Assemblyman Ohrenschall. Whenever we make a legislative declaration, it also equates to a public policy statement. Sometimes public policy statements by the Legislature can be interpreted as legal intent. I have never seen this before. Can I do a legislative intent that I declare that historic West Las Vegas is important to the Nevada Legislature? That is a pretty powerful statement because it is us, the Legislature, the creator of law.

Assemblyman Ohrenschall:

I certainly intended it to be powerful. I hope we can preserve the area encompassing Sunrise and Frenchman Mountains for generations to come. If we keep the development at least how it is under the current master plan and zoning and hillside development standards, I think we

have a chance to preserve that treasure we have so close to urban Las Vegas. I will work with Commissioner Giunchigliani and try to get language in an amendment about those hillside development standards.

Assemblywoman Joiner:

I had a comment. I appreciate that you brought this forward. What I am finding this legislative session is very interesting, and you must be finding it with your constituents also. I think they expect us to be more involved in the federal government and local government issues they find very important. I think this is a good example of being very responsive to people in your district who care about the beauty of the place they live in. I like this trend of us taking positions on the things our constituents care about.

Assemblyman Ohrenschall:

Thank you very much. I appreciate your comments. Assemblyman Edwards, Assemblyman Carrillo, Assemblywoman Carlton, Senator Manendo, and my constituents all live in that area of Sunrise Manor. Whether you live on the west side or in Henderson, lots of people go up to these mountains to hike. There are trails. You can park on Lake Mead near the Great Unconformity, and you can hike to the top and see Lake Mead to your east and the entire Las Vegas Valley to your west. It is a treasure. It is one of our few undeveloped reminders of what Las Vegas Valley used to look like before we grew and became such a metropolitan center.

Assemblyman Ellison:

I hate to be a thorn in the side, and I understand what you are doing. My biggest fear is that this could open up other areas in the state. Is there any way you can amend this so that it could be dedicated to a specific area? If someone wants to stop development, they could come in and follow along with this law. I would not want people to come in and say that they have to stop development that needs to be done. I would hate for this to affect people in Elko, Ely, or Eureka Counties.

Assemblyman Ohrenschall:

I believe the way the bill is drafted is very specific to the area in Clark County that contains Sunrise Mountain and Frenchman Mountain. I do not believe there is any applicability of this bill to any other areas in the state, whether they are Instant Study Areas or not. I do not think this bill would remove any authority from a local government in any other areas to deal with zoning and hillside development standard issues.

Chairman Flores:

Are there any other questions from the Committee? [There were none.] Is there anyone wishing to testify in favor of the bill?

Danielle Walliser, Private Citizen, Las Vegas, Nevada:

I am a licensed architect in the state of Nevada with over 36 years of local experience in Las Vegas. I have been involved in many government capital projects over the course of my career, including working for the City of Las Vegas, Clark County School District, and the

University of Nevada, Las Vegas, School of Architecture. I also serve as Chair of Sunrise Manor Town Advisory Board. I have lived in Sunrise Manor for close to 30 years. I respect the technical aspects of your positions regarding this action taking place at a state level versus home rule with the county commission. I agree this is a county commission decision. However, you will hear from me more on the qualitative issues of life in the area that I have lived in for close to 30 years. I understand everyone needs to promulgate the process of growth of the city, a healthy economy, et cetera. However, there are limits to that when development starts encroaching on our aesthetic and our community identity.

Sunrise Mountain and Frenchman Mountain are a huge part of the identity of Las Vegas. You can point in the east and say you live near Sunrise or Frenchman Mountain and everyone immediately knows the area and the qualitative aspects of the area. I fully support this because I agree with Assemblywoman Joiner about involvement at all levels of government. Relative responsiveness to the local and federal government is a good thing. I think we need to have more humanistic discussions about the quality of life. Those things need to carry equal weight to economic and legal considerations.

I would like to see the Legislature consider this support for us at a local level. We do treasure the area. The infrastructure up there, despite the best efforts of several county commissioners, has been placed on the backburner for years. The roads and infrastructure need to be updated. As a community, we are concerned that the infrastructure will continue to deteriorate. I fully support A.B. 393 and ask for your consideration in support.

Jerry Smith, Private Citizen, Las Vegas, Nevada:

I live at 7067 Mount Ridge Drive, about 500 feet from the last development area. I have been there for 19 years. I have seen five different developers' proposals. For two, the time expired and they did not develop it. For two others, they tore the mountain and had an illegal quarrying operation. One blocked one of two drainage structures to take the water off the mountain. When it rains, you can see six waterfalls up there. That water has to go somewhere. My biggest concern is that we abide by the hillside development standards. If we do that, we will solve a lot of problems. I think that was in this bill. When it rains, there are huge valleys that have been carved out of the mountain. The water goes down into two drainage collection structures. One was abandoned by a contractor, and the county made some Band-Aid fixes. The other one overflows and the water goes down both sides of the streets.

I think the biggest problem we have up there is not abiding by the hillside development standards. Where will the water go? When we go to a developer meeting and ask about flood control, they say not to worry about it and that their civil engineers will take care of that. In the development area pending right now, they said they would just let the streets collect the water and it will meander slowly down the mountain and be absorbed.

I have a bachelor of science degree in civil engineering. I practiced for years, and I have a professional license. I think I know what I am talking about. We have to put some common sense into this. If we stayed with the hillside development standards completely,

and we do not waive them, then I think we will probably have a good project. We have been told by the planning commission that we just want to be the highest people on the mountain. That is kind of an insult. What we want to do is preserve the lifestyle we have and not be flooded out when we get a major rainstorm. If you build on the mountain, you will put in more impervious pavement. The water will come down the mountain and you will not stop it. In my mind's eye, that is probably why it has not been developed. Protecting the residents down the mountain from flood control is costly. I am in full support of A.B. 393.

Michael Anthony Dias, Private Citizen, Las Vegas, Nevada:

I was a Sunrise Manor Town Advisory Board member for about 30 years. I have worked on all of the master plans for Sunrise Manor, including the first. I am here in support of A.B. 393. Due to the rural nature of our area, hillside developments are an important part of our master plan. The hillside development standards were created because of the extreme slopes in this area. The hillside development standards only apply when the slopes are over a certain percentage. I have forgotten what the percentage is exactly, but the standards are limited to the areas of the mountain that are most sensitive. We have had a long-range vision for the past 20 years that master plans have been around to not tear the mountain up for short-term financial gain. Our hillside development standards need to be enforced. Our mountain is important to the Las Vegas Valley and all the areas of Sunrise Manor. I appreciate your support for this bill.

Assemblyman Ellison:

How big of an area are we talking about?

Michael Anthony Dias:

I cannot specifically answer that. I would think it is around three or four sections. Sections are 640 acres. Most of this is above the disposal boundary line as well. But there is some private land up there already.

Bonnie Cisneros, Treasurer, Baro Canyon Homeowners Association, Las Vegas, Nevada:

I live on the Sunrise Mountain area. I have been up there for 40 years. I am here on behalf of the Baro Canyon Homeowners Association. I am on their board of directors. We believe A.B. 393 is very specific to Sunrise Mountain. It says "Sunrise Mountain" over and over again in the bill. We are here to ask that you give your support to what we are asking for. Our problem is that we want to see development, but we want to see it in accordance with what is established in the hillside development standards. We believe if you speak, it gives us support and strength in keeping the mountain how it is now. Thirty acres to the east of me is currently being looked at by someone who wants to mine the rock and tear the mountain down. If zoning is relaxed, this is what will happen to the mountain. It will be destroyed. We ask that we have your support in keeping what we have there now as far as hillside ordinances and zoning standards. I hope you support this bill as we do.

Steve Tobenkin, Private Citizen, Las Vegas, Nevada:

I live on Peaceful Street, and I am the newbie in the neighborhood—I have only lived there for seven years. My wife and I moved in and bought our home very specifically because we liked this area. We looked all over Las Vegas, and this area is unique. The area is beautiful, the mountain is beautiful, the lots are large, there are no street lights, and the zoning has allowed individual homes due to the large parcels. They are not cookie-cutter homes. This is something very unique and different. My property abuts the BLM land that comes down from Frenchman Mountain. That is literally my backyard at the moment. We have had open houses to discuss this issue and other neighborhood issues where 80 to 100 people have shown up. Commissioner Giunchigliani has shown up at our home. The neighbors are universally opposed to this kind of development. I would not say they are universally opposed to development, but this large-scale, neighborhood-changing development is not in keeping with any master plan here. None of the neighbors believe they entered into this deal when they bought their homes.

I would like to echo that the infrastructure cannot sustain any kind of large-scale development. Streets are not well-maintained. They are not wide, and there is no drainage plan. We get lots of water at our house. There is not good natural gas infrastructure, so it is not set up for the kind of development that has been proposed in the last number of months and years that we have been there. We would like to encourage you to send a message that there are special places in Las Vegas. This is one of those special places. The west side of Las Vegas has Red Rock. That is a nice place and so are Sunrise and Frenchman Mountains. We would like to keep it that way, and we would appreciate your support.

Chairman Flores:

Is there anyone wishing to testify in opposition to the bill?

Joshua J. Hicks, representing Southern Nevada Home Builders Association:

I am here today to express a few concerns in opposition to this bill. Really, I think there are two areas of concern. The first has to do with the precedent of moving zoning decisions away from local government and taking that up to a higher level. The Southern Nevada Home Builders Association has always found that the local bodies are flexible and nimble, and they can handle these zoning decisions. They take public testimony and concerns to heart when they make their decisions. They also have very robust building and engineering code divisions, which are actually very cutting-edge on hillside development. We would prefer to see these decisions staying at the local level. The second concern has to do with the impact of this bill. It is stated as a codification in a bill of legislative intent. It does not seem to be a mandate. Rather than being a resolution, it is couched as a bill. The concern there is that if this is held out as binding on a local government, then you start having other issues regarding whether this is a special or local law under the *Nevada Constitution* as well. That could be a potential issue. That creates some confusion about what this bill means. We feel this may be more appropriate as a resolution rather than a bill.

Chairman Flores:

Is there anyone wishing to testify as neutral to the bill? [There was no one.]

Assemblyman Ohrenschall:

I want to thank my neighbors and constituents down in Las Vegas who showed up to testify in support. To answer Assemblyman Ellison's question, according to the BLM, the Sunrise Mountain Instant Study Area is 10,240 acres. That includes Sunrise and Frenchman Mountains, the western face, the eastern face that abuts the Lake Mead National Recreation Area, et cetera. I do not know the amount of private land on the western face of Sunrise and Frenchman Mountains. My guess is that it has to be less than 1,500 to 2,000 acres in terms of private land that might be affected. Most of that is currently under the existing zoning and hillside development standards. That is the concern my constituents have in terms of not seeing those hillside development standards. There is traffic, rain water infrastructure, et cetera. I do plan on reaching out to Commissioner Giunchigliani to see if there is any language I can get from her that could be a possible amendment.

Chairman Flores:

I will close out the hearing on A.B. 393. We have three items on work session.

Assembly Bill 134: Revises provisions governing exemptions of certain special districts from certain requirements of the Local Government Budget and Finance Act. (BDR 31-562)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 134 revises provisions governing exemptions of certain special districts from certain requirements of the Local Government Budget and Finance Act. It was sponsored by Assemblyman Hansen and heard in Committee on March 1, 2017. Assembly Bill 134 increases from \$200,000 to \$265,000 the limit on the amount of annual total expenditures for a special district to be eligible to file a petition for an exemption from the requirements of the Local Government Budget and Finance Act. There is one amendment to the bill submitted by the sponsor that raises the exemption level from \$265,000 as proposed in the bill to \$300,000 (Exhibit E).

ASSEMBLYMAN KRAMER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 134.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Assemblyman Carrillo:

I had not seen the amendment, so I will reserve my right to change my vote on the floor. I will be voting it out of Committee.

THE MOTION PASSED. (ASSEMBLYMAN McCURDY WAS ABSENT
FOR THE VOTE.)

Chairman Flores:

Assemblyman Kramer will take the floor statement. Next is Assembly Bill 151.

**Assembly Bill 151: Provides for the certification of law enforcement dispatchers.
(BDR 23-767)**

Jered McDonald, Committee Policy Analyst:

Assembly Bill 151 provides for the certification of law enforcement dispatchers. This bill was sponsored by Assemblywoman Carlton, and it was heard here on March 15, 2017. Assembly Bill 151 requires the Peace Officers' Standards and Training (POST) Commission to adopt regulations establishing the minimum standards for the certification and decertification, recruitment, selection, and training of law enforcement dispatchers. The bill also authorizes the Executive Director of the Commission to certify qualified instructors for training law enforcement dispatchers and issue certificates to those who have satisfactorily completed the training. There is one amendment that was discussed in the hearing. The amendment makes the bill permissive by clarifying that the Commission may establish a training program for law enforcement dispatchers, certify qualified instructors, and issue certificates. It also deletes sections 3 and 4 of the bill ([Exhibit F](#)).

ASSEMBLYMAN CARRILLO MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 151.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Assemblywoman Neal:

We had extensive discussion that they were already doing the work, right? So it did not matter if we had "shall" or "may." "Shall" would have made it what they needed.

**A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department:**

I am here to answer any questions as they may arise.

Assemblywoman Neal:

Were you not in opposition? I am not sure if I want you to answer my question.

A.J. Delap:

We were in opposition as written. With this amendment, we are in support.

Assemblywoman Neal:

I need a clarification because I remember going around and around about this after the hearing. I remember you wanted them to strike out the word "shall" because you felt it put them in a category where they would be eligible for certain benefits. When we heard testimony from the POST Commission doing the training, they said they were doing this. They were trying to make it uniform.

Denise Stewart, Carson City Center Manager, Department of Public Safety:

I am not sure where the change was.

Assemblywoman Neal:

The only change was that it was "shall" versus "may." I liked the "shall." That was my problem. At the time, what you were presenting made sense. It sounded like you only took the "may" because people were telling you that unintended consequences would occur. But you were already doing the work. It was already there and you were trying to make it uniform and know when people were going to walk in and out of a process and that the process would be exactly the same for everyone.

Denise Stewart:

You are correct. We are already doing all of the work. The consequences people were talking about—retirement, more pay, et cetera—are not affected. It just makes the training across the state for public safety dispatchers consistent.

Assemblywoman Neal:

The "may" prevented you from having the uniformity you wanted. Now an entity can choose not to do it, which defeats the purpose of the uniformity across the state. Is that right?

Denise Stewart:

That is correct.

Assemblywoman Bilbray-Axelrod:

I echo Assemblywoman Neal's concerns. I am looking at my notes from the last meeting, and I have that Nevada is inadequate. Fifty-one percent of states have some mandatory requirement. This amendment looks like we just gutted the bill. Is that correct?

Denise Stewart:

Yes. It looks like it has been gutted. Our intention was always to have it mandatory until we got pushback from different entities.

A.J. Delap:

"Gutted" is a strong word. I have asked Julie Butler to come from another committee hearing right now. If we could just give her a moment. But I think I can address that to my understanding, the POST Commission has already created the training. It is their discretion on the requirements from that point forward. This bill allows them to implement the training. I hate to speak on their behalf, but it is my understanding that training exists, and they need this to move forward with that.

Assemblywoman Neal:

Why do you disagree with their need to have uniformity across the state? The "shall" will help them get it. They are already able to do the training. They are offering the training, but their main issue is that the training is not uniform. Meaning that I cannot walk into County X, Y, and Z and see the same exact behavior because a person can opt out or choose not to do the training in the exact order or arrangement they want it done. Why not have the "shall" to allow them to have what they need? You struck out everything else in the bill. We cannot get into any of the categories. Why not just put a "shall"?

A.J. Delap:

For one, this was not a bill brought by our agency, but we believe it has merit. There are nuances between agencies. I think the POST Commission does a good job of allowing for those nuances from one agency to the next. I think my testimony in the original bill spoke of the fact that our dispatchers go through literally hundreds of hours of training before they are dispatching officers on first-response calls.

What this bill does is allow the Commission to implement their training across the board. But some agencies are far exceeding what would be imposed. I think the "may" allows for the Commission to provide the training and resources to the agencies that choose to take part in it. It does provide an across-the-board training system; however, it also allows for the individual agency to implement their own training procedures.

Julie Butler, Chief, General Services Division, Department of Public Safety:

I apologize. I was in the Assembly Committee on Corrections, Parole, and Probations. I understand there are questions about our amendment.

A.J. Delap:

Can you address the change to "may" instead of "shall"? Someone said the bill was gutted. I would like to clarify that through Ms. Butler.

Julie Butler:

Essentially, we were taking the language where it addressed peace officers back to its original state. Everywhere the statute mandated training for peace officers, the original bill proposed adding "and law enforcement dispatchers." That met with some concerns and opposition, so the amendment reinstates that language as it looked prior.

Section 1 is new, establishing that the Commission could establish minimum standards for voluntary training for law enforcement dispatchers. In my opinion, it does not gut the bill. It just addresses the concerns in taking the training for peace officers and putting that in one section of *Nevada Revised Statutes* (NRS) and taking the training for law enforcement dispatchers and putting that in another section of NRS.

Chairman Flores:

We have an amend and do pass as to the work session document. There was a motion by Assemblyman Carrillo and a second by Assemblywoman Bilbray-Axelrod.

Assemblywoman Joiner:

In my notes, I also wrote that I wanted this to be required. I think it is important that this is required. I do not know if you would be open to an amendment. In my mind, the word "may" ought to be "shall." I think the word "voluntary" in section 1, subsection 1, paragraph (a) should be removed. I do not know if that would be friendly to the first and the second.

Chairman Flores:

Assemblyman Carrillo, are you comfortable withdrawing your motion?

ASSEMBLYMAN CARRILLO RESCINDED THE MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 151.

ASSEMBLYWOMAN BILBRAY-AXELROD RESCINDED THE
SECOND.

Chairman Flores:

We have a new motion on the table. Assemblywoman Joiner has made a motion to amend and do pass the mock-up. For clarification, she wants to change the "may" to "shall" and remove the word "voluntary."

ASSEMBLYMAN CARRILLO MOVED TO AMEND AND DO PASS AS
AMENDED ASSEMBLY BILL 151.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Assemblywoman Woodbury:

My understanding during the hearing was that an agency could require that of all their employees, but that was not required, so I will be a "no" on the new motion.

Assemblyman Ellison:

I agree. That was the amendment everyone worked hard on to make this bill come together. By taking that out, I am a "no." I support the bill the way it is, and I really like the bill. It will get everyone talking and working. But if it goes from "may" to "shall" then I will definitely be a "no."

Assemblyman Kramer:

I do not feel exactly the same, but I feel similarly. I could go along with "shall," but I think the "voluntary" needs to stay. If you take the "voluntary" out, you will need language in there that says how long someone has to take the certification, what happens if they do not pass the certification, et cetera. My feeling is to leave the "voluntary" there for sure. I can live with it being "shall" or "may." Either one is fine.

Assemblywoman Woodbury:

I agree with Assemblyman Kramer based on my understanding of what he said. The training shall be established, but the agencies could do it voluntarily. Is that what I understand?

Assemblyman Kramer:

Yes. The way I read this, if you put "shall" in, the Commission shall set this up. But by leaving the "voluntary" in there, you have it voluntary for agencies and individuals in the agencies to go forward with it. If you take the "voluntary" out, you need more language that clarifies how long someone has to take the training, what happens if they do not pass it,

et cetera. You will get people towards the end of their career who do not want to go through the extra effort to take the training. They have been there 20 years and they do not want to do the rest of it. But we will force them? I want the "voluntary" to stay. I think the "may" going to "shall" does not constrain anyone. The Commission virtually has this done already.

Assemblywoman Woodbury:

Mr. Delap, do you already have something like this in place? Would this require more of you if this were changed to "shall"?

A.J. Delap:

We have an extensive training program that is already in place. I believe the POST Commission offers excellent training. I would argue that our training in place meets and far exceeds what would be required through the POST Commission program. It is my understanding that the POST Commission has already built this. It is already there. It is available to the agencies that may not be as fortunate to have the resources that we do.

Assemblywoman Monroe-Moreno:

Our larger agencies have extensive training programs for their dispatchers because they can afford to have those, but our smaller agencies do not have the same resources available. If we go to the POST Commission's program for training dispatchers, would the smaller agencies without many financial resources be able to utilize this program? It is my understanding that the larger agencies have training programs that are already more inclusive and extensive than the POST Commission's training. Is that correct?

Julie Butler:

That is our understanding. The training that has been developed through the POST Commission is online. Anyone can utilize this. In my opinion, this would be perfect for rural agencies that may not have enough staff to do an academy the way the Las Vegas Metropolitan Police Department or Washoe County Sheriffs' Office can.

Assemblywoman Monroe-Moreno:

Could we keep the "shall" but clarify that larger agencies with extensive training could utilize the training they already have? The smaller agencies could be required to do the online training. That would bring uniformity to all of our dispatchers.

A.J. Delap:

I will certainly not speak for those agencies. There may be representation here that would like to address that. I think the difficulty in this is the mandate. For our agencies, we would appreciate to continue with the training we provide, which we think is very accurate. In my original testimony, we handle nearly 3 million calls through our center a year. That is six calls a minute. To add another step in our training process will pull our dispatchers away from the terminals. I appreciate that, but I certainly could not answer on their behalf.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

In talking with the POST Commission, we understood their whole intent was to have it voluntary. The Nevada Sheriffs' and Chiefs' Association had concerns with the way it was worded because it put dispatchers in with police officers. Responses I got back from some of the agencies were that they thought being able to have the training was good. Some agencies dispatch for not just law enforcement but also for fire, emergency, and everyone else. They felt they were being dragged into a bill specifically for police. I cannot answer your question about making it mandatory for rural agencies. We were told when the bill first came out that the general intent was that it would be voluntary. We asked for clarification in language because there were concerns that it did not read that way. That is the best I can tell you.

Assemblywoman Neal:

What if you keep the "shall," but if you are doing more than what the POST Commission requires—because that is what I am hearing—then you can keep doing the training. It also allows them to keep the baseline uniformity across the state. Also, what was your original fiscal note on the first version of the bill?

Julie Butler:

We did not add a fiscal note. Staff worked during regular working hours, reached out to several contacts within the dispatching community, and developed the online curriculum during staff time. The curriculum is there. My understanding from the Commissioner of the POST Commission is that the only cost to them would be the cost of the certificates. As far as the Department of Public Safety was concerned, there was no fiscal note.

Assemblywoman Neal:

I do remember that. It was \$25 for the certificate, is that correct?

Julie Butler:

I do not know what it was per certificate, but it was minimal according to Mr. Sherlock's testimony on March 15, 2017.

Assemblywoman Joiner:

The reason I offered that amendment is because I feel very strongly that from a public safety perspective, we need everybody trained at a minimum level. I think this needs more discussion. If it would be alright with the Chairman, I would like to rescind my proposal. We can take more time to work this out, but with the intent that I believe there is a minimum level of training everyone needs.

ASSEMBLYMAN CARRILLO RESCINDED THE MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 151.

ASSEMBLYWOMAN BILBRAY-AXELROD RESCINDED THE
SECOND.

Chairman Flores:

The motion has been rescinded. The bill sponsors should please reach out to Assemblywoman Joiner. We will take this bill off of work session. There is a disagreement about this being mandated or permissive. We are creating a baseline standard. There is nothing here stopping the Las Vegas Metropolitan Police Department from going beyond this training. They just want to create uniformity with a clear baseline. We will put this back on work session for Friday, April 7. Whatever happens between now and Friday, it will be on work session. We will vote it out one way or the other. If there are any concerns, please bring them forth in the next few days. Next is Assembly Bill 241.

**Assembly Bill 241: Requires baby changing facilities in certain public restrooms.
(BDR 22-861)**

Jered McDonald, Committee Policy Analyst:

Assembly Bill 241 requires baby changing facilities in certain public restrooms. This was sponsored by Assemblymen Frierson and Watkins, et al. It was heard in this Committee on March 13, 2017. Assembly Bill 241 requires each county and city to include in its respective building code a requirement that every public restroom in a building constructed on or after the effective date of this bill be equipped with baby changing facilities. If a county or city has no building code, the bill requires the county or city to adopt this requirement by ordinance. The attached mock-up submitted by the sponsor makes several changes. The amendment clarifies that the bill applies to any other governmental entity that adopts building codes, replaces the term "baby-changing facility" with "baby-changing table," requires that at least one baby-changing table is available to men and women, requires that any building code adopted must have an exemption for buildings or facilities that are not lawfully accessible by persons under 18 years of age, and revises the effective date from "upon passage and approval" to "October 1, 2017" ([Exhibit G](#)).

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 241.

ASSEMBLYWOMAN JOINER SECONDED THE MOTION.

Assemblyman Ellison:

I do not like to make more restrictions against small businesses. There is a difference between small and large. But I think the sponsors of the bill reached out and addressed some of our concerns, which I thought was important. For example, places only accessible to people over the age of 21—like bars and construction sites—do not have to abide by this regulation. I will now be a "yes" vote.

THE MOTION PASSED. (ASSEMBLYMAN McCURDY WAS ABSENT
FOR THE VOTE.)

Chairman Flores:

Assemblyman Watkins will take the floor statement. Is there any public comment?
[There was none.] This meeting is adjourned [at 10:26 a.m.].

RESPECTFULLY SUBMITTED:

Isabel Youngs
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a memorandum dated February 15, 2017, from Cesar O. Melgarejo, Chair of the Nevada Interagency Council on Veterans Affairs, to Rick Combs, Director of the Legislative Counsel Bureau, regarding the Nevada Veterans Comprehensive 2017 Report, presented by Assemblywoman Lesley E. Cohen, Assembly District No. 29.

[Exhibit D](#) is a conceptual amendment to [Assembly Bill 309](#), submitted and presented by Assemblywoman Lesley E. Cohen, Assembly District No. 29.

[Exhibit E](#) is a Work Session Document for [Assembly Bill 134](#), dated April 4, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a Work Session Document for [Assembly Bill 151](#), dated April 4, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is a Work Session Document for [Assembly Bill 241](#), dated April 4, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.