

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-ninth Session  
May 1, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:03 p.m. on Monday, May 1, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator Joseph P. Hardy  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Anderson, Assembly District No. 13  
Assemblyman Edgar Flores, Assembly District No. 28  
Assemblyman Justin Watkins, Assembly District No. 35

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Miles Dickson, Nevada Community Foundation  
Paul Moradkhan, Las Vegas Metro Chamber of Commerce  
Kelly Crompton, City of Las Vegas  
David Clyde, Regional Transportation Commission of Southern Nevada  
Connie Lucido, Chief, Office of Grant Procurement, Coordination and Management, Department of Administration

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Jared Busker, Children's Advocacy Alliance  
Nancy E. Brune, Ph.D., Kenny Guinn Center for Policy Priorities  
Jodi Tyson, Three Square Food Bank  
Jonathan P. Leleu, NAIOP  
Elisa Cafferata, Chair, Nevada Commission for Women  
Stacey Shinn, Progressive Leadership Alliance of Nevada  
Tessyn Opferman, Nevada Women's Lobby  
Lynn Chapman, Nevada Eagle Forum  
Janine Hansen, Nevada Families for Freedom  
Gail Anderson, Deputy for Southern Nevada, Office of the Secretary of State  
Erika Castro, Progressive Leadership Alliance of Nevada; Nevada Immigrant Coalition  
Alanna Bondy, ACLU Nevada

CHAIR PARKS:

We will open the hearing on A.B. 98.

**ASSEMBLY BILL 98 (1st Reprint)**: Revises provisions governing the Office of Grant Procurement, Coordination and Management of the Department of Administration. (BDR 18-580)

ASSEMBLYMAN PAUL ANDERSON (Assembly District No. 13):

Assembly Bill 98 is the result of the success of the Office for Grant Procurement, Coordination and Management, Department of Administration. The Office coordinates grant efforts across State agencies. It was created in a bill from the Seventy-sixth Session. Only two employees are allocated to the Office in statute. The idea was to use it as a pilot project to determine if efforts could be coordinated and to ensure that the Office was going to be effective as a State agency or at least a subset thereof.

Assembly Bill 98 is a simple change in statute; however, it should have a significant effect on the Office's ability to return more dollars to Nevada.

The Office is a revenue-generating agency, which means it brings in more than it spends. That is unique. In fiscal years 2015 and 2016, the Office assisted with 113 grants totaling \$131 million rewarded. Those federal dollars are often Nevada dollars being returned to the State. That equates to \$219 in grant revenue for every \$1 invested in the Office. The Office was created by S.B. No. 233 of the 76th Session, from a unanimous vote, to review in depth

an umbrella policy to return more grant dollars to the State. The Office has been successful. The Office provides State agencies the support they need to obtain grant money.

A survey done in 2015 revealed some interesting statistics. Less than 49 percent of State agencies dedicated staff exclusively to grants. The grant application process can be time-consuming and time-sensitive. That means if we are not on top of deadlines, information or requests for more information, we miss the grant opportunity because the form was not completed correctly or because of some other technical detail. This is important to ensure we can get the grants and then measure the outcomes in order to assure compliance with those grants.

Almost one-half of State agencies surveyed felt overwhelmed by the grant process. Fortunately, 84 percent of the survey respondents indicated using the State Grant Office for assistance because they do not have the resources to apply for a grant themselves. They were happy and excited to have that assistance.

Assembly Bill 98 makes a simple change to statute. The word “two” is deleted in order to allow the Office to hire the amount of staff needed to accomplish its goals. That does not remove legislative oversight. The budget process still determines the salaries and the positions that are approved. Instead of being capped at two or three employees, that cap is removed.

Initially, a statutory priority was set for specific agencies thought to be important. The bill removes the agency prioritization. It will allow the Office to serve agencies across the board. The Office will be able to focus on other factors such as the potential of the award and the size of the award. Statute is slow to change but priorities change quickly. This would allow the Office to be more nimble. This certainly does not discourage efforts to go after grants in the specific areas that were in statute previously. It simply opens it up and gives the Office the ability to go after any grants deemed to be important.

The Nevada Advisory Council on Federal Assistance, created in the Seventy-eighth Session, is comprised of representatives from local government, nonprofits, the business community, two elected Legislators, the Chief of the Office of Grant Procurement, Coordination and Management, and the Chief of the Budget Division. It recommended these improvements in its findings

reported to the Governor and the Legislature during the last Interim. It was created to review the grants process and how the Office could be more effective in obtaining more State grants and more federal dollars.

The bill gives the Office the flexibility to approach the grants process in a way that helps the State and its agencies work together to be more effective in umbrella coverage.

VICE CHAIR MANENDO:

This is a southern Nevada priority bill. I appreciate that you, Assemblywoman Irene Bustamante Adams and the Committee have worked hard on this.

ASSEMBLYMAN ANDERSON:

It was a southern Nevada priority; however, these dollars cover the entire State. It is important to our agencies to be able to maintain these grants.

MILES DICKSON (Nevada Community Foundation):

For the past four years, the Nevada Community Foundation has supported numerous legislative improvements, regional planning and implementation efforts that support and improve Nevada's capacity and competitiveness to obtain federal grants.

We thank Assemblywoman Irene Bustamante Adams and Assemblyman Paul Anderson for sponsoring this bill and for their broader leadership on the issue. Our thanks go also to Committee Chair, Senator David Parks, for being an early advocate for improving Nevada's federal grant landscape, including creating the Office of Grant Procurement, Coordination and Management in the Seventy-sixth Session, and to Senator Pete Goicoechea for serving on the Nevada Advisory Council on Federal Assistance during the past Interim and contributing his valuable perspective.

For decades, Nevada has been one of the lowest performing states in terms of receiving competitive federal grants. This low grant rate hinders the State's ability to provide services and programs at optimal quality and quantity. Fortunately, thanks to leadership from the Legislature, the Governor and State staff during the last six years, we have started taking some critical steps forward. Of course, we have much work to do still.

The Office plays a critical role in improving this scenario, and the bill before you proposes to give it a few more helpful tools. The Office has come a long way in just five years. As Assemblyman Anderson mentioned, \$219 in revenue is generated for every \$1 invested in the Office's staff.

We want to acknowledge the hard work and positive direction of the Office and its Chief, Connie Lucido and her team. In our many dealings with them in northern and southern Nevada, we have dealt with professional staffs who are working proactively and collaboratively.

I have submitted a written summary of my testimony ([Exhibit C](#)).

PAUL MORADKHAN (Las Vegas Metro Chamber of Commerce):

This bill came out of the Southern Nevada Forum during its Interim process. However, we really are here because of the efforts we have seen grow during the last several Sessions with the Nevada Advisory Council on Federal Assistance. This policy came before the Southern Nevada Forum, but as Assemblyman Anderson said, this benefits the entire State. It is good statewide policy to make these changes.

The Las Vegas Metro Chamber of Commerce has supported the Office of Grant Procurement, Coordination and Management for the last several Sessions. It is also within our organization's federal priorities to help increase Nevada's federal share of grants. In addition, we support removing the cap on employee hiring. It is important to note that the Chamber is supporting growth in government in order to allow greater flexibility in applying for grants.

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas supports A.B. 98. We were involved with the Southern Nevada Forum priority. We appreciate this bill because of its collaborative effort. You will see many local governments hiring grant writers and staff to track grants from the federal level. The City of Las Vegas sees many of these in the transportation area. This is important and we appreciate the flexibility it gives the Office of Grant Procurement, Coordination and Management.

DAVID CLYDE (Regional Transportation Commission of Southern Nevada):

The Regional Transportation Commission of Southern Nevada (RTC) is responsible for the coordination of Southern Nevada Strong. Southern Nevada Strong is southern Nevada's first federally recognized and funded regional plan.

I echo what has already been said; however, I want to point out that one of the priorities for Southern Nevada Strong is to increase the availability and effective use of private and federal grants. We support A.B. 98 because the flexibility provided by this bill would help us improve grant communication and coordination among local and state governments, thereby making us more competitive for those grants.

CONNIE LUCIDO (Chief, Office of Grant Procurement, Coordination and Management, Department of Administration):

I want to thank the sponsors and this Committee for bringing this bill forward. This bill affects my Office directly and we support it wholeheartedly. Without its passage, we will see a reduction in staff because we have more staff than allowed by statute. Your support on this legislation is appreciated.

JARED BUSKER (Children's Advocacy Alliance):

The Children's Advocacy Alliance supports this legislation.

NANCY E. BRUNE, PH.D. (Kenny Guinn Center for Policy Priorities):

We support A.B. 98. We would like to thank the sponsors of the bill for bringing it forward. I also echo everything that has been said. I want to add our perspective also.

Last fall, Southern Nevada Strong collaborated with the Nevada Community Foundation, the Office of Grant Procurement, Coordination and Management, the Guinn Center for Policy Priorities and the United Way of Southern Nevada to develop a strategic framework for improving Nevada's nonprofit grant capacity and competitiveness. Over the course of a series of meetings, we heard from grant writers from some of the bigger nonprofits and some of the smaller nonprofits in the Las Vegas Valley. We probably conferred with about 60 to 70 nonprofits over the last 6 months.

One of the big takeaways for us from this series of meetings is that there is tremendous need for the services and outreach provided by the Office. As part of the strategic framework to improve the grant capacity of nonprofits, the

Office has agreed to continue its work of sharing information about grant opportunities and potential collaborations through its email lists and Website. It will continue to implement a statewide grant management system that allows stakeholders at all levels to track these awards. It will continue to develop and publish grant writing resources and best practices to support our State agencies and nonprofits.

In addition, based on the feedback from the nonprofits, the Office has indicated a willingness to start collecting some important databases to help nonprofits. I want to commend Connie Lucido who has been responsive, adaptive and collaborative through this whole process. We are lucky to have her.

JODI TYSON (Three Square Food Bank):

Our organization participated in the strategic framework process and is grateful to RTC, Southern Nevada Strong and the Office of Grant Procurement, Coordination and Management for their efforts. We echo what everyone else has said.

ASSEMBLYMAN ANDERSON:

A technical adjustment was made to the bill in the Assembly. We went through the Assembly Committee on Government Affairs and the Assembly Committee on Ways and Means to make sure that the Legislature had the ability to authorize classified or unclassified employees.

CHAIR PARKS:

We will close the hearing on A.B. 98 and open the hearing on A.B. 241.

**ASSEMBLY BILL 241 (1st Reprint)**: Requires baby changing tables in certain buildings and facilities used by the public. (BDR 22-861)

ASSEMBLYMAN JUSTIN WATKINS (Assembly District No. 35):

Assembly Bill 241 is straightforward in theory and in the language, although we have had a couple of little hiccups along the way. I hope that we have addressed those. However, we have one more minor amendment that needs to be done.

The idea behind A.B. 241 is to provide baby-changing tables that are available to men and women in all buildings that are accessible by the public. A modern trend is to have a family restroom accessible by men or women; in that case

only one baby-changing table would be required for the whole building. If the baby-changing table is in the restrooms of the respective genders, then two need to be provided so that each gender has access to a baby-changing table.

Two issues were addressed in the amendment, which is part of the first reprint of the bill. One is the definition of a public building. It is not meant to be a State or government-owned building but a building that is accessible by the public. We arrived at that general understanding because it exists in building codes as part of ADA compliance. Local governments can look at this precedent when creating a building code to which this bill would apply.

The second issue addressed in the amendment regards buildings that will not have babies in them either because they are not open to the public or because babies are precluded from entering the building such as a club for those who are 21 years of age and older. In that situation, business licenses preclude entry by anyone less than 21 years of age. There are similar provisions for clubs for those who are 18 years of age and older. Public buildings and the licensing requirement are covered in section 1, subsection 3.

Inadvertently, section 1, subsection 3 does not apply to a building whose licensure precludes the entry of someone under 21 years of age because of wording regarding persons under 18 years of age. I will ask the Legislative Counsel Bureau Legal Division for an amendment to clarify that the bill applies to any public building whose licensure does not preclude the entry by a child. That will capture the intent of the bill.

I have had discussions with the NAIOP. They want it to be clear that the bill does not apply to any building that is not accessible to the public. I am amenable to that language. The idea is that a distribution center or a warehouse without a showroom is not accessible by the public. Therefore, neither this bill nor the building code would apply in those situations. I agree that is the intent. The bill applies only to buildings accessible to the public.

SENATOR HARDY:

What about the little service station that has only one restroom or the retail shop that has an employee-only restroom?

ASSEMBLYMAN WATKINS:

The initial intent of the bill was to have baby-changing stations in each gender's restroom. The amendment took care of that because of the family restrooms. We did not want to put baby-changing stations in multiple places. The intent is that most of these changing stations are going to be in restrooms. You have a fair point. The amendment left a hole there. The original intent was that if the restroom is available to the public, then the baby-changing station has to be in the restroom. However, if the restroom is not made available to the public, even if the building is, then the baby-changing station is not required. I acknowledge that is not covered in the bill. It needs to be clarified in an amendment.

SENATOR GOICOECHEA:

You commented that public buildings do not include state or local government buildings. However, those buildings would be included in that.

ASSEMBLYMAN WATKINS:

Yes, it would apply to them.

CHAIR PARKS:

In my observations, 7-Elevens have restrooms that are not open to the public. Therefore, they would not necessarily have to comply with this bill.

ASSEMBLYMAN WATKINS:

That is the intent. However, Senator Hardy's question is well taken. Section 1, subsection 1, should say "in regards to a permanent building or facility used by the public, with public restroom access ... ," something on that line. A 7-Eleven is accessible by the public; however, if the restroom is not available to the public, then it is not covered by this bill.

CHAIR PARKS:

Most 7-Elevens have restrooms for employees only, but often they are available for members of the police force also.

SENATOR RATTI:

Again, to be clear, this is only on new construction. It does not apply to a retrofit of a small gas station that might have a public restroom. It would only apply to new gas stations.

ASSEMBLYMAN WATKINS:

It would be part of the building code, but only for new construction after October 1.

SENATOR MANENDO:

I understand that it is for new construction. What if it is a retrofit such as a restroom remodel. Would baby-changing stations have to be installed?

ASSEMBLYMAN WATKINS:

This would not apply in that case. Frankly, I think it should. If a retrofit involves altering 50 percent or more of the building, that would trigger the new building code standards. However, that is not how the bill reads. The bill reads only new construction after October 1.

SENATOR MANENDO:

A convenience store adds a carwash, expands their gaming area a little to make it friendlier for the customers, adds another row of snacks and goodies and at the same time remodels the restrooms. If they are doing all that anyway, can we look into this to determine if the bill would cover that also?

ASSEMBLYMAN WATKINS:

As I understand it, the bill does not cover that. Although, it is certainly fine to have it covered as long as there is enough of a retrofit that it must be brought up to code. We are talking about an investment of about \$80. If something is being brought up to code, the real investment is going to be in ADA compliance. Once you touch and retrofit an older building, the real expense is in bringing it up to code for ADA. While it is good to have debates about this, this is not going to be a make-or-break situation in a decision to do a retrofit.

SENATOR GOICOECHEA:

I am concerned. If there is no remodel, no baby-changing station is required. The other piece of it is if there is no restroom, no baby-changing station is required. That is concerning to me. We are talking about \$80. If you are going to amend the bill, maybe patch it up a little bit and say a baby-changing station is required if it is a public building. If you do not have a restroom, make a room someplace if a man or woman comes in with a dirty set of pants. It is nice to have a place to fix it.

ASSEMBLYMAN WATKINS:

Senator Goicoechea, I wish I had you with me when I was being questioned in the Assembly. I am more than happy to make this as broad as you want to make it. Initially, the bill said there would be a baby-changing station in every restroom in any public building. We tailored it back to a restroom in a public building. Not every restroom in this Legislative building is required to have a baby-changing station as long as one restroom for men and one for women has a changing station, which our building does. The men's and women's restrooms by the Caucus Deli have changing stations. That would satisfy this bill.

Senator Goicoechea, if you want this broader, I will go as broad as you are willing to go.

SENATOR GOICOECHEA:

It is your bill; however, if you are in a 7-Eleven and if there is no public restroom, it would still be nice to make a room available some place. It is a public building. A changing table should be some place in some room, except for the kitchen.

ASSEMBLYMAN WATKINS:

I agree with you.

JONATHAN P. LELEU (NAIOP):

I am glad to be testifying in the neutral position after being pilloried in the Assembly as being a baby-hater for testifying against this bill. I would like to thank the sponsor of this bill for working with us on the language. However, that work is not yet complete. A couple of technical fixes need to be made. A couple of holes, as was suggested during the presentation, need to be covered up. We are close to being there. This will be a good commonsense bill.

If the bill is broadened, we will move back to being in the baby-hating position and oppose the bill. I do not see the bill going that way. I see this bill getting tidied up very quickly in the next day or two and having some good language.

CHAIR PARKS:

The best words I heard were in the next day or two, so the sooner the better. If you can get to consensus and forward that to the Committee, we would appreciate it.

SENATOR GOICOECHEA:

Again, if it is a public building, there should be a station somewhere that is accessible. Do you agree?

MR. LELEU:

Unfortunately, we do not agree. If facilities are available to the public, then we agree. If there are no facilities available to the public, but the building is accessible by the public, we do not agree. Something about dirty diapers being out in the open give our members heartburn.

SENATOR GOICOECHEA:

That is why I am suggesting to make a room available some place rather than having them changing on the counter top. I thought you said you were going to be reasonable.

ASSEMBLYMAN WATKINS:

I thought it might be appropriate to get an opinion from Legal on the record. After having the questions going back and forth, I understand section 1, subsection 2 as saying anything constructed on or after October 1 would have to comply with the new code. If a retrofit were to take place that would require an update to the code, then this would apply. In a massive remodel of 50 percent or more, subsection 2 would apply because it would be part of the new code.

HEIDI CHLARSON (Counsel):

It could be interpreted that way. It would depend on how the building code or ordinance was structured as to what the code would consider new construction. It would be beneficial for the intent of the Committee to be clear. In the amendment the Committee considers, does the Committee intend for it to apply just to new construction or does the Committee want it to comply possibly in a situation where there is retrofitting, substantial reconstruction or remodeling?

ASSEMBLYMAN WATKINS:

From my perspective, as sponsor of the bill, it makes more sense to give the local ordinance that flexibility because it will define at what level they want buildings to be brought up to code. These are not statewide standards, they are local standards. The language, as written, gives local governments the flexibility

they may want. I would submit that, despite what I said to Senator Manendo, it could apply to a remodel as long as the local ordinance wants it to.

CHAIR PARKS:

The hearing is closed on A.B. 241. The next hearing is on A.B. 258.

**ASSEMBLY BILL 258**: Revises provisions governing the Nevada Commission for Women. (BDR 18-852)

ELISA CAFFERATA (Chair, Nevada Commission for Women):

The Nevada Commission for Women started in 1991. It was created through *Nevada Revised Statutes* (NRS) 233I. The first Commission was made up of ten women and was cochaired by Frankie Sue Del Papa and State Treasurer Cheryl Lau. They did much work with committees. They published two special publications, *Nevada Women's Legal Guide* and a *Domestic Violence Handbook for Victims and Professionals*. This was during a time when that information was not readily available for most women.

Over the years, governors did not reappoint members to the Commission, so it became dormant. In 2015, the Sunset Commission of the Interim Legislative Commission recommended that Governor Brian Sandoval reactivate the Commission. The Governor reactivated it and appointed ten members.

There are ten women on the Commission, one from Douglas County, three from Washoe County and six from Clark County. We do not have any more than five members from the one political party. We do not even have five from one political party.

The Commission has three major areas of focus that fit under its statute, but it is awkwardly written. We are working to recognize the contributions of women and women's roles in Nevada's history. We have an exhibit at the Capitol about the first two young women to graduate from high school in Nevada. The exhibit is from the Fourth Ward School. The Governor's Office has asked us to create an exhibit in the breezeway between the Capitol and the Annex. We are working on that and on an exhibit at the Grant Sawyer Building in Las Vegas.

The second area we are working on is a study and a report on issues that are relevant to the Legislature. Some of you may have heard me talk about the workshops and the survey we did asking women about what they needed at

work while taking care of their families. We knew you were going to be dealing with workforce development issues. We collaborated with the Nevada System of Higher Education (NSHE) to do those workshops. We had workshops in Las Vegas and Reno and then we had a second series of workshops in seven rural locations. We had about 50 people participating from around the State. The top issues they identified were childcare, equal pay, cultural support, flexible hours, education and training.

The third item we work on is proposing legislation. Several of you have heard our legislation dealing with creating a gender equality report in the State. We need to determine where that will reside.

That is the basic background and information about what the Nevada Commission for Women is doing. This bill will clarify the tasks this Commission could undertake. We are all volunteers. We have part-time staff support from the Department of Administration, which is excellent. We would like more clarity for commissions in the future so that it is clear what they should be working on and so that the work can continue.

Section 1, subsection 1 of the bill clarifies the mission, which is working to advance women towards full equality in all areas.

Section 1, subsection 3 recognizes that the Commission should reflect the diversity of the State. We do not list specific categories of diversity to make sure there is diversity beyond political party.

Section 1, subsection 5 allows the chair, vice chair and any other officers who are appointed to be reappointed for additional terms. Because it is an all-volunteer organization, you get your work figured out and then your term might be up. Existing law does not preclude being reappointed; however, we want to be clear that is possible.

Section 2, subsection 2 clarifies the roles and the work that can be done, such as acting as a clearinghouse, taking on the studying and reporting role, raising awareness of issues that impact women, connecting women to resources throughout the State and encouraging women to take positions of leadership. A part of the bill talks about coordinating with other commissions. The University of Nevada, Reno, and the University of Nevada, Las Vegas, has commissions for

women. It is logical to connect with them and recognize the role that women play.

The part of the bill that is most important to me in order to get our work done is that we have boilerplate language in law, which allows us to apply for grants and raise money outside of the State budget. We do not have any appropriations from the General Fund.

Statute says that we can engage the services of volunteers or consultants without salary. Most of the consultants I know tend to want to be paid for the work they do and not work for free. Therefore, we would like to be able to have contracts with consultants on specific projects limited by the amount of money we are able to raise ourselves. This would all be under the laws regulating purchasing for independent contractors.

SENATOR HARDY:

Where is the phrase "gifts, grants or donations?"

MS. CAFFERATA:

The information about grants and fundraising is in statute. We are not changing that; therefore, it is not in the bill.

MS. CHLARSON:

*Nevada Revised Statutes* 2331.090 is not in the bill. It authorizes the Commission to "apply for and receive gifts, grants, contributions or other money from the Federal Government, private agencies, affiliated associations and other persons for the purposes of carrying out the provisions of this chapter and for defraying expenses incurred by the Commission in the discharge of its duties."

STACEY SHINN (Progressive Leadership Alliance of Nevada):

We support this bill.

TESSYN OPFERMAN (Nevada Women's Lobby):

We support this bill and anything else that can help support women.

LYNN CHAPMAN (Eagle Forum):

Where is the commission on Nevada men? I do not see anything out there for them. They should have something, too. After all, we should have equality of life for all Nevadans. They should all be included.

Eagle Forum is a profamily women's organization. We do many good things and much work. I also belong to the American Legion Auxiliary, which does many good things and much good work. We do not have real access to the Governor or government. I am here on my time, my dime. The Nevada Commission for Women does not represent the Eagle Forum. It does not represent the women of the Eagle Forum or even the American Legion Auxiliary.

Women need to have an intact family to be successful at work and to take care of their families. Then you would be able to have the support you need. I did not hear much about the gender pay gap this time. There really is not a gender pay gap. I have a *MoneyWatch* article by Steve Tobak that talks about that. He interviewed a highly acclaimed career expert and best-selling author, Marty Nemko. Marty Nemko had a number of reasons why there is not a gender pay gap. If men and women do the same work, they are paid the same. The reason why there seems to be a pay gap is that sometimes men are far more likely to choose careers that are more dangerous such as logging, farming, ranching and steel workers. Men are more likely to work in higher paying fields and occupations by choice. According to a White House report in 2009, only 7 percent of female professionals were employed in the relatively high-paying computer and engineering fields compared to 38 percent of male professionals.

Professional women, on the other hand, were more prevalent in the low-paying education and health care occupations. Men are more likely to work in uncomfortable, isolated and undesirable locations. Men are more likely to take jobs that require work on weekends and evenings. Even within the same career category, men are more likely to pursue high stress and higher paid areas of specialization. Men are geared toward surgery where women are usually in pediatrics.

According to the Census Bureau, unmarried women who have never had a child actually earn more than unmarried men do. Women business owners make less than half of what male business owners make. Since they have no boss, it is independent of discrimination. The reason for the disparity, according to the Rochester Institute of Technology study, is that money is the primary motivator for 76 percent of men versus only 29 percent for women.

An analysis of the reasons for the disparity in wages between men and women was prepared under the contract for the U.S. Department of Labor in 2009:

This study leads to the unambiguous conclusion that the differences in the compensation of men and women are the result of a multitude of factors and that the raw wage gap should not be used as the basis to justify corrective action. Indeed, there may be nothing to correct. The differences in raw wages may be almost entirely the result of the individual choices being made by both male and female workers.

SENATOR MANENDO:

If there were a commission on men, would you support the bill?

MS. CHAPMAN:

I do not know if I would. It would depend who would be putting it together, what it would be used for, how much money would be spent on it and whether it is public money.

SENATOR MANENDO:

These are public meetings. You can go and express your views to the Commission. There are differences of opinions for different groups and organizations. If there is an opportunity for people to express other views, you can do that.

MS. CHAPMAN:

I do not know. I have many nonprofits and an elderly father to take care of. I would not be going to the meetings anyway, if they are working on things that I am opposed to. It is like coming here.

SENATOR MANENDO:

My point is that the public has the opportunity to come before commissions and bodies and express themselves. Maybe there are common grounds on some things. I do not know the entire agenda. However, I am saying that there are opportunities for you and others to do that.

MS. CHAPMAN:

Sometimes yes, and sometimes no.

CHAIR PARKS:

Ms. Chapman, the bill indicates that the Commission would consist of ten members. It is required that no more than five members may be from the

same political party. I would certainly hope that in the Governor's pursuit of selecting members to serve that he looks everywhere for appointees.

JANINE HANSEN (Nevada Families for Freedom):

From its inception, the Nevada Women's Commission has only represented one political philosophy. I would call it the Nevada Commission for Some Women. With its current president, it is antithetical to the things that we believe in. This has been the case from its inception.

We are concerned about section 2, subsection 2, paragraph (b) on page 2, line 28 of the bill where it says "advise executive and legislative bodies on the effect of proposed legislation on women." What proposed legislation? Is it women who believe as they do or is it women who believe as we do? There is discrimination in this whole process against women like me who disagree with the feminist, leftist agenda.

I belong to one of the largest women's organizations in the world and its philosophy has never been part of the Nevada Commission for Women. It is an advantage to be a woman. I was a single mother. I always had to work. I worked in construction, cleaning up filthy fire shops and painting houses. Therefore, I understand those kinds of things. I understand economics. This last year my son, daughter-in-law and their nine children were living with me because of illness and loss of a job. I understand those kinds of issues that people face.

I read recently that those who were most vulnerable in the last recession were men. The article said that it should be named the "mancession" because many men lost their jobs during the recession. Men losing jobs affects many women. It affects everyone who is married to a man and all of their children. It has especially affected unmarried men who have had to pay child support.

Nevada Commission for Women and those who are leading it have always opposed all of the things we could support. It would never be fair. We belong to a minority party. No one from our party has ever been on the Commission. I do not know that we would want to use our time when we have diametrically opposed political agendas.

We all work in volunteer organizations. We are here as volunteers. It is positive to work as volunteers; however, we do not need the government to help us to be volunteers. We should be doing it on our own.

I have a report from the Nevada Commission for Women to the Sunset Subcommittee of the Legislative Commission dated April 21, 2016. In one of the paragraphs, Chair JoAnn Elston, who had been scheduling the next board meeting, mentioned five areas of interest, which include pay equity, paid leave, childcare subsidies, domestic violence and the ballot initiative, Question No. 1, which required background checks for gun sales and transfers. That agenda item, although I do not agree with some of the others as well, concerns me because I have been an advocate for the right to keep and bear arms for my entire life. I have worked hard on those issues.

The problem with the Nevada Commission for Women is that it is hostile to many women who have different political philosophies.

CHAIR PARKS:

By any chance, would you like to submit a proposed amendment?

MS. HANSEN:

That is a good suggestion. I had not considered it, but I will look at that. My greatest concern is that the Nevada Commission for Women would be used to have proposed legislation on women and essentially be lobbying. We are not represented in the Commission. I will see if there is any way that I can bring that to this Committee.

MS. CAFFERATA:

I want to confirm for Senator Manendo that all of our meetings are open to the public. Our agendas are posted. We have several hundred people on our email distribution list who get our agendas in advance of every meeting. There were over 500 responses to our public survey. It was circulated everywhere. People from every part of the State and every political conviction responded to it. We certainly have made a concerted effort to make sure we hear from many different voices.

As we have been developing our policies and procedures of how the Commission can do its work, we went back through the legislative histories and Janine Hansen has been a consistent and loyal opponent on this from the very

beginning. When the Commission was created in 1991, Senator William Raggio made it very clear that the Commission's job was not to be a lobbying organization. We have taken that to heart in our policies and procedures. We view our role as one of education, awareness, making connections and serving as a clearinghouse, not as a lobbying organization. The only bill you have seen us on is this cleanup bill and presenting results of our surveys so you can see the issues women around the State have raised. We have been sensitive to the issues that Janine Hansen and Lynn Chapman have raised over the years and we have been responsive to that.

I hope you will consider supporting this bill to clean up the Commission's operations.

SENATOR RATTI:

We heard S.B. 373 previously in this Committee, which deals with the Nevada Commission on Minority Affairs. It was a request for the creation of one full-time staff position. Their testimony was that they were having a hard time fulfilling the mission of the Commission without having at least one staff person to do some coordination. The position's duties are to collect data, perform statistical analysis to support the Nevada Commission on Minority Affairs and perform such investigation, data collection and statistical analysis as necessary to determine whether discrimination based on race is occurring in state or local purchasing, public works or other areas.

You have been doing this for two years. Are there adequate resources to meet fully the mission of the Nevada Commission for Women?

**SENATE BILL 373**: Requires the appointment of a Minority Affairs Management Analyst in the Office of the Director of the Department of Business and Industry. (BDR 18-1108)

MS. CAFFERATA:

We have been cognizant that we have no budget authority. We had \$1,500 left over from the prior incarnation of the Commission. We have been spending that money because we had to cover workers' compensation for the volunteers who came to the meetings. We have been trying to determine how this works with just the support from the Department of Administration. It would make this work much easier.

Much could be accomplished within government to advance the status and success of women in this State. It is helpful for a commission, such as the Nevada Commission on Minority Affairs, to make connections between agencies because the agency knows what it is doing, but it does not know how to leverage that work. We would be more successful if we had a staff person. We are not quite at the point to be ready to ask for that, but we are open to that if someone else is. We are willing to go forward with that.

SENATOR RATTI:

Do you have any idea why the Nevada Commission on Minority Affairs is housed in the Department of Business and Industry and the Nevada Commission for Women is housed in the Department of Administration? Is there a logical reason for that?

MS. CAFFERATA:

I am not aware of the history. I would imagine that it was an artifact from when those bills were created and who put them in. As you know, we are looking at creating the gender equality report. We have three or four suggestions of places where that could reside. Sometimes, we are in a hot potato situation. Maybe it was just who was not at the Legislature that day that was stuck with it. I am not sure.

CHAIR PARKS:

We have received a letter from Janette Dean, Nevadans for the ERA supporting A.B. 258 ([Exhibit D](#)) and an email from Janine Hansen and Lynn Chapman opposing A.B. 258 ([Exhibit E](#)) received on May 4.

We will close the hearing on A.B. 258 and open the hearing for A.B. 324.

**ASSEMBLY BILL 324 (1st Reprint)**: Revises provisions relating to document preparation services. (BDR 19-1091)

ASSEMBLYMAN EDGAR FLORES (Assembly District No. 28):

Three issues are occurring regarding document and tax preparation services. The first issue is with paralegals. Paralegal is not defined in NRS or in caselaw. Because there is no definition of a paralegal, there is much confusion in the community as to what a paralegal can and cannot do.

Some of our NSHE institutions provide two-year certificates of completion for paralegal course work. As a result, a person can be a certified paralegal. It does not mean anything, because nothing prevents a person from calling himself or herself a paralegal.

Why is that a problem? It is a problem because businesses in our communities advertise themselves as paralegal services, have paralegal in their titles or identify themselves as paralegals. It gives a perception to the person who does not know what a paralegal is that this individual can somehow practice law and/or offer legal advice. I want to address that issue in A.B. 324. As you all know, a paralegal cannot offer legal advice, only a licensed attorney can do that.

The second issue addressed by this bill is tax preparation services. Nevada has no regulatory board to oversee tax preparation services. Tax preparation services consist of filling out the IRS forms and providing tax returns to the clients.

Nevada does not regulate contingency fees. The fee paid to the tax preparation service is contingent upon the amount of the tax refund. That creates an incentive for that tax preparation service to stretch the boundaries of what the tax return should be. The tax preparation service may lie here and there in order to get the maximum refund. It is paid more and then disappears overnight. Many of these tax preparation services appear in December and are gone by May.

Some tax preparation services are registered as enrolled agents under the IRS. The issue is that tax preparation services do not have a regulatory body. They often make errors or lie so they can get more money for their business. In the off months, after May, they provide document preparation services for bankruptcy, immigration services or family law.

When we talk about NRS 240A, we talk about the fact that we do not have resources for education or enforcement. Many predatory businesses are taking advantage of people who are trying to do things the right way. They are trying to take care of their immigration problems, family problems or bankruptcies. They go to these businesses that take advantage of unsuspecting Nevadans. We do not have the education component. How are we educating the community? The truth is we are not.

The other issue is that even when we do identify predatory businesses, how do we pursue them with the limited amount of resources the Secretary of State's Office has? How do we get a compliance officer out there? How do we send notices that they are not doing what they are supposed to be doing? We are not doing enough of that. I intend to address all three issues in my bill.

First, we create specific language in the bill defining when someone can be called a paralegal. If this bill becomes law, a person cannot be called a paralegal unless he or she is working under the supervision of a licensed attorney. That will ensure that a paralegal is someone who works under the direction of a licensed attorney. In addition, if a person does not work under the supervision of an attorney, he or she cannot be called a paralegal. That is how we fix that misconception and the fact that people present themselves as something more than document preparation services.

The unregulated tax preparation services are addressed by putting them under NRS 240A. They will become a document preparation service. That does three things. All document preparation services must have a bond. Why is that important? The bond is important because when a person goes to a tax preparation service, he or she is told that he or she qualifies for A, B, C and D. The person receives a large refund and everything looks great. Three years down the road, the IRS audits that person. This tax preparation service appeared overnight, disappears and is nowhere to be found. The bond will remain in perpetuity. The person will be protected. At the end of the day, we want to protect consumers. That is the first way we are going to protect them.

Most people do not know what an enrolled agent is under the IRS. Let us suppose that I do. I can ask the tax preparation service if there is an enrolled agent under the IRS. If there is and that person then commits fraud by filling out the paperwork wrong, then three years down the road I get audited. I can go to the IRS and say the person committed fraud. He or she did A, B, C and D, and it was wrong. The worst thing that will happen to that person is the IRS will revoke his or her enrolled agent status.

By putting tax preparation services under NRS 240A, the Secretary of State (SOS) will be able to notify the tax preparation service that it is noncompliant, issue penalties and start investigations. Many different mechanisms will be triggered to protect the consumer.

The third issue is education and enforcement. This is something we never had but will with this bill. In order for a business to register as a tax preparation service, it will have to pay a \$50 fee and then an annual renewal fee of \$25. Seventy-five dollars is not much money and the SOS will agree. However, that \$75 can be used for enforcement and education purposes regarding tax preparation services. We are not just creating more laws and regulations to pursue these predatory businesses. We will be putting money aside from the fees the tax preparation services are paying to ensure we educate the community.

These fees will enable SOS to go after these bad actors. That is important and powerful because when we talk about NRS 240A, which we have been talking about for three sessions, we are finally giving the SOS resources to have the teeth we want.

I want to preempt some of your questions. Can we regulate paralegals even though they have degrees? Some people have told me that it is not fair that you cannot call yourself a paralegal if you have a two-year paralegal degree. The analogy I would draw to that is an attorney. I could have a law degree and tell the world I have a law degree. That does not mean I can call myself a licensed attorney until the regulatory body says I can.

We are doing the same thing with the word paralegal. The fact that a person has a two-year degree does not allow him or her to call himself or herself a paralegal. An additional step must be taken which will be imposed by the State.

Another question you might ask, are certified public accountants, financial planners or attorneys included in this bill? The answer is no. Certified public accountants are already regulated through their own mechanism. It is more stringent than what we are doing with document preparation services. They are completely excluded, as are attorneys.

Beyond that, another question might be why we are bringing tax preparation services under this bill. Many tax preparation services only operate from December through May. The rest of the time, they are offering themselves as bankruptcy experts, family law experts or immigration experts. They are doing it all the time. We are not capturing them under NRS 240A because they are under this other umbrella as a tax preparation service even though they

advertise everything else. We want to make sure that those businesses are captured under what they really are.

SENATOR RATTI:

Do you know what the curriculum is in the two-year degree programs in some of our workforce development efforts? What do they intend their students to be able to do?

ASSEMBLYMAN FLORES:

I hired someone who was talking about going through the two-year program. The program covers what the proper procedure is when relaying information from the attorney to the paralegal and from the paralegal to the client, and what the proper procedure is for photocopying information. In addition, the program instructors discuss translating and the differences in the vernacular. With the people in my office that was a concern because of the differences in terminology used by someone from Honduras or El Salvador or Mexico. They need to know how to provide the information I need.

In class, the students are trained never to offer legal advice and to make it clear that they are acting on behalf of an attorney. They do a good job.

SENATOR RATTI:

From that description, it sounds as if the educators are framing the program with the intent that students will work under the supervision of an attorney. It was never the intent of the program to have a stand-alone rule.

ASSEMBLYMAN FLORES:

That is correct. The problem is that there is no definition for a paralegal in NRS or in caselaw. There is a requirement to have that certificate of completion from the educational institution. However, there is nothing in law to prevent me from opening a business under Edgar's Paralegal Services and present myself as a paralegal.

SENATOR RATTI:

I want to be certain we have done some good work in the past. We know that some people do not have access to legal counsel. That is unfortunate, because they should. We have done some work to set up some good programs that are self-help generated or maybe do not have an attorney but have a facilitator. I

want to make sure there is nothing in the bill that would stop those programs that are helping people but not giving legal advice.

ASSEMBLYMAN FLORES:

Absolutely. The intent has never been to stop those self-help centers. The self-help centers are more than sufficient in helping to fill out many forms. It has never been the intent to get those to stop. It is my understanding that the Legal Aid Center of Southern Nevada provides much self-help work. There is nothing in the bill to get in the way of that because nonprofits are excluded.

GAIL ANDERSON (Deputy for Southern Nevada, Office of the Secretary of State):  
I oversee the document preparation program out of the Las Vegas Office of the Secretary of State. The self-help offices and nonprofits that provide forms and software are specifically excluded in this chapter. In addition, two other programs, the Volunteer Income Tax Assistance Program and the AARP Foundation, have tax assistance programs for elders. They are run out of a government entity or a foundation. Nonprofits are exempt from these criteria.

ERIKA CASTRO (Progressive Leadership Alliance of Nevada; Nevada Immigrant Coalition):

We support A.B. 324. This bill would strengthen the rules and regulations for document preparation services, increase accountability for these services and prevent further negligence. In my community, many of these document preparation services are also known as notarios.

In Latin American countries, notarios are able to practice law, which is why the immigrant community turns to these agencies for legal advice and services. In addition, they are often unable to afford attorneys or can be intimidated by them. Notarios offer their work at a lower cost. They are more familiar with the Latino community, which allows them to take advantage or give information that puts their clients in danger. They mislead and misrepresent clients. We support A.B. 324 to ensure our communities are protected from fraudulent behavior and misleading legal advice.

The education component that Assemblyman Flores just spoke about is crucial to ensure that our communities are protected. We appreciate Assemblyman Flores for bringing this bill forward.

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ALANNA BONDY (ACLU Nevada):

Normally, the ACLU would not support a bill that subjects more individuals to criminal penalties; however, document preparation fraud is rampant in Nevada and preys upon vulnerable populations. Victims of this type of fraud sometime face irreparable harm because of these predatory actors.

Document preparation services fraud can affect the ability of new immigrants to obtain legal residency. Documents prepared by these fraudulent service providers can be used against immigrants in immigration court. Document preparation services fraud unfairly targets those who are trying to follow the law and procedures to obtain residency. We want to encourage new immigrants to engage with qualified lawyers and other professionals who can help them obtain lawful residency. It is important to stop fraudulent business from operating in Nevada. For these reasons, we urge your support of A.B. 324.

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CHAIR PARKS:

We will close the hearing on A.B. 324. That concludes the bills scheduled for hearing today. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 2:31 p.m.

RESPECTFULLY SUBMITTED:

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Suzanne Efford,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	4		Attendance Roster
A.B. 98	C	1	Miles Dickson / Nevada Community Foundation	Written Summary of Testimony
A.B. 258	D	1	Janette Dean / Nevadans for the ERA	Letter of Support
A.B. 258	E	1	Janine Hansen / Nevada Families for Freedom; Lynn Chapman / Nevada Eagle Forum	Email in Opposition