

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

**Eightieth Session
May 14, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 8:46 a.m. on Tuesday, May 14, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblyman William McCurdy II, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Melissa Hardy
Assemblyman Glen Leavitt
Assemblywoman Susie Martinez
Assemblywoman Connie Munk
Assemblyman Greg Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senate District No. 1

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Asher Killian, Committee Counsel
Kirsten Oleson, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Kara Jenkins, Administrator, Nevada Equal Rights Commission
Quentin Savwoir, Political Director, Make it Work Nevada
Jeri Burton, President, Nevada Chapter, National Organization for Women
Marla Turner, Private Citizen, Las Vegas, Nevada
Mendy Elliott, representing Reno/Sparks Chamber of Commerce
Misty Grimmer, representing Nevada Resort Association
Marlene Lockard, representing Nevada Women's Lobby
Isabel Youngs, representing Nevada Women's Lobby
Drake Ridge, representing Las Vegas City Employees' Association
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Caroline Mello Roberson, State Director, NARAL Pro-Choice Nevada
Elisa Cafferata, representing Planned Parenthood Votes Nevada
Carter Bundy, Political Action Representative, American Federation of State, County
and Municipal Employees
Laura Hale, Member, Indivisible Northern Nevada
Alanna L. Fitzgerald, Member, Indivisible Northern Nevada
Penny James, Member, NARAL Pro-Choice Nevada
Karina Provost, Southern Nevada Organizer, NARAL Pro-Choice Nevada
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber
of Commerce
Randi Thompson, State Director, National Federation of Independent Business

Chair Flores:

[Roll was called. Committee procedures were explained.] We will begin with the hearing for Senate Bill 166 (1st Reprint).

Senate Bill 166 (1st Reprint): Revises provisions relating to employment. (BDR 18-5)

Senator Pat Spearman, Senate District No. 1:

It is an honor to be here today to present Senate Bill 166 (1st Reprint). This bill addresses some long overdue changes to Nevada's employment laws and the enforcement of those laws by the Nevada Equal Rights Commission (NERC) relating to wages and certain discriminatory actions. Nevada's laws regarding employment practices serve to protect employees from any number of forms of discrimination. We all know that a person's employer, employment agency, or labor organization is prohibited from discriminating

against a person based on age, disability, ethnicity, gender identity or expression, national origin, race, religion, or sexual orientation. It is rather surprising—especially with the recent awareness of campaigns relating to equal pay for equal work—that discrimination still exists and Nevada employment law has not fully addressed those issues relating to wage discrimination.

Women in the United States are paid, on average, about 80 cents for every dollar paid to men. A recent study by the Institute for Women's Policy Research shows that this might be closer to 50 cents on the dollar. No matter the gap, a gap is still a gap. This is blatantly unfair when comparing wages of equal job status. In 2017 the Census Bureau released a report that said that the wage gap is even worse for women of color. African-American women earn only 61 cents and Latina women earn only 53 cents to each dollar earned by white males. Over an entire 40-year career, the National Women's Law Center has calculated that the career loss wage gap for black women is \$946,120. For Native American women, the gap is \$977,720. For Latinas, it is over \$1.13 million. Those are staggering statistics. These are startling and they reveal that pay equity is more than just a gender issue. The vast wage gaps affect all sections across society. Pay equity or the lack thereof impacts men, women, and children. It affects retirement savings and it impacts general stability for our working families.

Fortunately, some companies are now viewing gender pay equity as their fiduciary responsibility. Companies have begun to realize that paying employees an unequal wage for equal work is detrimental to their bottom line. Corporations that do not embrace wage fairness could experience difficulties in hiring qualified employees. They also run the risk of what I call "wage flight employees." Those are employees who are leaving one job for more favorable and fair working conditions in another. In fact, a 2018 survey by the Equality and Human Rights Commission revealed that nearly two-thirds, or 61 percent, of women would take a company's gender pay gap into consideration when applying for jobs. The same poll found that 58 percent of women would be less likely to recommend their present employer as a place of work if that employer had a gender pay gap.

Caesars Entertainment recently reviewed the pay data of approximately 32,000 of its employees in corporate headquarters and 40 of its properties. This was a part of a partnership formed in 2017 with the Billie Jean King Leadership Initiative. That launched the gender equity initiative. In September 2018 Caesars announced no meaningful differences in the average pay of men and women in almost all jobs. They have committed to conducting a regular pay equity review to ensure that 100 percent of equity exists at all levels. I am proud of the recent efforts by Caesars and I look forward to additional companies following their lead.

Other companies like Adobe, Apple, Intel, and Starbucks have launched successful campaigns to achieve pay equity. This is a compelling example of what can be done to correct pay inequity when company leadership is determined to do so. Their model shows that equal pay is not a burden nor is it too expensive. I urge them to do what is right and to follow the lead of these highly respected corporations.

To help address America's unfair and unacceptable wage gap, President Obama signed the Lilly Ledbetter Fair Pay Act on January 29, 2009, restoring the protection against pay discrimination that was stripped away with the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.* [550 U.S. 618 (2007)]. For 20 years Lilly Ledbetter did not know that she was being discriminated against with pay because there was a policy in place where employees could not talk to each other about what they were paid. The Fair Pay Act passed by Congress gives aggrieved employees who may find out years later that they were discriminated against the opportunity to bring a claim so long as discrimination and the effects of such discrimination are continuing to occur. I believe that these same provisions should be implemented into Nevada law.

Some of you may find S.B. 166 (R1) familiar. In 2015 I had a bill setting forth similar provisions to address certain discriminatory practices; however, that bill was never heard. Last session I requested Senate Bill 397 of the 79th Session which, fortunately, passed both houses, but was vetoed by the Governor. I would note that portions of Senate Bill 397 of the 79th Session are also in this bill. These provisions prohibit an employer with 50 or more employees, an employment agency, or a labor organization from discriminating against a person's employment or their membership for inquiring about, discussing, or voluntarily disclosing information about his or her wages. Even with the passage of Assembly Bill 276 of the 79th Session there is more that needs to be done. That is why I am here today to present you S.B. 166 (R1). This important bill will strengthen existing state employment discrimination laws by implementing at the state level the Lilly Ledbetter Fair Pay Act of 2009 and by incorporating the tenets of the act. Nevada can provide an employee who believes that he or she has been discriminated against in the workplace more time to bring forward a claim for employment discrimination.

To remind the Committee, NERC accepts employment discrimination claims that allege unlawful discriminatory practices. Any individual who believes that his or her rights have been violated may file a charge of discrimination with NERC. If NERC determines an unlawful practice has occurred, it may order the person who is engaging in the practice to cease and desist. For a case involving unlawful employment practice, NERC may restore all benefits and rights to which the aggrieved person is entitled. Senate Bill 166 (1st Reprint) will improve these remedies. It will make remedies available to NERC and to an aggrieved employee when employment discrimination relating to wages has been determined.

First, section 2 of the bill clarifies the time in which an employee may bring a claim before NERC. That relates to unlawful discriminatory practices regarding compensation. The complaint must be given under oath. If you look at the proposed amendment ([Exhibit C](#)), it is on page 3, line 17. The bill also requires NERC to issue to the employees a notice indicating the time frame under which he or she has the right to sue if NERC determines that unfair employment practice has occurred.

Section 3 clarifies the process when a complaint of unlawful employment practice has occurred. An administrator may hold informal hearings and, if the complaint is valid, the administrator shall attempt to mediate between the parties or to reconcile the parties. This is

a provision that I put in before session that gives both parties—especially the employer—an opportunity, when this comes to his or her attention, 30 days to sit with the employee to figure out how to make it right. If they figure that out and they make it right within 30 days, then no further action will take place. If, on the other hand, they do not figure it out, NERC will try and act as an intermediary or arbiter to try and see what they can come to. These provisions in the bill are beneficial to the employer. All they have to do if someone says that they think they are aggrieved is just sit down and take a look at it. There might be some circumstances, situations, or reasons as to why one employee is paid more than another. I have not seen this provision in any other state law for the states that have passed equal pay.

Section 3 also revises the powers of NERC to order remedies for unlawful employment practices. Specifically, this section sets forth a tier system of civil penalties rather than a flat civil penalty which progressively increases if an employer with 50 or more employees is found to have multiple instances of pay discrimination in a five-year period. I propose up to \$5,000 for the first offense, up to \$10,000 for the second offense, and up to \$15,000 for the third offense. Before these civil penalties are imposed, the Commission must have found the person to have willfully—that is an important word—engaged in unfair and unlawful employment practices. They get 30 days to take corrective action. If such action is taken, the civil penalty will not be imposed. In other words, if they work this out within the 30-day period, then there is no civil penalty.

Section 3 also extends the amount of back pay that an aggrieved employee will be awarded. The Nevada Equal Rights Commission will be authorized to award back pay for a period, beginning two years before the date of the filing of the complaint and ending on the date that NERC issues an order regarding the complaint. I would note that, as stated in section 1 in the bill, the penalties and fines imposed by the Commission due to a finding of certain unlawful employment processes must be credited to the State General Fund. The Commission may later present a claim to the Interim Finance Committee for the money if it is required to pay attorney's fees and the cost of an investigation.

Sections 4 and 5 ([Exhibit C](#)) have been deleted by amendment. Nevada law specifies in *Nevada Revised Statutes* (NRS) 613.350 the circumstances when it is not unlawful to hire an employee based on age, gender, identity, sex, and sexual orientation. Specifically, the law requires that such considerations are permitted when they are bona fide occupational qualifications and reasonably necessary to the normal operation of that particular business or enterprise.

Section 6 offers new language to define bona fide occupational qualification. This qualification states that it cannot be based on gender differences, but must be a part of the job duties. I, for example, have hearing loss from my military service, so if I were applying for a job where that was important, then an employer would not be charged with unlawful employment practices because I would need to hear at 100 percent in order to do my job and to make sure that other employees are safe. Second, it must be based on a qualification that the employer has refused to change after being presented by an affected person with an alternative practice that is less discriminatory on the basis of sex. The idea here is to

encourage employers to make reasonable accommodations and to prevent them from using qualifications that look innocuous on the surface, but are, in reality, a means for pay discrimination.

Section 7 clarifies that any person injured by an unlawful employment practice relating to an employee's or applicant's inquiry, discussion, or voluntary disclosure of wages of another employee may file a complaint with NERC to that effect. Section 8 provides that if NERC concludes that an unfair employment practice has not occurred, the Commission must issue a letter stating this fact to the person who filed the complaint. The letter must also notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice.

Finally, section 9 extends the period of time in which a claimant can bring a case before NERC. Specifically, no more than 180 days after the date of the act complained of, or 90 days after the issue date of the letter that I described in section 8. This will apply for them if they decide to seek remedy in district court. It also gives flexibility.

Chair Flores:

Sorry to cut you off, but I want to make sure everyone knows that we are working off of the mock-up ([Exhibit C](#)) and not the bill itself.

Senator Spearman:

I hope that these changes I have described will help us reach the goal of encouraging equal pay for equal work. It gives anyone a remedy when they face pay discrimination. Just a few statistics from my district, Senate District No. 1 in North Las Vegas. As of 2019, there are 12,578 female-based households with an average family of four. The poverty rate is staggering for Latinos: 16,975 and 10,587 female-based households. Passing this bill will help those 12,578 female heads of households and help lift these families out of poverty. Although the women and children suffer the most from pay inequity, this is not just a women's issue. This is an issue that affects economic security for all families.

I would like to relate a story to you and all the members of the Committee of a conversation that I had a few years back. I was coming out of a store and an older lady asked, "Are you Senator Spearman?" I said yes. She started talking about some of the things that we had done the last session. She said that she just saw someone who she used to work with. She found out during the course of that conversation that the man who she had trained and was promoted to supervisor had retired. During his retirement he was able to buy a home in a more affluent area of Las Vegas. Meanwhile, she only had enough to rent an apartment. Pay equity is not just what happens when women work. It is about retirement as well. That is why more than half of the women who work all of their lives—honest work—retire in poverty. I believe that in 2021 the message that we must send—not just to our communities—to our posterity is that equality matters in Nevada. I urge your passage of this bill.

Assemblywoman Bilbray-Axelrod:

My question is about NERC. You guys operate with your administrative codes. You use the *Nevada Administrative Code* (NAC) that you create.

Kara Jenkins, Administrator, Nevada Equal Rights Commission:

Yes. Our commissioners operate under NRS and NAC.

Assemblywoman Bilbray-Axelrod:

I bring that up because the only thing that I feel is missing from this bill is collecting that data. I know that the Nevada Commission for Women started collecting a lot of that information. I know that Jan Jones of Caesars Entertainment has been phenomenal in this. I just feel as though this data needs to be shared because we are still going to have inequity when people are not discussing it. I just wanted to clarify that you do have NAC and that is something that you could put together—if we did not have it in the bill.

Kara Jenkins:

We have five commissioners and they do have it in their statutes to foster equal enjoyment and employment rights in the state. One of the things that they can be commissioned to do is collect data. I will say that we are also working with the Greenspun College of Urban Affairs, University of Nevada, Las Vegas (UNLV) to collect certain data as it relates to sex discrimination. We can certainly add this as well. I have noted it and we can get back to you.

Assemblywoman Bilbray-Axelrod:

I think that it is important. When you do not have that information, you are living in a silo.

Assemblyman Carrillo:

Regarding the penalties and fines, why are we looking to just put it back into the General Fund and not specifically towards something that would work towards the movement? We want to make sure that the needle is moving towards where we want it to and not just throwing it into the pot of money like everything else. Why are we not specifically putting it to something regarding women's pay, equal rights, or even NERC specifically?

Senator Spearman:

We made this change back in 2015 and it continued in 2017. I believe that it was requested that we do it that way so that the money would be deposited. I cannot remember when that change was made. We just kept it in the bill.

Kara Jenkins:

I believe that NERC has a gift fund and that was initially in the bill, but that has been amended. I cannot speak to why that amendment happened.

Assemblyman Carrillo:

Was there any opportunity to set it back? I know that there are a lot of organizations like the State Contractor's Board, who basically run their office off of the fines that they give to their

contractors. I am trying to understand why this would not be going to NERC. Would you be open to an amendment? I do not want to kill the bill. Can we at least look at that?

Senator Spearman:

I will go back and look at the reason why we did that. I know that there was a reason why we took it out. It is just escaping me right now. I have no problem amending the bill so that it happens.

Assemblyman Assefa:

It is disturbing that these practices still happen. How often are these complaints filed? How many of those files are resolved in favor of the people who are filing the complaints? Take the last 12 months or the most recent data available to see if you can give us an idea of how widespread this issue is.

Senator Spearman:

I will answer the first part and then let Ms. Jenkins finish. One of the things that we know through statistics and history is that before anyone files a claim for workplace discrimination, they have thought about it for a long time. They do not want to lose their job. The number that we have—whatever that number is—there is some research by a women's research institute that suggests that for every one that we have there are probably five to ten more who have not filed. They do not file because they cannot afford to lose their jobs. In 2014 I was on one of the interim committees and Ms. Jenkins gave a presentation to us and showed a number of complaints. I asked her if that meant the number of businesses in which these types of discrimination claims were alleged. I believe that her words were that usually it is the same ones over and over again.

Kara Jenkins:

Nevada Equal Rights Commission sees less than 5 percent of cases relating to equal pay in any given fiscal year. It is for the reasons that Senator Spearman just expressed. There is a fear of retaliation—very similar to sexual harassment filing—we see low reporting, and again we are working with the UNLV Greenspun College to see why that is. The Equal Employment Opportunity Commission's (EEOC) task force on sexual harassment has said that fear of retaliation is the number one reason. I can only reasonably assume it is because of fear of retaliation or losing one's job. It is also very hard to prove gender-based pay discrimination—especially when there is a culture in the office to not discuss who is making what. The harmful act is the unfair paycheck. That is their last day of harm. They show their unfair paycheck to NERC and present it as evidence, but then we have to have comparators. Well, if there is a culture in the office of not discussing wages or you are not supposed to talk about wages, then how can you get evidence of people making more than you in the same type of position or work? It is very difficult to prove. We get a lot of those cases because time is short—at least under the Equal Pay Act—so we send them directly to the EEOC for resolution or mediation. I do not have a resolution number for you, but I can look into it to see what the national data is.

Assemblyman Assefa:

How many complaints have been filed in your office in the past 12 months or from the most recent data that you have?

Kara Jenkins:

We are in federal fiscal year 18. We are in state fiscal year 19. I will give you state fiscal year for Nevada because we partner with the EEOC. There are two time frames that we track. During the last state fiscal year we received over 1,500 complaints, and less than 5 percent were based on equal pay. The top cases that we see filed are race complaints, disability, and retaliation. Those are our top three. Again, it is less than 5 percent for wage discrimination.

Assemblyman Assefa:

If an employer has exercised some illegal employment practices, does NERC prescribe how those practices should be corrected? Is this just a scenario where NERC says to the employer: Hey, we have found you to be guilty and would like you to stop? Are there prescriptions as to how those actions could be resolved?

Kara Jenkins:

When we conduct an investigation it takes about a year, on average. Even before the investigation, we invite parties to settle. We have a mediator based in the north who conducts settlements before we investigate. If settlement is waived, then we go into full-fledged investigation, which takes about a year. We gather evidence. The standard is probable cause, so where there is smoke there is fire. At that point, if we can show an unequal pay allegation in which we see other comparators making more for the same position based on gender—sex, like being female or male—then we would then invite the parties into a conciliation that is all very private. It is still protected under our confidentiality statute. At that point we again try to invite parties for a private conciliation. That is where we talk about Ninth Circuit Court of Appeals precedent, what best practices are, and what the EEOC has recommended. We give tips. In that mediation it is a neutral exchange—I am neutral—but it is an exchange where we can settle the matter, address the back pay issue—what she would have made if she had been paid fairly at the onset—and then we talk about moving forward. At that point I find that most respondents or employers are open to that because they do not want to go through this again. We then settle. It is private and confidential.

Even after all of that, if we still have a hard time with the respondent coming to the table to settle, that is when we talk about the hearing. That is when we recommend the commissioners—the five members who are appointed by the Governor—to have a public hearing where we would administer these fines. There is a lot of due process along the way. We offer good practices and best practices. We are preventative in having a very robust outreach and training component. I conduct those and so does my other chief.

Assemblywoman Bilbray-Axelrod:

You said that at one point in the bill you had a gift fund. What does that mean? What is the oversight of a gift fund?

Kara Jenkins:

The gift fund is interesting. This precedes my role as administrator. I believe that there was a settlement and a gift fund established [NRS 233.155]. You can only deposit money in there and it is only for outreach and training. That is how we get our brochures out when our operating is a little tight. We can always go to the gift fund to make brochures, have more outreach and training, fly to different locations and train employers and employees on nondiscriminatory harassment processes. That is what the gift fund is. We do not draw down from it. We do not pay salaries with it.

Assemblywoman Bilbray-Axelrod:

I was not suggesting that. I am thinking that because you already have the fund set up then you could collect money. Maybe there is some way that we could bring that to the Nevada Commission for Women or something that would directly turn back into helping you with your mission and this bill's mission.

Assemblyman Hafen:

I have some questions in regard to the fines that are being imposed. I was looking through the exhibits, and I saw that there are six other states that impose either penalties or fines. If I understand page 4, section 3, subsection 3, ([Exhibit C](#)) there is no limitation being placed on those potential funds. The large businesses have a limit on the fine, but small businesses do not have any limitation.

Senator Spearman:

Could you tell me what line you are on?

Assemblyman Hafen:

In the proposed amendment mock-up, we are looking at page 4 starting on line 39 and going on to the next page. It goes all the way down to line 15 on page 5. I am trying to figure out the intent. It looks as though small businesses have no limitation on the fine, but employers with 50 or more have limitations.

Senator Spearman:

The floor for this is 50 employees. Technically, those with fewer than 50 employees would not fall into this bill's scope. The civil penalties are the fines that are listed. They are not automatic. Remember, I said in my testimony that "willful" is the operative word. They can be fined \$50 or possibly \$100. Whenever it is willful—that is determined by NERC—that is when the top-level fine is instituted—\$5,000 for the initial offense, \$10,000 if it happens twice in five years, or \$15,000 if it happens three times in five years. Employers with less than 50 are not included in this.

Assemblyman Hafen:

That was my concern. Could I get legal to make sure that we are all on the same page? I understand your intent. As a small business owner, I greatly appreciate what you are trying to accomplish here.

Asher Killian, Committee Counsel:

The provision of section 3, subsection 3, paragraph (b), subparagraph (4), is the civil penalty provision. It only applies civil penalties to firms with 50 or more employees. If an employer had fewer than 50 employees, there would be no civil penalty that would be applied.

Assemblyman Hafen:

My question is more about section 3, subsection 3, paragraph (b), subparagraph (3) because we have added in the words "without limitation." I want to make sure that with that addition of "without limitation" we are not expanding this to an open-ended penalty and fine. It is ambiguous. Could you clarify subparagraph (3)?

Asher Killian:

Subparagraph (4) is the provision about penalties. Subparagraph (3) is the provision authorizing pay for lost wages. Including "without limitation" is a description of the kinds of lost wages that could be paid. All of that relates back to the concept of the Commission ordering the payment of an amount of lost wages.

Assemblyman Assefa:

In your statement you said willful violation is what you are looking for. How do you establish willful violation? Civil penalties are in subparagraph (4), how did we come up with the tiered penalty structure? Why did we start with \$5,000; \$10,000; and \$15,000? Is there any justification with those numbers?

Senator Spearman:

"Willful," as I understand, is defined in law. Those parameters are already set. It is not me determining the definition. It is in accordance with what is already written into law according to the processes the NERC would follow. For the fines, they have come down significantly. We initially had \$10,000; \$15,000; and \$25,000. They were established by looking at some of the other states that have equal pay laws. If you go to Michigan, I think theirs is up to \$50,000. I think in Massachusetts the floor is four employees and up to a \$50,000 fine. We are trying to get something that would be fair, but also attention-getting. As I said before, it is willful and up to that amount. I also want to put it on the record that NERC offers training—and if I am not mistaken—free for business owners so that they can make sure that they are in the confines of the law. I understand, at least from the Las Vegas Metro Chamber of Commerce, that they are going to offer this en masse to their members. The fines were set based upon what already exists. I would note that the states that have the most stringent penalties, those penalties were signed into law by Republican governors—Mitt Romney being one of them.

Chair Flores:

I want to remind members that if the Commission finds that there is willful misconduct, the employer will have 30 days to take corrective action. If corrective action is taken, then there will be no civil penalty. I think that most employers will probably take corrective action. I know the civil penalty is, for some reason, a game-changer for some people. The employer has 30 days to take corrective action without a penalty. I think that is incredibly reasonable.

Senator Spearman:

To that end, most employers—I would said 90 percent—are very meticulous in looking at their payroll and making sure that there is pay equity. If you look at what I said about Caesars' employees and 40 properties, they are very meticulous. Small businesses are probably more meticulous than larger businesses because payroll is a large part of their expenses. Most employers are going to be looking at this anyway.

Chair Flores:

I would like to invite forward those wishing to speak in support of S.B. 166 (R1). We will start in Las Vegas.

Quentin Savwoir, Political Director, Make it Work Nevada:

I am in support of this bill. I support this important piece of legislation because pay equity is one of the most paramount issues of our time. Today more women are the breadwinners for their families than ever before, but are still paid significantly less than their male counterparts. Black and Latina women earn 65 cents and 59 cents, respectively, to the dollar of their white male counterpart. In Clark County, women of color are the predominant heads of household and consistently face pay discrimination in their workplaces. This is unacceptable.

We literally can no longer afford to stay silent about discrimination in salary and earning. What is most devastating is that according to the National Women's Law Center, women of color stand to lose \$3.4 million in wages during their careers due to the wage gap. Senate Bill 166 (R1) is good and strong public policy to help end the discrimination of pay that women face in the workplace. Businesses need to be called out and held accountable for their discriminatory practices. Our families, friends, and neighbors deserve this. We can do better.

Jeri Burton, President, Nevada Chapter, National Organization for Women:

The National Organization for Women (NOW) has been working on pay equity since it began in 1966, when women earned an average of 59 percent of what men earn. Fifty-three years later, we still do not have pay equity. According to the National Partnership for Women and Families, in Nevada, the median annual pay for a woman who holds a full time job is \$35,565, while the median annual pay for a man is \$43,681. That is paying women 84 cents for every dollar paid to men in Nevada. As we have been talking about, the gap for women of color is even larger. For black women, it is 66 cents, Latinas 54 cents, Asians 69 cents, and, overall, women are paid less in all occupations regardless of education level. Every year we mark Equal Pay Day and as NOW President Toni Van Pelt said, "It is no one's favorite holiday." It shows the extra days that women have to work to earn as much as her male counterpart. Last year it was April 10. We feel that S.B. 166 (R1) would help erase Equal Pay Day from the calendar.

I have a similar story with my career. I worked in a manufacturing company here in Nevada. I worked for them for 30-something years. I was in a sales position for a couple of years. By talking to my male counterpart, I found out that I made \$15,000 less a year for the

exact same job. I discovered this after working there for two years. I tried to negotiate with my employer for two years. Ironically, I was at a NOW equal pay event and they saw me on television and spoke with their lawyer. Soon after, I got the raise. I was a single mother with a young son and was happy to get the raise, so I did not feel I could push any further to get any back pay. Talking to Senator Spearman over the last year I realized that I missed out on \$45,000 of back pay from those two years. Heaven knows what inequities were there in the 30 years that I worked. My 401(k) contributions and social security benefits will affect me into retirement. I am the chair of NOW's Equal Rights Amendment (ERA) Committee on the national level. In 2017 Nevada ratified the ERA and reinvigorated activists around the country to finally put women in the U.S. Constitution. Senate Bill 166 (1st Reprint) would demonstrate that Nevada is leading the way for pay equity for women. We ask that you support this bill.

Marla Turner, Private Citizen, Las Vegas, Nevada:

I have been working in Las Vegas since I was 14 years old and my career has spanned nearly 40 years. During that time, I have experienced gender bias on a regular basis. I spent 27 of those 40 years in my primary career—which was health care. During that time, I was paid less than my male counterparts for doing the same job—or even a higher-level job. I was told that the reason why I lost out on certain jobs or promotions to male applicants was because they had families to support. I have seen newly hired male employees begin with starting salaries that are much higher than what their already employed female counterparts were earning for the exact same job. When I was working as a department manager for a large hospital here in Nevada, I learned that a subordinate, whose employment I inherited and whose service grade was much lower than mine, was earning \$15,000 a year more than I was. That was in the 1990s and \$15,000 was an incredible amount of money. I went to human resources and inquired about it. I was told that he was making that money because he was the head of household. At the time, I was a single mother with two small children, and he was married with two children and a stay-at-home wife. I was further told, as Senator Spearman alluded to earlier, that I did not have the right to inquire about the salary, compare it to mine, or complain about it. My employer intimated that inquiring about it or objecting to it was actually illegal and would jeopardize my job. I was told in no uncertain terms to not make a fuss about it.

Here is the reality of it. Salary is oftentimes used as the measurement of somebody's skill level or company value. As such, this measurement tool is deeply flawed and an inaccurate representation of a woman's professional contributions. Despite the fact that I was the sole source of income at the time; despite the fact that there are 3.5 million homes that are currently headed by women—which represents about 83 percent of our single-parent families, women have never been compensated fairly for their work and, in fact, are penalized for working out of the home.

I would like to explain a little bit about that. Penalty comes in many forms, including exhaustion from being the breadwinner and the parent; sadness over losing precious time with our children; stress over trying to find access to affordable day care; fear for our jobs when we have to call out because our children are sick; and frustration over being passed

over for advancement opportunities not because we were not qualified, but because men were given the priority.

After all of that, you would think that the ultimate insult an employer could give a woman is not to pay her the same as what her male counterpart makes—what she is worth—but it is not. The worst is what happens in retirement. After all of those 40 years of working, my retirement benefits are lower than those of my male counterparts. Since I earn less, I made lower contributions to both my 401(k) and my social security. That made my employer's contributions lower as well. It caused me to accrue a much lower balance than I rightfully should have. It is hard enough for a woman just to be heard at the decision-maker's table when she is surrounded by men.

Women have been relegated to less position for pay equity and advancement opportunities for far too long. Leveling the playing field and creating equal opportunity for all is not just fair, but what I think is the promise of America. The promise of liberty and justice for all. Pay equity is justice. Pay inequity is discrimination. It is too late for me, but it is not too late for the women coming up behind me. I urge your support.

Mendy Elliott, representing Reno/Sparks Chamber of Commerce:

The Reno Chamber would like to thank Senator Spearman for bringing this bill forward and for working with us as we have been negotiating section 3. The currency of ignorance should not be money. Instead, it should be education. We have been hearing from Senator Spearman about how there are education opportunities not only from the Chamber, but also from NERC and human resource associations. We want to continue to encourage our businesses—especially the Reno Chamber's 1,700 members—to seek out the appropriate education in order for discrimination to be eliminated. As a former senior vice president with a major financial institution in Nevada, I have seen good actors and bad actors—both men and women. Hopefully S.B. 166 (R1), as we continue to educate our businesses, will level the playing field as we move forward. I am just a lady lobbyist who continues to try and educate on behalf of our clients. Hopefully as we move forward with this bill and with the education as was mentioned, everything will be more positive for all the employees in Nevada.

Misty Grimmer, representing Nevada Resort Association:

I am quite pleased to be sitting at the table in support of the amended version of this bill. As Senator Spearman mentioned, this has been three sessions coming. It is nice that we are all at the same table. I would like to put on the record how grateful we are for her open-mindedness on the amendments that we brought to her. The bill is more palatable and more functional for employers to actually provide these protections to the employees, while still being able to run their businesses in a way that is necessary.

We spoke to the Senator before the hearing, and she has taken many of our suggestions. There is still one section in the bill that our labor attorneys are struggling a little bit with. It is section 6, subsection 7. In their minds there is some ambiguity between state and federal law definitions. We have begged her indulgence to allow us a little bit more time to look at

this and possibly bring some language back to her. We know that we are at a deadline week. We know that this bill has to keep moving. Obviously, the Committee is going to do whatever you feel is necessary. When we come back to her, it may be with a floor amendment. We do not want to slow this bill down. It has been a lot of work on her part. We are happy to be here in support.

To a question that Assemblyman Assefa had earlier, one of the parts of the bill that we really like is in section 3. There is added language that the order will include direction to the employer on how to correct whatever problem arose that caused the potential discrimination.

Marlene Lockard, representing Nevada Women's Lobby:

I would like to commend Senator Spearman for her persistence in bringing this bill back for the third time. It is important and needed, but it is not for those like me here today. This bill is needed for the women like my legislative assistant, Izzy Youngs. Senator Spearman told you the total cost of loss of wages for poor, underrepresented women in different categories, but even someone like Izzy who has a bachelor's degree and is now beginning her career stands to lose over \$400,000 on average over 40 years. I would like to introduce you to Izzy Youngs.

Isabel Youngs, representing Nevada Women's Lobby:

I want to talk for a minute about my story. The gender pay gap is not a theory; it is years and years of data and academic studies. Behind every study and statistic that you hear today is a person who knew or did not know that their work was being devalued because of their gender, or their career was being devalued because of stereotypes.

This is my story. When I was 21, I was up for a very important promotion at my job. It was clear to everyone in my unit that I was eager for this opportunity, and I was the most qualified person in line for the position—I had been there and had more progressive responsibility than five or six women below me. When I applied, the hiring manager explained that despite being the most qualified person, there were concerns about the ability of my male coworkers to take instruction from a woman. They hired a man who was not the second-, or third-, or fourth-most qualified person. In a way, I was lucky to get such honesty. Not every woman knows why she missed that promotion or was not hired. Some women are told they just are not as good at their jobs as their male coworkers.

Over and over again women are internalizing that what we get is what we deserve, that our worth is only a fraction of a man's. But we deserve more. We are worth more. We are not a fraction or a percentage.

The realization that I was being devalued encouraged me to make a change. I went on to get my bachelor's, and soon I will go on to get my master's. However, according to the U.S. Census Bureau and the Bureau of Labor Statistics, in my field, in my lifetime I may lose over \$400,000. What is even more heartbreaking is that even with my master's degree, I may make less than a man with a bachelor's degree. I will have more debt for less financial security. That is why I need this bill. My friends and mother and future daughters need

this bill. I personally believe the government of Nevada could use this bill as well, because right now you are being shortchanged on the tax you could collect from women's increased economic power.

I do not believe this bill will bankrupt small businesses or overwhelm prosecutors. As my favorite feminist pointed out last session: women, with our huge bank accounts, extra time, and team of lawyers, will not be coming forward in unmanageable droves to wreak vengeance. We are just tired of being a percentage.

This will not end sexism, and it will not end the many other problems and factors that contribute to the pay gap, but antidiscrimination laws should not just be performative or symbolic. This bill gives us leverage. We are worth more, and we deserve to be made whole. Thank you.

Drake Ridge, representing Las Vegas City Employees' Association:

We would like to echo the sentiments of the previous testimony. We urge the Committee to support this bill.

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

After several very long months of negotiations with Senator Spearman—we appreciate her willingness to have those discussions with the business community—we are in favor of S.B. 166 (R1). If this is a problem that needs to be tackled, we think this is the best way to do it.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

Pay equity can make a difference between a family that is just scraping by or one that is getting ahead. We ask that you support S.B. 166 (R1) so that all of Nevada's women know that we live in a state that values women's work and takes pay equity seriously.

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

We represent 45,000 battle born, feminist-strong members who regularly come to this bill to speak in support of issues protecting reproductive freedom. We consider economic security to be one of those.

Elisa Cafferata, representing Planned Parenthood Votes Nevada:

We want to put our support for this bill on the record.

Carter Bundy, Political Action Representative, American Federation of State, County and Municipal Employees:

For the reasons previously stated, we stand in strong support.

Laura Hale, Member, Indivisible Northern Nevada:

We support S.B. 166 (R1). As a young woman living in Vermont, I worked three jobs. I worked one full-time job and two part-time jobs to be able to afford a small, drafty apartment over a barn and a car that routinely got stuck in the snow. I could not understand

how some of the guys from my high school class were earning so much more than me when I knew that I was smarter and worked harder.

When I got the opportunity to go to college several years later, I learned in my Introduction to Sociology class that socioeconomic systems determine much of our outcomes. It was not that I was doing something wrong; it was the water I was swimming in.

Six years later, after earning two degrees in sociology and a minor in women's studies, I got a job as a statewide coordinator for a demonstration project for nontraditional employment for women. The idea was that by recruiting women into jobs that were traditionally held by men, women could make a living wage. The question of comparable worth—paying women fairly for work they have traditionally done—was an academic question and continues to be.

Five years later, I came to Nevada to work for the state, where fortunately, pay equity is built into the system. Public sector jobs are one of the few areas where this protection is in place. Now, 20 years later, Senator Spearman has brought forward a bill to provide legal recourse for women who are discriminated against with lower pay for doing the same job as their male counterparts—possibly working smarter and harder—in all industry sectors throughout Nevada.

After nearly 40 years of chafing at the injustice of wage discrimination, I am delighted to have the opportunity to testify in support of S.B. 166 (R1). Please support this bill.

Alanna L. Fitzgerald, Member, Indivisible Northern Nevada:

I am also a social worker here in the state of Nevada. I am just going to boil it down to one line. I believe that a large part of the discrimination comes from the inherent personal and cultural biases of employers and/or the hiring system. I believe that S.B. 166 (R1) is needed to help guide and educate employers in what to do. I fully support the bill.

Penny James, Member, NARAL Pro-Choice Nevada:

I moved here 20 years ago, and I have been on the Strip, massaging and doing skin care. We were always told to book the men first. That has happened at every spa I have worked at. That was a norm because they have families and children. As far as I know, my friend Jess won the first gender discrimination case in a spa. It is too late for me, but we need to fix this now.

Karina Provost, Southern Nevada Organizer, NARAL Pro-Choice Nevada:

Ditto.

Chair Flores:

Is there anyone wishing to speak in opposition? Seeing no one, is there anyone wishing to speak in the neutral position?

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

The Chamber appreciates the testimony that we have heard today from the individuals in support of the bill and the ongoing dialogue that we have had on this bill throughout the course of the session. It is important to note that as the state's largest business association, we do not support employment discrimination in the workplace. The Chamber supports current Nevada laws that make employment discrimination illegal, and it provides protection to employees. We also support legislative efforts to increase public awareness of the role of NERC and the tools there for employers and employees. As Senator Spearman indicated in her testimony, the Chamber has made the commitment to help increase public awareness of these training programs available to employers and employees.

In regard to the original format of S.B. 166 (R1), the Chamber had concerns about the mechanics of the bill; however, the Chamber has been in ongoing conversation with Senator Spearman about the bill. Based off the progress that we have made and the mock-up that you have seen, the Chamber is removing its opposition to the bill in the spirit of compromise. We appreciate the mock-up that is in front of you today. As a result, the Chamber is neutral on the bill. This movement of neutrality is significant policy shift for the Chamber on this particular bill. We appreciate all the work that Senator Spearman has placed in this bill.

Randi Thompson, State Director, National Federation of Independent Business:

I am usually the uber-conservative business group. We are a statewide organization representing primarily small businesses. It is rare that I would come to the table in neutral—that gives kudos to Senator Spearman's tenacity. Even though we have talked about the 50-employee rule, I want to note that every business with one employee or more is subject to the Federal Equal Pay Act, which must provide equal pay for equal work for male and female employees. While this bill might have some protections for small businesses, federal law still dictates that equal pay is the law of the land. Small business owners know that their most valuable resources are their employees. They work hard to train them, retain them, and reward them in a flexible workplace. The National Federation of Independent Business (NFIB) is generally very opposed to any kind of government mandate because those kinds of regulations or mandates make the employee/employer relationship more difficult and less flexible.

To the point that Mr. Moradkhan said, NFIB will provide information to our members on the training that NERC is providing to business leaders around the state. The National Federation of Independent Business also has a legal foundation. We provide free legal services to our members on such things as these issues. Tomorrow we will be having Small Business Day here, and our lawyer from the National Legal Foundation will be here doing a presentation on how to avoid going to court with your employees. This is something that we are very active in doing and providing guidance to our members. We appreciate the bill and, even though we are neutral, we appreciate Senator Spearman's working with us.

Chair Flores:

Seeing no one else in neutral, Senator, please continue with your closing remarks.

Senator Spearman:

The choir sang "Kumbaya." I have sent a message to our legal counsel on the Senate side. The response was, and I remember it now—the Prevagen kicked in. In the interest of transparency, instead of the fines going to NERC, it would be put in the General Fund and then allocated back to the Legislature to make sure that no one thought that NERC had an incentive to disperse those fines. Thank you. Hopefully third time is the charm.

Chair Flores:

We are going to close out the hearing on S.B. 166 (R1). We will continue with our work session, beginning with Senate Bill 12 (1st Reprint).

Senate Bill 12 (1st Reprint): Revises provisions governing telephone systems used for reporting emergencies. (BDR 20-475)

Jered McDonald, Committee Policy Analyst:

Senate Bill 12 (1st Reprint) revises provisions governing telephone systems used for reporting emergencies ([Exhibit D](#)). It was sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on April 29, 2019. It expands the authorized uses of the revenue collected from the surcharge that a board of county commissioners may impose for enhancement of the telephone system for reporting an emergency. This revenue may also be used to pay for the costs of an analysis or audit of the surcharges collected by a telecommunications provider. There are no amendments.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO DO PASS
SENATE BILL 12 (1ST REPRINT).

ASSEMBLYMAN ASSEFA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Assefa.

Assemblyman Ellison:

I would like to reserve my right to change my vote on the floor.

Chair Flores:

Next in our work session is Senate Bill 13 (1st Reprint).

Senate Bill 13 (1st Reprint): Authorizes the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain governmental services. (BDR 20-483)

Jered McDonald, Committee Policy Analyst:

Senate Bill 13 (1st Reprint) authorizes the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain governmental services ([Exhibit E](#)). This bill is sponsored by the Senate Committee on Government Affairs and was heard in this Committee on April 19, 2019. It authorizes a board of county commissioners to form a nonprofit corporation to aid the county in providing emergency assistance or any other governmental service, such as social services or financial assistance, to residents and visitors during an emergency. Such a nonprofit corporation has the same powers as other nonprofit corporations except the nonprofit shall not: (1) borrow money, contract debts, or issue bonds, promissory notes, drafts, debentures, or other indebtedness; or (2) levy dues, assessments, or fees. The assets of the government nonprofit corporation must be distributed to the county upon the dissolution of the government nonprofit corporation and be used in a manner consistent with the purposes of the nonprofit corporation.

The bill deems such a nonprofit corporation to be a political subdivision and members of the board of directors to be employees of the political subdivision for purposes of tort liability. A person appointed to serve as a member of the board of directors who is not otherwise a public officer is not a public officer by virtue of such appointment. The board of directors of the nonprofit corporation must submit annually to the board of county commissioners a report that includes: (1) a summary of its activities during the preceding year; (2) a statement of its finances during the preceding year; and (3) a list of the current members of its board of directors.

We had an amendment proposed by Assemblyman Flores. The amendment would:

1. Require any nonprofit corporation formed pursuant to this bill to disclose all money received and spent by the nonprofit corporation each year, including, without limitation, any compensation paid to any officer or member of the board of directors of the corporation; and
2. Amend section 4, subsection 2 of the bill to additionally prohibit a nonprofit corporation formed pursuant to this bill from exercising the powers set forth in subsections 2 (dealing in shares, securities, or interests in any person or governmental entity) and 7 (carrying on a business for profit) of *Nevada Revised Statutes* 82.131.

Chair Flores:

I brought the two amendments up during the hearing. It was my concern that the nonprofit would be used for any other reason than to benefit those in an emergency situation. Those are the safeguards I have put in. I would like to entertain a motion to amend and do pass.

ASSEMBLYMAN LEAVITT MOVED TO AMEND AND DO PASS
SENATE BILL 13 (1ST REPRINT).

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Leavitt. Next in our work session is Senate Bill 15.

**Senate Bill 15: Provides for the establishment of incident management assistance teams.
(BDR 36-351)**

Jered McDonald, Committee Policy Analyst:

Senate Bill 15 provides for the establishment of incident management assistance teams ([Exhibit F](#)). It is sponsored by the Senate Committee on Government Affairs and was heard in this Committee on April 18, 2019. The bill changes the name of units established by the governor or the governor's designated representative to reinforce organizations for emergency management in areas stricken by a disaster or emergency from "mobile support units" to "incident management assistance teams." Members of such teams may include volunteers who are trained in responding to an emergency or disaster from an organization that provides such volunteers, including, without limitation, AmeriCorps, Nevada Volunteers, and any other similar organization. We have one amendment that was proposed in the hearing to amend the bill to remove the names of volunteer organizations in subsection 2 of section 2.

Chair Flores:

Are there any motions?

ASSEMBLYMAN McCURDY MOVED TO AMEND AND DO PASS
SENATE BILL 15.

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Gorelow. Next in our work session is Senate Bill 25 (1st Reprint).

Senate Bill 25 (1st Reprint): Revises provisions governing the administration of the surcharge imposed on telephone users. (BDR 20-442)

Jered McDonald, Committee Policy Analyst:

Senate Bill 25 (1st Reprint) revises provisions governing the administration of the surcharge imposed on telephone users ([Exhibit G](#)). This bill is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on April 29, 2019. The bill expands the authorized uses of the revenue collected from the surcharge that a board of county commissioners may impose for enhancement of the telephone system for reporting an emergency. The money may also be used for personnel and training associated with: (1) maintaining, updating, and operating the equipment, hardware, and software of portable event recording devices and vehicular event recording devices; and (2) the maintenance, retention, and redaction of audio and video events recorded on these devices.

A recipient of such revenue must pay back money received from the fund if the recipient:

1. Has not used the money for any authorized purpose within six months;
2. Used any portion for an unauthorized purpose; or
3. Was not entitled to receive all or a portion of the money.

There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYMAN ASSEFA MOVED TO DO PASS SENATE BILL 25 (1ST REPRINT).

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

Is there any discussion?

Assemblyman Leavitt:

I am going to vote no, but I want to reserve my right to change my vote on the floor.

Assemblyman Hafen:

I am going to vote no. I see this as a tax increase. I want to reserve my right to change my vote on the floor.

Assemblywoman Hardy:

I am voting no, but I want to reserve my right to change my vote on the floor.

Assemblyman Ellison:

I am voting no, but I want to reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, HAFEN, HARDY,
AND LEAVITT VOTED NO.)

Chair Flores:

The floor statement is assigned to Assemblyman Smith. Next on our work session is Senate Bill 31.

**Senate Bill 31: Makes various changes relating to the State Personnel System.
(BDR 23-184)**

Jered McDonald, Committee Policy Analyst:

Senate Bill 31 makes various changes relating to the State Personnel System ([Exhibit H](#)). It is sponsored by the Senate Committee on Legislative Operations and Elections and was heard in this Committee on April 24, 2019. This bill removes the requirement that an employee with a disability who becomes unable to perform his or her job, with or without reasonable accommodations, to first complete a probationary period and receive approval in order to be appointed to a new position at or below his or her current pay grade. In addition, S.B. 31 expands the screening test methods used to detect impairment in state employees and applicants for public safety positions to include blood or other bodily substance. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN MUNK MOVED TO DO PASS SENATE BILL 31.

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Munk. Next on our work session is Senate Bill 34.

Senate Bill 34: Revises provisions related to emergency management. (BDR 36-353)

Jered McDonald, Committee Policy Analyst:

Senate Bill 34 revises provisions related to emergency management ([Exhibit I](#)). It is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on April 18, 2019. This bill requires the Division of Emergency Management, Department of Public Safety, to adopt regulations setting forth the manner in which certain federal funds

that the Division receives to finance projects related to emergency management and homeland security are allocated. Any money committed by specific statute to the regulatory authority of another person or agency is excluded from such regulations.

While there are certain reporting requirements for recipients of grants related to purposes concerning acts of terrorism, a report is not required to be submitted to the Nevada Commission on Homeland Security if the money was awarded by the Division. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO DO PASS
SENATE BILL 34.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Bilbray-Axelrod. Next on the work session is Senate Bill 35.

Senate Bill 35: Creates the Nevada Resilience Advisory Committee. (BDR 19-357)

Jered McDonald, Committee Policy Analyst:

Senate Bill 35 creates the Nevada Resilience Advisory Committee ([Exhibit J](#)). It is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on April 18, 2019. This bill creates a Nevada Resilience Advisory Committee whose 34 voting members are to be appointed by the chief of the Division of Emergency Management, Department of Public Safety, with the approval of the director of the Department. The duties of the Committee, and any subcommittees that may be appointed, include:

1. Developing state resilience goals and related objectives for the Committee;
2. Reviewing and making recommendations concerning certain grants and the coordination of statewide mitigation, preparedness, response, and recovery efforts; and
3. Developing an annual report to be submitted to the Nevada Commission on Homeland Security, the governor, and the director of the Legislative Counsel Bureau.

Finally, the Committee is authorized to apply for and receive gifts, grants, contributions, or other money from various entities to carry out the provisions of this bill. We have one amendment proposed during the hearing, to amend the bill to allow for the reappointment of Nevada Resilience Advisory Committee members in subsection 4 of section 2.

Chair Flores:

Are there any motions?

ASSEMBLYMAN McCURDY MOVED TO AMEND AND DO PASS
SENATE BILL 35.

ASSEMBLYMAN ASSEFA SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman McCurdy. Next on the work session is Senate Bill 36 (1st Reprint).

Senate Bill 36 (1st Reprint): Revises provisions governing the purchase, sale or lease of real property by a local government. (BDR 20-489)

Jered McDonald, Committee Policy Analyst:

Senate Bill 36 (1st Reprint) revises provisions governing the purchase, sale, or lease of real property by a local government ([Exhibit K](#)). It is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on May 7, 2019. The bill revises provisions relating to the purchase of real property by a local government. The measure revises the prohibition on selling or leasing real property for less than the highest appraised value to instead prohibit a board of county commissioners or governing body of a city from, with limited exception, selling or leasing real property for less than the average of two independent appraisals, if two appraisals have been obtained, or the appraised value if only one appraisal has been obtained. A board of county commissioners or governing body of a city is authorized to obtain only one appraisal when listing certain real property with a licensed real estate broker if the prior appraisal or appraisals were prepared more than six months before the real property is listed.

The measure authorizes a board of county commissioners or governing body of a city to offer real property for sale at auction on an Internet website or other electronic medium. If the board uses an Internet website or other electronic medium, at the next regularly scheduled meeting of the board after bidding has closed, the board is required to make a final acceptance of the highest bid or, under certain circumstances, reject the bids and withdraw the property from sale. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN GORELOW MADE A MOTION TO DO PASS
SENATE BILL 36 (1ST REPRINT).

ASSEMBLYMAN SMITH SECONDED THE MOTION.

Is there any discussion?

Assemblyman Ellison:

There are a couple of questions that I would still like to ask. I am going to vote this out of Committee, but I would like to reserve my right to change my vote on the floor.

Assemblywoman Bilbray-Axelrod:

I am concerned that there may be some unintended consequences. I am going to reserve my right to change my vote on the floor.

Assemblyman Leavitt:

I am with my other colleagues. I think that there could be a little bit more done to make it more effective. I would like to reserve my right to change my vote on the floor.

Assemblyman Hafen:

I would also like to reserve my right.

THE MOTION PASSED UNANIMOUSLY.

Chair Flores:

The floor statement is assigned to Assemblywoman Gorelow. Next on the work session is Senate Bill 54.

Senate Bill 54: Revises provisions governing the annual reporting requirements of the Tahoe Regional Planning Agency. (BDR 22-205)

Jered McDonald, Committee Policy Analyst:

Senate Bill 54 revises provisions governing the annual reporting requirements of the Tahoe Regional Planning Agency ([Exhibit L](#)). It is sponsored by the Senate Committee on Natural Resources on behalf of the Tahoe Regional Planning Agency. It was heard in this Committee on April 16, 2019. This bill changes the deadline for the Tahoe Regional Planning Agency to submit its annual independent audit report and information regarding the Agency's expenditures to the governor and director of the Legislative Counsel Bureau from January 31 to February 28. The bill also changes the period for which information concerning the Agency's expenditures must be submitted from the preceding calendar year to the preceding fiscal year. Finally, the bill requires the Agency to include a copy of its most recently published annual report in its submission. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYMAN LEAVITT MOVED TO DO PASS SENATE BILL 54.

ASSEMBLYMAN SMITH SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Martinez. Next on the work session is Senate Bill 66 (1st Reprint).

Senate Bill 66 (1st Reprint): Revises provisions relating to emergency management. (BDR 36-356)

Jered McDonald, Committee Policy Analyst:

Senate Bill 66 (1st Reprint) revises provisions relating to emergency management ([Exhibit M](#)). It is sponsored by the Senate Committee on Government Affairs on behalf of the Division of Emergency Management of the Department of Public Safety. It was heard in this Committee on April 26, 2019. This bill renames the State Disaster Identification Team within the Division of Emergency Management of the Department of Public Safety (DPS) as the State Disaster Identification Coordination Committee, and it revises the membership and duties of the Committee. Specifically, the duties of the Committee are revised from recovering, identifying, and processing victims of an emergency or disaster itself to serving as a coordinator of information for agencies that are directly performing such recovery, identification, and processing. The bill transfers the duty of adopting regulations governing the Committee from DPS to the Division.

As discussed in the hearing, amend the bill to:

1. Allow DPS to continue adopting regulations instead of transferring the duty to the Division of Emergency Management, and
2. Authorize the State Disaster Identification Coordination Committee to meet at least once a quarter.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN GORELOW MOVED TO AMEND AND DO PASS SENATE BILL 66 (1ST REPRINT).

ASSEMBLYMAN SMITH SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Duran. Next on the work session is Senate Bill 67 (1st Reprint).

Senate Bill 67 (1st Reprint): Revises provisions governing local emergency management. (BDR 36-355)

Jered McDonald, Committee Policy Analyst:

Senate Bill 67 (1st Reprint) revises provisions governing local emergency management ([Exhibit N](#)). It is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on April 26, 2019. The bill creates the Nevada Tribal Emergency Coordinating Council within the Division of Emergency Management, Department of Public Safety. The Council is required to:

1. Advise the chief of the Division regarding emergency management on tribal lands;
2. Assist in the coordination of mitigation, preparedness, response, and recovery activities relating to an emergency on tribal lands; and
3. Submit an annual report to the Division chief detailing the Council's activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands.

The chief must appoint not more than 27 members to the Council, each of whom must be a member of a federally recognized Indian tribe or nation that is located within Nevada. Not more than one member may be from the same tribe or nation.

The bill also makes it mandatory for a county to establish a local organization for emergency management. However, in lieu of each county establishing its own local organization for emergency management, the boards of county commissioners of two or more counties may enter into an interlocal agreement to establish one local organization for emergency management for all the counties that are parties to the agreement.

There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYMAN McCURDY MOVED TO DO PASS SENATE BILL 67 (1ST REPRINT).

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman McCurdy. Senate Bill 136 (1st Reprint) is next on the work session.

Senate Bill 136 (1st Reprint): Revises the provisions of the Tahoe Regional Planning Compact. (BDR 22-736)

Jered McDonald, Committee Policy Analyst:

Senate Bill 136 (1st Reprint) revises the provisions of the Tahoe Regional Planning Compact ([Exhibit O](#)). It is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on May 1, 2019. The bill revises the Tahoe Regional Planning Compact by changing the composition of the Board of Directors of the Tahoe Transportation District. The bill adds appointees chosen by the governor of Nevada, the governor of California, and the governing body of the Tahoe Regional Planning Agency and eliminates members from each local transportation district. The bill also requires members of the Board to elect a chair and vice chair. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN MUNK MOVED TO DO PASS SENATE BILL 136 (1ST REPRINT).

ASSEMBLYMAN SMITH SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Carrillo. Next on our work session is Senate Bill 158 (1st Reprint).

Senate Bill 158 (1st Reprint): Revises the definition of the term "supervisory employee" for purposes of provisions relating to collective bargaining. (BDR 23-789)

Jered McDonald, Committee Policy Analyst:

Senate Bill 158 (1st Reprint) revises the definition of the term "supervisory employee" for purposes of provisions relating to collective bargaining ([Exhibit P](#)). It is sponsored by Senators Harris, Spearman, Brooks, Cannizzaro, and Parks, et alia. It was heard in this Committee on May 6, 2019. The bill provides that a police officer, firefighter, or certain other persons who have the powers of a peace officer cannot be deemed a supervisory employee for purposes of collective bargaining solely because he or she engages in some, but

not all, of the employment actions of a supervisory employee under a paramilitary command structure. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN GORELOW MADE A MOTION TO DO PASS
SENATE BILL 158 (1ST REPRINT).

ASSEMBLYMAN ASSEFA SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Assefa. Senate Bill 182 (1st Reprint) is next on the work session.

**Senate Bill 182 (1st Reprint): Revises provisions relating to peace officers.
(BDR 23-561)**

Jered McDonald, Committee Policy Analyst:

Senate Bill 182 (1st Reprint) revises provisions relating to peace officers ([Exhibit Q](#)). It is sponsored by Senator Parks and was heard in this Committee on May 2, 2019. The bill confers the same powers of a peace officer on persons employed by Indian tribes as law enforcement officers under certain circumstances. The authority of the officer is limited to within the boundaries of the Indian reservation or Indian colony, unless the Indian tribe executes a written agreement with the county sheriff setting forth the nature of the relationship between the Indian tribe and the law enforcement agency, including the authority of the officer to act outside of the Indian reservation or Indian colony and within the geographic boundaries of the county. Additionally, before such an officer may exercise the powers of a peace officer outside of the Indian reservation or Indian colony, the officer must receive category I peace officer certification from the Peace Officers' Standards and Training Commission. The bill does not impair or affect the sovereignty of an Indian tribe. There were no amendments for this measure.

Chair Flores:

Are there any motions?

ASSEMBLYWOMAN DURAN MOVED TO DO PASS SENATE BILL 182
(1ST REPRINT).

ASSEMBLYWOMAN MUNK SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Duran. Next we have Senate Bill 336 (1st Reprint).

Senate Bill 336 (1st Reprint): Requires the Governor to annually proclaim July 28 as Buffalo Soldiers Day in the State of Nevada. (BDR 19-791)

Jered McDonald, Committee Policy Analyst:

Senate Bill 336 (1st Reprint) requires the Governor to annually proclaim July 28 as Buffalo Soldiers Day in the State of Nevada ([Exhibit R](#)). It is sponsored by Senators Harris, Spearman, and Parks and Assembly members Thompson, Monroe-Moreno, Torres, Assefa, and Frierson, et alia. It was heard in this Committee on April 26, 2019. The bill requires the governor to annually proclaim July 28 to be "Buffalo Soldiers Day" in the State of Nevada. The proclamation shall bring to the attention of Nevada residents the important contributions Buffalo Soldiers made to the State of Nevada and the United States. The bill was amended to add all members present at the hearing as joint sponsors.

Chair Flores:

Before we entertain a motion to amend and do pass, I do not know if Assemblyman Ellison wanted to be added as a cosponsor.

Assemblyman Ellison:

Yes.

Chair Flores:

We have an additional amendment to add every member of the Government Affairs Committee as a cosponsor. I would like to entertain a motion to amend and do pass.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS SENATE BILL 336 (1ST REPRINT).

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Bilbray-Axelrod. Last on the work session is Senate Bill 461 (1st Reprint).

Senate Bill 461 (1st Reprint): Revises provisions governing the Tahoe-Douglas Visitor's Authority. (BDR S-733)

Jered McDonald, Committee Policy Analyst:

Senate Bill 461 (1st Reprint) revises provisions governing the Tahoe-Douglas Visitor's Authority ([Exhibit S](#)). This bill is sponsored by the Senate Committee on Government Affairs. It was heard in this Committee on May 2, 2019. The bill authorizes the Tahoe-Douglas Visitor's Authority to acquire, improve, and operate recreational facilities in the Tahoe Township of Douglas County. It confers related powers. The Authority may issue municipal securities for the acquisition of such facilities. The bill also establishes a \$5 tourism surcharge on the per-night charge for the rental of lodgings in the Township. There is one amendment proposed by Assemblyman Flores: amend the bill to clarify that the \$5 tourism surcharge may only be used for the planning, construction, and operation of a multiuse event and convention center.

Chair Flores:

As a point of clarification, this is an amendment that I mentioned during the bill hearing. We want to make sure that the surcharge is not used for anything other than the event center that was discussed. As we know, things often go sour and plans do not always happen. If that were to happen, I do not want the money to be used for something random that we have not discussed yet. With that, I would like to entertain a motion to amend and do pass.

ASSEMBLYMAN SMITH MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 461 (1ST REPRINT).

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Assemblyman Ellison:

I still have some questions. I am going to vote no, but reserve my right to change my vote.

Assemblyman Hafen:

I appreciate the amendment that was added, but today I will be voting no because I look at this as a new tax. I will reserve my right to change my vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HAFEN
VOTED NO.)

Chair Flores:

The floor statement is assigned to Assemblyman Smith. We will not be hearing any additional bills. Is there anyone here for public comment? Seeing no one, this meeting is adjourned [at 10:27 a.m.].

RESPECTFULLY SUBMITTED:

Kirsten Oleson
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a Mock-Up of Proposed Amendment 5909 to [Senate Bill 166 \(1st Reprint\)](#), dated May 13, 2019, submitted by Senator Pat Spearman, Senate District No. 1.

[Exhibit D](#) is the Work Session Document for [Senate Bill 12 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 13 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 15](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 25 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 31](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 34](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 35](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 36 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 54](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Senate Bill 66 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Senate Bill 67 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Senate Bill 136 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Senate Bill 158 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Senate Bill 182 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Senate Bill 336 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Senate Bill 461 \(1st Reprint\)](#), dated May 14, 2019, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.