

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

**Eightieth Session
April 1, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:05 a.m. on Monday, April 1, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/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:

Assemblywoman Brittney Miller, Assembly District No. 5
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblywoman Dina Neal, Assembly District No. 7



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Barbara A. Rodgick, Private Citizen, Las Vegas, Nevada
Mitchell "Mitch" Roach, representing American Legion; and United Veterans
Legislative Council
Tony Yarbrough, Nevada State Senior Vice Commander, Veterans of Foreign Wars
Gabrielle d'Ayr, Private Citizen, Las Vegas, Nevada
Octavio Posada, Executive Director, Nevada Minority Health and Equity Coalition
Mike Dyer, Director, Nevada Catholic Conference
Catherine M. O'Mara, Executive Director, Nevada State Medical Association
Richard P. McCann, Executive Director, Nevada Association of Public Safety
Officers
Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans
Services
Marlene Lockard, representing Nevada Women's Lobby
Jamie Rodriguez, Government Affairs Manager, Office of the County Manager,
Washoe County
Pamela Roberts, Private Citizen, Reno, Nevada
Cecilia Colling, Co-Chair, Nevada Women's Lobby
Bonnie Barber, Chair, Nevada Coalition for Women's Equity
Wendy Boszak, Private Citizen, Reno, Nevada
Danny L. Thompson, Private Citizen, Las Vegas, Nevada
Kara M. Jenkins, Administrator, Nevada Equal Rights Commission, Department of
Employment, Training and Rehabilitation
Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce
Peter Guzman, President, Latin Chamber of Commerce
Mariana Kihuen, Interim Director of Government Affairs, College of Southern
Nevada
Evan Louie, Chair, One APIA Nevada
Vida Chan Lin, President and Founder, Asian Community Development Council
Kimberly Perondi, Deputy Secretary for Commercial Recordings, Office of the
Secretary of State

Chair Flores:

[The roll was called. Committee rules and protocols were explained.] We will start with the hearing on Assembly Bill 300.

Assembly Bill 300: Makes various changes relating to veterans. (BDR 37-95)

Assemblywoman Brittney Miller, Assembly District No. 5:

When you think of veterans' health care you may think of the physical injuries from combat or you may think of the emotional stress from trauma. Some might go as far as to think of tropical and regional diseases and infections that service members might have been exposed to. I want to ask you a question. What do anemia, Hodgkin's lymphoma, leukemia, hypertension, gallstones, diabetes, lupus, Lou Gehrig's disease, Parkinson's disease, multiple sclerosis, fibromyalgia, chronic fatigue syndrome, multiple myeloma, and approximately 30 other types of cancers have in common? They are just a few of the extensive list of diseases that veterans have developed due to their service. In World War II, the Korean War, Vietnam War, Gulf War, Iraq War, and Afghanistan War service members were exposed to mustard gas, radiation, asbestos, fire retardants, burn pits, and pesticides—the most common being Agent Orange. Service members were also exposed to contaminated water at Camp Lejeune—which continued for 35 years.

Disability compensation is a monetary benefit paid to veterans who are determined by the United States Department of Veterans Affairs to be disabled from an injury or illness that was incurred or aggravated during active military service. If a veteran develops diseases or conditions associated with specific exposures, then it is presumed that it was related to their military service or service-connected. To be eligible for compensation a veteran must have been separated or discharged under conditions that were not considered dishonorable. Veterans exposed to, for example, Agent Orange during the Vietnam War, radiation on active duty, or who have or are developing certain diseases may be entitled to benefits under federal law. Additionally, some veterans who fought in the Gulf War may be entitled to receive disability compensation for chronic disabilities resulting from undiagnosed illnesses and/or medically unexplained chronic, multisymptom illnesses defined by a cluster of signs or symptoms. Many veterans in the state are entitled to these benefits. Some are suffering or will be diagnosed with conditions that they might not realize are connected to their military service. They may not realize it because the service occurred decades ago.

Last year I met a woman named Barbara—she is currently at the Grant Sawyer Building in Las Vegas. She is here to share her story. After the recent loss of her veteran husband, Bill, she was inspired to talk about their experiences in maneuvering the system and discovering that his disease was indeed service-connected to Agent Orange. She decided to turn that into activism. That is what inspired this bill. The civilian doctors were not asking questions about his service; therefore, they had no idea it was connected. Furthermore, the couple did not know about the benefits they were entitled to—but later received.

We know that many veterans attend the Veterans Affairs (VA) office. We also know that many veterans do not. Many veterans see civilian health care providers. We also know that veterans can develop a disease decades after their service and never consider that it is related. This bill takes an active approach to identify veterans in Nevada—making them aware of their rights and helping them to access the benefits they deserve.

In honor of her husband and as a tribute to my father—who also served in Vietnam and was exposed to Agent Orange—just three days after Vietnam Veteran's Day, I am proud to present you with Assembly Bill 300. This bill will increase coordination and efficiency in the process of obtaining health care and services for veterans—particularly for people with service-connected disabilities and diseases. It establishes a more unified system whereby health care providers, the state, and nonprofit organizations can work more closely together to identify veterans in need of care and give them the available services. It has the potential to improve the amount of services provided. Assembly Bill 300 is a strong collaboration between the Nevada Department of Veterans Services and the Nevada Department of Health and Human Services. The goal is to promote more awareness of this issue.

Recently, New Hampshire began a campaign called "Ask the Question." It is an initiative that encourages health and social service providers to ask if someone or a family member has ever served in the military. They have expressed enhanced quality in the services they were able to provide from providers across the spectrum. Assembly Bill 300 is similar to that initiative. With collaboration between the Department of Veterans Services and the Department of Health and Human Services, more information about presumptive conditions will be available to health care providers. Additionally, these health care providers, which include physicians, physician assistants, active advanced practice registered nurses, chiropractors, psychologists, therapists, clinical professional counselors, clinical social workers, alcohol and drug counselors, clinical alcohol and abuse counselors, and even gambling counselors, are encouraged to inquire about the veteran status of each new patient. If the client is a veteran, the clinicians will provide the veteran with the contact information and a recommendation for the Department of Veterans Services. Of course, this conversation might also bring a quicker diagnosis.

We have spent a lot of time working on this bill—including up until last night. I understand that the amendments were just finished ([Exhibit C](#)). Hopefully you had the opportunity to view them. Right now the amendments are just conceptual amendments. These amendments create more permissive and suggestive language while removing all penalties. It reduced the reporting requirements for our health care practitioners. The amendment does not change the overall essence of the bill. I will briefly cover the sections.

Sections 5, 6, and 7 of the bill focus on the role of the Nevada Department of Veterans Services (NDVS). It requires NDVS to develop and maintain information on their website about service-connected diseases. Nevada Department of Veterans Services will also post a questionnaire geared toward obtaining information to determine eligibility. They will actively work to make sure that veterans are receiving all the benefits they qualify for—pertaining to any service-connected conditions or diseases. Nevada Department of Veterans Services will conduct public outreach through various media outlets to raise awareness about service-connected diseases and the availability of survivor benefits for the descendants of veterans. It also requires NDVS to collaborate with certain nonprofit organizations and to provide information to health care offices or locations that serve veterans—including cemeteries. Nevada Department of Veterans Services will submit an annual report to the Governor, the Department of Health and Human Services, and the Legislative Counsel

Bureau describing its outreach efforts, the effectiveness of the efforts, and a summary of any referrals made through certain organizations.

Section 9 of the bill refers to the role of the Nevada Department of Health and Human Services. The Department of Health and Human Services will include information concerning service-connected disabilities and diseases in its existing statewide information and referral system. They will work with their federal counterparts to establish or provide continuing education and information concerning veterans' health—including information regarding service-connected disabilities and diseases. Department of Health and Human Services—specifically the Division of Public and Behavioral Health—will submit an annual report to the Governor, NDVS, and the Legislative Counsel Bureau concerning the health of veterans in this state—including senior citizens, veterans, and adults with special needs. The information will include trends in cancers, service-connected diseases, and deaths related to service-connected diseases.

With increased coordination and shared public resources, more veterans can be reached and served. Not only does the bill increase access to care for veterans and their families through greater outreach and information sharing, but it also improves the ability of health care providers to meet the needs of their veteran patients. This bill is a comprehensive strategy which tackles multiple issues at once in the current system.

Thank you for your attention to this matter; it is very personal to me. We owe our veterans. Here in Nevada we must take the steps necessary to care for our veterans properly. We must make sure that the veterans from conflicts such as the Korean War, the Gulf War, the Iraq War, the War in Afghanistan, those who participated in certain projects, and those who spent time training at Camp Lejeune all know about the presumptive diseases and disabilities connected to their military service. I urge you to support A.B. 300.

Barbara A. Rodgick, Private Citizen, Las Vegas Nevada:

I am an Agent Orange widow. My husband Bill Meehan served in the army from 1962 until 1966 in Korea and Vietnam. Forty-nine years after he completed his service he was diagnosed with multiple myeloma—which is plasma cell cancer. Like most veterans, Bill only saw civilian health care professionals. In the 15 months he was sick, no one—no doctor, nurse, physician assistant, chaplain, pharmacist, or physical therapist—ever asked Bill if he had any U.S. military service. I accidentally—I cannot stress the word accidentally enough—discovered that multiple myeloma was presumed to be connected with service in Vietnam and Agent Orange. Bill applied to the VA for benefits and we were overwhelmed by the wonderful benefits that we got from the VA. We did not have to give up our civilian doctors. My husband died knowing that his country was there for him. After his death I accidentally found out that I was entitled to dependent indemnity compensation. Dependent indemnity compensation provides educational, medical, and financial benefits for survivors of veterans whose death is connected to their military service. We were lucky because we found out that Bill's illness was connected to his military service, but receiving veterans' benefits should not be an accident or a matter of luck.

After Bill's death I became preoccupied with the following thoughts. First, most civilian health care professionals do not know about veterans' health issues. Most veterans—about 52 percent—see civilian doctors for their medical care. Most civilian health professionals know very little about the unique medical challenges that veterans face. Military service can affect all aspects of a person's health including cancer, infertility, sleeplessness, hearing loss, joint pain, anger management, and suicide. Sadly, most civilian health care professionals do not even ask their patients if they or a member of their family had any military service. I do not believe you can adequately treat a patient without knowing their complete medical history.

The second thought I was consumed with was that veterans do not know about presumed service-connected disabilities. Military service can be hazardous to your long-term health. There are presumed connected disabilities for every conflict we have been in as well as some defense department projects. Some service-connected disabilities do not show up until many years after the completion of military service. There is a lack of information about the specific illnesses associated with military service. We have all heard the term Agent Orange, but how many of us can name any of the 14 diseases that Agent Orange can cause? Veterans must be better educated about the long-term health effects of military service.

Finally, survivors do not know about the benefits that they are entitled to receive. If civilian health care professionals and veterans do not know about veterans' health issues and benefits, then it is almost a given that survivors will not know about the benefits that they are entitled to receive. Losing a spouse, particularly if you are retired, is emotionally and financially devastating. Our veteran families deserve better. Assembly Bill 300 began as a way for me to honor my husband Bill Meehan by sharing our story and increasing awareness in the civilian health community and within the veteran community. I believe that A.B. 300 will improve veteran health care and make it easier for veterans and survivors to get the benefits they earned. I ask you to vote yes on A.B. 300 and stand up for Bill and other veterans and their families.

Chair Flores:

We will now ask questions.

Assemblyman Ellison:

I thought most of this was actually covered by the VA. My dad was diagnosed with mesothelioma. The doctors tracked the disease to the destroyers he was on in World War II. That is what killed him. I thought most of this was covered. I know my dad was not covered because he did not apply for anything through the VA.

Assemblywoman Miller:

You are correct. Most of it is covered; however, we can always be more aggressive in our approach to things. Right now we are working to get more veterans to the Department of Veterans Services because we still have individuals who are not aware of all their benefits or who are not making connections. Some of the diseases I named are very common and we would think that any civilian could come down with any one of the diseases. We are not

necessarily assuming that it is connected to service from decades ago. The awareness campaign is really about getting people to NDVS and the VA so they can access these benefits. I know that in my research I went through multiple Department of Veterans Services' websites from different states. Some states do an excellent job of actively promoting veterans' services. Some can do better. Really this is about getting people to the Department of Veterans Services but, certainly, when you go they should be asking about your entire service background to make sure they are not missing any benefits.

Assemblywoman Bilbray-Axelrod:

I had the opportunity to work extensively with the VA in my former life when I worked for Congresswoman Titus. One thing I did not see mentioned in this bill is the Vietnam Blue Water Navy veterans. Did I miss that in the bill? There are a lot of diseases associated with Vietnam "Blue Water" Navy veterans. Just because they did not touch down on the ground does not mean the Agent Orange did not fly over the boat.

Assemblywoman Miller:

At this point we are still working towards the designation for the Vietnam Blue Water veterans. We were not purposefully excluding them. In the bill we wanted to mention groups of veterans that people are more aware of. They would be included, but keep in mind this bill does not designate or determine who would qualify for benefits. Qualification will always remain in the hands of the Department of Veterans Services. When Congress and the VA determine that, they absolutely will be included.

Part of my passion for this bill is it will not just continue to take care of our veterans who have already served. We know that where we are today—in terms of technology and medical advancement—there are still things that could be happening today where people are exposed to harmful toxins, but we are not aware of it. This bill creates a mechanism so that we are always prepared. Vietnam Blue Water veterans would certainly be included in the bill, as would anybody else who is exposed.

Assemblywoman Duran:

My question is under section 6—identifying the veteran's family including children and grandchildren. How is that going to work if the grandparents or somebody is deceased? How would they prove that they had a military exposure-related disease or death? Would that take a lot of time? How would descendants get their disability or disease covered?

Assemblywoman Miller:

Some of these diseases—specifically Agent Orange—have been proven to carry through the bloodstream. Sometimes the children are affected by a parent who was exposed to Agent Orange. The benefits could be survivor's benefits if the deceased veteran was a parent. I was going to mention spouse, but I wanted to finish specific to your question.

Assemblywoman Duran:

There is a lot of red tape. I was just wondering if they had to prove there is a correlation. Is someone or an agency going to help them pursue survivor benefits?

Assemblywoman Miller:

Yes, the Department of Veterans Services can help. I will let the Department of Veterans Services speak specifically on what they do, but certainly a survivor could seek assistance from them.

Assemblyman Leavitt:

I noticed in the section where it talks about the behavioral and mental health aspect it states that a psychologist can ask if the patient is a veteran and document the response. At that point do they still provide the service, or do they have to make a judgement call by looking at their file to determine if they are a veteran or not? How does that process work?

Assemblywoman Miller:

First, we are not trying to turn any of our health care practitioners into veteran specialists. We understand that they are skilled and trained in their specific trade. Similarly, those from the Department of Veterans Services are specifically trained. We are asking that health care practitioners simply ask the question: Have you ever served in the U.S. Armed Forces? At that point the only thing we are asking is that the practitioner suggests that the patient contact the Department of Veterans Services. There may be more benefits that he or she is entitled to. We are not asking a psychologist, doctor, or chiropractor to make any determination. We are not asking them to ask for any more information. This bill is really about getting individuals to the Department of Veterans Services. We want practitioners to give contact information and suggest they visit. Again, this is not mandatory to ask, but we know the benefit in everyone asking. I equate it to the fact that there are many questions that are asked often. Now, if you go into any health care provider, you are asked if you smoke. I cannot even go get my eyebrows waxed without being asked if I smoke. That question was not always as prevalent, but now it is part of a conversation. For a psychologist, military service may be an important factor in understanding some of the stressors that a person is experiencing; it is similar for a medical doctor—asking about military experience may be important for a diagnosis.

Assemblyman Leavitt:

I do not get asked if I smoke when I get my eyebrows waxed. In the same section that I was looking at it says that a psychologist is not required to perform the duties prescribed by the subsection if, after reviewing the record of a new patient, the psychologist determines the patient is not a veteran. I want to make sure that the psychologist is protected from making that determination. Here, it sounds like they can. That language is in there in several sections under mental health—I think it is also under chiropractic as well.

Assemblywoman Miller:

That is one of the sections that has been amended and completely removed all throughout the bill. First of all, it is redundant because it basically says that if an individual says that he or she is not a veteran, then you do not have to continue action. That is already implied within the bill. For the sake of cleanup, that wording was removed all throughout the bill for every health care practitioner. You will notice throughout the bill each health care practitioner—because of different statutes—were identified separately. We are not asking

anyone to make any determination. This is self-reporting. Some of our health care practitioners currently do ask, but some do not. Some practitioners may choose to ask now that there is more information provided.

Assemblyman Assefa:

In section 5, subsection 1, it appears that the director is compiling the information digitally. In subsection 2 he is relaying information to the board once, annually. Why not do it more frequently, because this is going to be digitally compiled information? So you could expedite the whole process.

Assemblywoman Miller:

In section 5 it does not imply that it would be compiled digitally. The section puts more information as part of the outreach on the website. I would certainly recommend that an individual should come into the Department of Veterans Services or speak with someone. We are not leaving the computer to make decisions and determinations. The second part, under section 2, it would be the annual reporting to the Department of Health and Human Services about how many people, current trends, and the knowledge they are obtaining about service-connected diseases here in Nevada.

Chair Flores:

I would like to invite forward anyone wishing to speak in support.

Mitchell "Mitch" Roach, representing American Legion; and United Veterans Legislative Council:

I served in the military in 1966. I was in Vietnam in 1968 and 1969. All the doctors I saw from 1968, up until three years ago, never asked me or said anything about my military service. Three years ago when I moved up here I had a heart attack. I found out that the heart attack was related to my Vietnam service. They also found out that I had diabetes. With the help of the Nevada Department of Veterans Services, I have a disability claim in and I have been paid some. They are still working on my claim. I want to really support this bill because someone should have asked me 8 to 10 years ago if there was a problem. At the time I was fat, dumb, and happy—that is where I got my diabetes from. It is really important that the doctors or whomever ask if the patient was a veteran—similar to the question about smoking. I was a smoker back then, but I have not been smoking for 20 years.

Tony Yarbrough, Nevada State Senior Vice Commander, Veterans of Foreign Wars:

I represent nearly 9,000 members of the veterans of foreign wars in the department of Nevada. I also represent close to half a million members at the United Veterans Legislative Council (UVLC) as the chairman. The UVLC is an organization of all veterans' organizations throughout the state. It includes veterans, active-duty military, National Guard, families, those seated behind me, those on the Committee with veterans in their families, and advocates like Barbara Rodgick—who testified earlier. As you move forward, please remember them and their sacrifices, commitment, and how proudly you support them. All we want is the best for them.

In regard to A.B. 300, generally, I think this is a very good bill. I recognize that the intent behind this is to make sure that we have an adequate outreach to be able to identify and assist our veterans. I have one comment regarding the amendment that says "provide information regarding diseases." I would like to add to the sentence "and or injuries." I also have somewhat of a concern about some of the changes that soften the language to say "may." I think that weakened it. We could probably do a better job there.

Regarding the comment about the Vietnam Blue Water Navy veterans, for those who were not aware, the Secretary of the Department of Veterans Affairs was recently sued by a Blue Water sailor regarding his disability claim being denied because he was a Blue Water sailor. Of the 14 presumed types of diseases connected to serving, he had 12 of them. He sued and won. Just two weeks ago the Secretary said he will not fight the lawsuit; therefore, it will open the door for claims from Vietnam Blue Water Navy veterans. In closing, please do what you can and in the right way.

Gabrielle d'Ayr, Private Citizen, Las Vegas, Nevada:

The most important part of this bill is the outreach and awareness part. I left active military duty in the year 2000. I then spent ten years in active reserve duty. I filed a claim for disability on March 12, 2019 because I did not previously know that I could. It is really important that we get that message out there. This bill goes a long way. Thank you, Assemblywoman Miller, for bringing this to people's attention. One of the things that has come up is the Vietnam Blue Water Navy veterans. I would like to allude to the fact that there are a number of conflicts that we do not speak about and that are not officially recognized. We were still there, and we were still serving. There may still be injuries, disabilities, or diseases that are connected with those missions, but we will never talk about them. It is really important to be as inclusive as we can with the language to make sure that all veterans and veterans' families get the care they deserve. I am really appreciative of your consideration of this bill.

Octavio Posada, Executive Director, Nevada Minority Health and Equity Coalition:

The Nevada Minority Health and Equity Coalition is a nonprofit 501(c)(3) organization committed to eliminating health disparities in Nevada through constructive and supportive collaboration among partners, leaders, and stakeholders. We are committed to improving the health and well-being of minority groups and underserved Nevadans. On behalf of over 50 organizations statewide, I am here to support A.B. 300 because of the importance of collecting and reporting the health of veterans. Veterans who are not aware of the resources available to them will most likely be faced with a lack of equitable access to benefits, health care, and other critical resources; thus, it affects the overall well-being of veterans in our state.

Mike Dyer, Director, Nevada Catholic Conference:

As most of you know, the Nevada Catholic Conference is how Catholic bishops address issues that they believe are important. The Catholic bishops strongly support this legislation.

Catherine M. O'Mara, Executive Director, Nevada State Medical Association:

I want to thank Assemblywoman Miller for working so hard on this bill as well as working hard on a conceptual amendment with us. I know that she worked tirelessly to strike the right balance between accomplishing something that we need to for our veterans and ensuring physicians are able to focus on the clinical and practice aspects. We are very happy to be part of a new community outreach effort. It will help physicians understand things that may be related to previous service. We really appreciate the opportunity to receive information from the Division of Public and Behavioral Health and from the veteran affairs services [NDVS] to disseminate information to the patients. We support the bill with the conceptual amendment ([Exhibit C](#)). We will continue to work in the interim to promote community outreach.

For the veterans in the room, we want you to know that we hear you and we plan to disseminate a lot of information through a comprehensive education campaign in the interim. My reputation is very important to me, so I will look forward to coming back next session to tell you what we have done with Assemblywoman Miller—including things like putting the articles into the licensing newsletters, working through our membership to make sure they understand what benefits are available, and assisting the Division with any education they may come up with. We ask you to support A.B. 300 with the amendment.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers:

In addition to my role at the Nevada Association of Public Safety Officers, I am also a member of the Nevada Law Enforcement Coalition. We are here to support A.B. 300 on behalf of our members—many of whom were my law enforcement members. We cannot reject opportunities to learn more about service-connected diseases no matter how long ago it was. We cannot reject opportunities to seek out diseases during routine veteran visits. My members are part of this process. As far as I am concerned, this Committee should seriously consider this bill.

Chair Flores:

Is there anyone wishing to speak in opposition of A.B. 300? [There was no one.] Is there anyone in the neutral position?

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

First, as stated by Assemblywoman Miller, veterans may have been exposed to a range of chemical, physical, and environmental hazards during service. Clinicians can use this knowledge to have informed discussions with veterans about their individual exposure-related concerns. The clinicians can also simply refer them to our office. I want you to know that it is estimated that less than one-half of retirement-age veterans understand their benefits—which include those benefits associated with military exposure to diseases and injuries. My agency has been visiting nursing homes around the state and training hundreds of volunteers to help get the word out. Other states have found that expanding outreach to clinicians has helped veterans understand some of the benefits they might be eligible for.

I would like to ask you to consider adding the word "injuries" to the bill. The reason I say that is because there are a number of exposure-related injuries for all eras. During World War II there was toxic-embedded shrapnel. There were cold weather injuries in Korea. Additionally, there was low-dose nerve agent and mustard gas exposure; fumes from vehicles in the Gulf war; depleted uranium in Russian maintenance facilities; leishmaniasis in Afghanistan and Iraq; and I could go on. There are diseases, but there are also injuries. If you are to go forward with this bill, it is equally important that clinicians understand those.

Also there was a comment on section 6 on the ability to find information out on children and grandchildren. As I read this bill with the amendment, it directs my office to collaborate with nonprofits such as the American Lung Association to identify vets, children, and grandchildren; whereas, my organization would not have the wherewithal to find that information, we could certainly collaborate with others and, should they choose to share that information with us, we would reach out to give them information they need.

Lastly, there is a reporting requirement in the bill for my agency. I will tell you that I am not a fan of reports; I have a lot of them. We do have a budget item for my upcoming revised budget to include a management analyst. That position would make this easier. I say that because it is an opportunity to say something about my budget. If we do add additional reporting requirements, I would ask you to consider the capability of the agencies to do reports.

Assemblywoman Miller:

I would first like to address the statements made by Director Miller. I absolutely can add the word injuries—as it was referenced before by Mr. Yarbrough. There are multiple injuries related to service. That can be amended into the language as well as the concern about reporting requirements. That is something that will be worked out during the interim—what will be developed and required. Obviously, this bill is not to create a more exhaustive function for the Department.

One thing I would like to leave you with—because Mr. Roach brought up that he recently had a heart attack that was determined to be service-connected—my father served in Vietnam as a Marine and was in direct exposure areas of Agent Orange. His first heart attack was soon after he came home when he was 24 years old. I have read the reports from the Detroit Police Department—where he worked—that stated that on the day and moment of his heart attack, he was not doing anything stressful in his work as a police officer. He was not running, chasing, or handcuffing. He was not even talking to anyone else. He was just with his partner, very relaxed, with nothing happening. He was a 24-year-old man who had a heart attack. My father suffered many injuries and ailments. The final heart attack that took him was when he was 42 years old. This is a different time. We have a lot more awareness of what is going on. I really appreciate you understanding our passion and, for some of us, our personal connections to these serious issues.

Chair Flores:

With that we will close the hearing on A.B. 300. I see our majority leader, so we will proceed with Assembly Bill 397.

**Assembly Bill 397: Revises provisions governing misconduct by certain public officials.
(BDR 18-1038)**

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:

For too long we have allowed discrimination and abuse to occur in the workplace. As a nation we made a public policy declaration on July 2, 1964—when President Johnson signed the Civil Rights Act into law. Title VII of the Civil Rights Act prevented public policy from tolerating discrimination, harassment, racism, discrimination, sexism, or harassment.

We citizens need a clear path in Nevada by which public officials can be held to a higher standard. The people who are elected are not above the law. We will no longer tolerate harassment in the workplace by elected officials. Public figures are expected to be worthy of public trust, and when this trust is violated by acts of sexual harassment and discrimination, the level of accountability has to be equally higher.

I believe we, as elected officials in Nevada, are falling desperately short of this expectation, because there is not a way for required accountability to happen. Think about it, when a complaint is made against a local elected official such as a county commissioner, city council person or a sheriff, the local entities' human resources department is conflicted because that elected person is essentially their boss. A county manager or city manager serves as an at-will subordinate of the elected person. There can never be a remedy for the employee because there is no way to remove that elected person from office. The public and the employee must wait for an election cycle—which may be years away.

What is the status quo? We know an elected official can have findings against them of sexual harassment or discrimination, but nothing happens because there are too many conflicts within that local government to allow for sufficient remedy. There is no "boss," if you will, in that workplace to reprimand the elected official. There is no immediate workplace remedy for the person who filed the complaint. Oftentimes the only option that is left to a city, county, or entity is to move that employee—which is retaliation. Even if the public retains this bad actor through reelection, that vote should not mean that employees in the workplace should have to labor under a bad actor, nor work in an environment where the elected official continues in his or her bad behavior.

Article 7 of the *Nevada Constitution* grants to the Assembly the sole authority to impeach. Presently, the ability to recommend impeachment lies with the Nevada Commission on Ethics. If an elected official has three or more willful ethics violations, *Nevada Revised Statutes* (NRS) compels the Nevada Commission on Ethics to seek expulsion through the courts. Up until the third violation, they may seek it. Now think about this: Where is justice when an elected official can be removed for using a government copier to make copies of

campaign material, but cannot be removed if they are found to have sexually harassed a person?

This bill seeks to establish accountability for elected officials by giving the Nevada Equal Rights Commission the ability to make a recommendation to impeach an elected official when he or she has demonstrated egregious behavior. Also, this bill establishes a requirement that the elected person must pay the fines that are levied out of their personal accounts—it cannot come from a campaign account or a local entity that is using taxpayer dollars to pay for this person's bad behavior.

I will walk you through the bill so you understand the mechanics. Section 1, subsection 1, is where we are giving the commission the ability to make a recommendation to the Assembly. Section 1, subsection 2, says that the commission may present the accusation to a grand jury of a county pursuant to NRS Chapter 283. If the commission determines that the hearing will meet the requirement of the next subsection—which is district, county, township, or municipal officer—what we are looking at is that the Assembly has a way to expel a member, but local governments and elected positions do not. We are looking for an expulsion method by those other local governments that are listed. Subsection 3 is where the damages assessed must be paid by the person—the money cannot come from campaign funds or tax dollars. We just want to make sure that the individual responsible pays for their own behavior. This is a relatively short bill, but it holds a lot of weight. If I may, I would like Marlene Lockard to give a short testimony.

Marlene Lockard, representing Nevada Women's Lobby:

We are in strong support of A.B. 397. Unfortunately we have been made aware that, despite normal safeguards and processes in place to remove an elected official for egregious violations of his or her oath of office, there are still opportunities for bad actors to escape the consequences of their actions. To add insult to injury, as has been demonstrated in some very high profile cases, the perpetrators are allowed to fight removal from office and their victims by using taxpayer dollars to defend themselves from repeated acts of sexual harassment and vile behavior in office. All too often we find that a harasser's life carries on and is even elevated. Meanwhile, his victim's life is forever shattered. Their professional reputation is ruined and stunted. This is not acceptable. The public must have a way to remove an individual who has violated and abused his office. This is especially the case when an elected official holds a position of trust—such as a chief law enforcement official. Allowing such an individual to remain in the position that has enormous power over our citizenry and our visiting, unsuspecting tourists is unconscionable. This bill is a bill of last resort. It allows our objective regulatory agencies and the courts to protect the citizens of this state from predatory individuals who have been able to successfully manipulate the system. We urge a favorable consideration of this bill.

Chair Flores:

We will now proceed with questions.

Assemblyman Carrillo:

My question is in section 1 and section 2 regarding the wording "sufficiently severe." Could you explain what actions would be sufficiently severe?

Assemblywoman Benitez-Thompson

The Nevada Equal Rights Commission (NERC) has a fact-finding process in place. The standard that NERC has is probable cause. In discussions with NERC, my intent is not to disrupt the current process they have in place. Rather, the intent is to allow local elected officials to flow through into this process in addition to the other remedies they have—especially for local elected officials—to have the recommendation of impeachment.

Sufficiently severe would be that, with the standard of probable cause, NERC would have the discretion to consider the facts. If something were a lighter offense, but an offense, they could levy a \$500 civil fine.

The elected official would still pay that, but it might not rise to the level of impeachment. If it did, and their commissioners thought that it would, there would be a public hearing where those commissioners would vote to decide whether or not to move forward in the impeachment process.

We are looking at people with multiple violations; people whose behavior is especially egregious, people who might have long-standing violations as a public elected official.

Assemblyman Hafen:

In section 1, subsection 1, why are we limiting the ability to prosecute to the Assembly? Why is the Senate not included? Personally, I think that if there is sexual harassment, it is egregious and both bodies should be included.

Assemblywoman Benitez-Thompson:

Article 7 of the *Constitution of the State of Nevada*, section 1 says that the Assembly shall have the sole power of impeaching. We have written this to remain in compliance with the *Constitution of Nevada*. In order to add the Senate we would have to go into the *Constitution of Nevada*. As it stands right now it is just the Assembly—"the People's House"—upon which this power is conferred.

Assemblyman Leavitt:

Is there a statute of limitations on harassment? Does the claim have to be filed in the office they currently hold or does it transfer as the individual transfers positions? If they remove themselves from one office and then are reelected to another office, does that omit them from investigation from the commission? Does the investigation and the possibility of removal from office continue?

Assemblywoman Benitez-Thompson:

We are not changing the process that is now in place with NERC—which is largely dictated by the federal Equal Employment Opportunity Act. Right now with status quo, a person has 300 days to bring the complaint.

Assemblywoman Assefa:

I know this is a constitutional issue that this bill does not cover the Senate, but is there a mechanism for the Senate to handle sexual harassment claims?

Assemblywoman Benitez-Thompson:

During the last session at the Nevada State Legislature we did a lot of good work to put a process in place by which we could create a safe place at the Legislature. It has been a long time coming. I really believe that the trend of having more women elected and the fact we are the first female majority gives us a certain comfort level to talk about this stuff. I honestly do not know if I previously would have had a comfort level in bringing this kind of legislation forward, but I feel like I am in a workplace where I can have this conversation. It is a hard conversation to have. We have had bad behavior in politics for a long time and we know that the State of Nevada did not invent bad behavior in politics. I think it is on us to say that it is a new era, it is time for a change, and all elected officials have to be held to a higher state of accountability.

In the Nevada State Legislature we have the ability to remove members—both the Assembly and Senate have that power. We have the ability to expel a member—it has only been used once. I was a member when that happened, and it was a hard and emotional process. This is not easy, just like how we have seen resignations this session. We did not come here to do easy things. We came here to have hard conversations. My goal in this is to take away the discretionary ability to make a decision about a complaint. We have handed it over to a third party. In this same way, I want to take a third party—which would be NERC—and give them the ability to hear what is happening at local levels and then make a decision from there.

Chair Flores:

Would those wishing to speak in support of A.B. 397 please come forward.

Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County:

Most of the bill follows what our current policy is in Washoe County. Bringing the investigation authority to the Ethics Commission is important. We understand the importance of having a third party do that, which would take us out of the equation. It is difficult for our employees to have to investigate their bosses. We are in support of this legislation.

Pamela Roberts, Private Citizen, Reno, Nevada:

I am a member of Nevada Women's Lobby. I am testifying because I was an at-will employee at the Attorney General's office for ten years. I was also an at-will employee for

the Reno City Attorney's Office for 12 years before I retired. This bill is really important because, even though none of my bosses would fall into this category, I know that there is a risk that a future or current boss will commit egregious behavior. I know what it is like to be employed by someone who has the ability to terminate me at any time because I was an at-will employee. The boss expects a certain amount of loyalty. Working in the criminal division of both the previously mentioned agencies, I had a lot of opportunity to work with law enforcement officers at all levels. To have a law enforcement officer who is the boss—has a badge, carries a gun, and is able to commit sexual harassment in the workplace—is a danger, not only to the people who work there, but it sends a message to the residents and community. There needs to be accountability. The Assembly and Senate can remove a member even if they are elected by their local constituents. Even if a sheriff or district attorney was elected by their local constituents, there needs to be accountability. There needs to be an objective body who can review this type of egregious behavior and decide on behalf of the residents of the community, and even the ones who do not live there—like the tourists. For example, my son worked in one of the locations where there was a high profile case. I love to go to the city in that county. I am concerned about the welfare of our tourists and people who want to go into that location. I want to make sure they feel safe.

Cecilia Colling, Co-Chair, Nevada Women's Lobby:

I think it is not acceptable for an individual to abuse their power and sexually harass people that are under their supervision. When that happens it is not only terribly unfair for the victim, but it is unfair for the community as a whole. This bill gives us a method to address this. It has a clear process and will give due process to both sides of the investigation.

Bonnie Barber, Chair, Nevada Coalition for Women's Equity:

We feel very strongly that this legislation is needed, and we urge you to support this bill.

Wendy Boszak, Private Citizen, Reno, Nevada:

My understanding of your role as a Committee is that you solve problems—problems that affect citizenry. This bill solves a problem, and if the problem does not occur, it does not affect anybody. We hope that this will help prevent the problem from occurring.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers:

We are here in support of A.B. 397. I represent law enforcement officers around this state. I also deal with a lot of elected officials—most of them are sheriffs. Who am I kidding? I deal with one elected official up north that is a problem. We all know about it and we all know what we are here to talk about. I have had a problem for two years with an elected official who was able to "middle finger" the system. When elected officials get elected, the county or city pays. There is no personal exposure of the elected official. We have seen a lot of that in this building over the last six years, but it happens to some of the counties too. It affects my law enforcement and it is going to stop. The cities and counties cry out about how he is an elected official so they cannot do anything about it. With this bill, NERC, and this body we can start to do something about it. Let us do it. On behalf of my constituency, I encourage you to support the bill.

Danny L. Thompson, Private Citizen, Las Vegas, Nevada:

I am speaking as a private citizen. I would urge you to pass this bill. In some of these high profile cases—one in particular—an elected official is literally on the job today; meanwhile, the victim lost her job and is basically through in the career she chose. There needs to be a mechanism to solve these kinds of problems. This bill provides one way we can solve some of those problems.

Chair Flores:

Is there anyone wishing to speak in opposition of A.B. 397? [There was no one.] Is there anyone wishing to speak in the neutral position?

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

Nevada Equal Rights Commission is neutral. Assemblywoman Benitez-Thompson reached out to the commission prior. I just wanted to clarify some of the previous questions about "sufficiently severe." I would only make the strong, friendly amendment to put "severe or pervasive"—which is the standard for sexual harassment as issued by the Ninth Circuit Court of Appeals. Having also heard a question about statute of limitations, the sponsor is correct. It is 300 days from the date of harm. Nevada Equal Rights Commission has public hearings for particular egregious behaviors. The most recent one, you can look up online. It was against Fat Tuesday. It resulted in a settlement pertaining to sexual harassment. We had video surveillance of such harassment, so it was fairly easy to move on that. That is an example of what we are talking about when we say severe. We are in neutral. There is no fiscal note.

Assemblyman Ellison:

In section 2 does it eliminate due process for trials?

Kara Jenkins:

I do not see a due process denial here, although I would want my deputy attorney general to look at it. There would be a public hearing with the five members appointed by the Governor. When we talk about the NERC commission, there is the Equal Rights Commission, which is the agency that I oversee, and we process cases to close. But we also have five members that are appointed as a commission. We would present, for example, an egregious case to the five members, then they would make a decision in the public hearing as to whether it constituted an egregious act that was a severe or pervasive violation of someone's sexual harassment rights under Title VII. We would then have our attorney general present options to the five members about what we could do with this finding. If they find there was sexual harassment, one of the options is impeachment. It would not be a decision from the administrator; rather, it would be a decision from the five members. They would probably take a vote in which the majority would rule. The decision would then be on the record; however, it would probably be appealed by the defendant and the process would move on. The commission or my deputy attorney general might present the finding to a jury, county, or take a legal route. You might want to ask the sponsor on her intent, but

I do not, on its face, see a due process violation. I would be happy to have my deputy attorney general take a look at it.

Assemblyman Ellison:

Is this regarding any elected office?

Kara Jenkins:

I would invite the sponsor to respond to that. It looks like it is local, elected officials. In section 1, subsection 4(b), it clarifies that an elected official is a person who was elected to an office which is pursuant to section 2 of Article 7 which relates to local elected officials.

Chair Flores:

I would like to acknowledge a special member who is in the audience—Assemblywoman Bilbray-Axelrod's mother. We will continue with closing remarks from Assemblywoman Benitez-Thompson.

Assemblywoman Benitez-Thompson:

The intent is for local, elected officials so we have both state and local officials covered. The intent is that it is nonlegislative and local. The amendment presented by NERC to add the "or pervasive" language is absolutely friendly. The other thing we had discussed is amending to add all of Title VII—which would include sexual harassment and discrimination. The intent of the legislation, Assemblyman Ellison, is to allow NERC to flow through their normal process: bring in the elected official and, as she said, give them an additional tool of recommendation up to impeachment. I know that you, as elected officials, are kind, thoughtful, and you deliberate a lot. When you have opposition, it is always presented in a nice manner. I know that there are members of the public who might hear this bill and think that the Legislature will act too fast and have knee-jerk reactions. My intent is not that. As you listen to NERC's process, it is still arduous. There is fact finding and conversation involved in the process. The point of this would be to have a more durable process to be able to sort these things out and to have a process that is indeed resilient and fair. That is the goal.

Thank you, members, for hearing this bill. I know that some of the testimony you heard today was fairly strong, but I think, overall, the premise is fairness. It is about holding elected positions to higher accountability.

Chair Flores:

There is one more point of clarification.

Assemblyman Leavitt:

In the scenario where someone is being investigated by NERC and is currently in office, but then resigns from office, does that end the investigation seeing that there will be no impeachment if they resign? At what point does the investigation stop?

Assemblywoman Benitez-Thompson:

This was a topic of conversation in order to make sure that I had my process and thinking clear in how NERC proceeds. If the person resigns, the impeachment option would come off the table, but the rest of the process still moves forward—including that person having to pay a personal fine.

Chair Flores:

We are going to close the hearing on A.B. 397 and open the hearing on Assembly Bill 347.

Assembly Bill 347: Revises provisions governing business associations. (BDR 7-554)

Assemblywoman Dina Neal, Assembly District No. 7:

I hope you have the amendment ([Exhibit D](#)) in front of you because it will be the bill. I am here to present Assembly Bill 347. I want to give you some statistics around small businesses and why this bill even came forward. According to the U.S. Bureau of Labor Statistics, 75 percent of new businesses survive the first year. Sixty-nine percent survive the first two years. Fifty percent make it to five years. Typically, owners continue working so they have the stability of a paycheck, while also trying to be an entrepreneur. Those start-up costs can be overwhelming. Sometimes in the process of being a dreamer and wanting to get your business organized, you run into falling behind on your renewal and late fees.

The reason why this came up is because I had a constituent that contacted me during the interim. They were an entity that filed in May of 2016 and then had a renewal due in June of 2017. They were not able to pay and they ended up with a reinstatement fee of \$1,350 in July. When I talked to the individual, I asked what the deal was. He was trying to get a patent, trademarks, and some other things that cost money. The lawyer costs money. If you have ever tried to do a patent, it is not cheap. You typically need a patent attorney to go along with you for the process and the paperwork. As much as he wanted and believed in his business, he fell behind. The \$1,350 kept building and he was not able to pay. This is not one person, but it is potentially several individuals who fall into this situation.

I brought this bill because I wanted to figure out how to help start-up businesses—under five years in business—that could benefit from a payment plan. I worked with the Secretary of State—which is why you have the conceptual amendment. I am very grateful they came to the table, and we were able to work out a solution. The original bill did not meet my needs and it did not meet the Secretary of State's needs. If you read the original bill, I was giving payment plans to foreign trust companies—which was not my intent.

The conceptual amendment now allows for the local, small, emerging business as defined in statute, who is in a revoked status for five years or less, to petition the Secretary of State for reinstatement. The emerging small business pays the Secretary of State at least 25 percent of the total amount due and can enter into a one-time payment plan option for the remaining balance during a period of not more than 12 months. The filing requirement, fees, and penalties shall be consistent with those established in *Nevada Revised Statutes* Chapter 76. I want to make note that there will not be any interest charged during those 12 months. The

emerging small business shall have the right to transact business in the state, restored under a conditional status, until the payment plan terminates. If the emerging small business pays the remaining balance in full, its conditional status shall be removed and full rights to transact business in the state shall be restored. If at any time during the term of the payment plan the emerging small business defaults, its right to transact will be forfeited. This is what A.B. 347 is doing.

I tied this to Assembly Bill 294 that came out in 2013 [Assembly Bill 294 of the 77th Session] from Assemblywoman Bustamante Adams. She tried to carve out emerging small businesses that, in three preceding years, made \$700,000 or less; that is tier one. Tier two is less than \$1.3 million in preceding years. My idea was to tie two pieces together. I wanted to give a statutory structure that we did not have to invent. There is already something in law for an emerging business. We already know that if it is five years or less, it is still considered a small business. I have my "NV Grow Program"—Assembly Bill 224—which focuses and targets businesses that make \$50,000 or less—they are eligible under the emerging small business (ESB) definition. The way this bill would work is a person would apply to become an ESB and then go forward and ask for reinstatement. There is a process.

I know some common questions are: how would you apply for the reinstatement; how would you become eligible; how do we know you are an ESB? You know because you actually are an ESB. Your next question is probably what it will cost; it does not cost anything to become an ESB. Your third question is probably how you prove you are an ESB; it is a simple application. You have to be a business that resides in Nevada, has been in Nevada, and fits the criteria. The criteria is statutorily structured and is really simple. The application is online under the Office of Economic Development within the Office of the Governor (GOED). A person can apply, go in and meet with the GOED counselor, and then walk out with their emerging business status.

That is the bill. The idea is to help the small businesses with their costs. There are businesses who may run into a circumstance where they cannot pay and the reinstatement fees build up.

[Assemblywoman Neal submitted ([Exhibit E](#)), but it was not discussed.]

Chair Flores:

We will open up the presentation for questions.

Assemblyman Ellison:

Is this strictly related to business licenses and agencies or are you talking about any kind of financial burden?

Assemblywoman Neal:

This is only related to business licenses and the reinstatement process. When you become organized as a business, you have your corporate status, you file your annual list of managing

members and members, you pay your licensing fee in order to be reinstated, and then you have the renewal process. If you do not pay your renewal fees on time, then you pick up fees. The small category I wanted to tackle was the reinstatement of the business license itself.

Assemblyman Ellison:

When people are filing under a corporate license, they get confused. They look at the state but overlook the fact that the Internal Revenue Service is a different issue. That is something that creates a burden because they think the state will give them a walk-through. It can end in a real problem.

Assemblywoman Neal:

I am not at all getting into what the IRS has to say about the financial structure of a business. Typically, the business I am trying to assist probably has a very minimal amount of revenue that they are raising. If they had a significant amount of revenue, they would probably be able to pay their business fee on time. I am looking at the business that is really at an emerging status and is at a grow point where the start-up costs are so much that they are falling behind in their ability to keep up with the business license. It is not to say that they do not want to be in business. It is not saying that they are not being honest or not trying to significantly move their business forward. The way this bill is structured, the one-time payment plan will naturally eliminate the individuals who are trying to hustle the system. You are only going to have a onetime payment plan over 12 months. If you fail, you are going to revert to default status and be revoked.

Assemblyman Ellison:

I was just trying to make sure the intent is out on the record. Fifty percent of all small businesses fail within the first five years.

Chair Flores:

Is there anyone wishing to speak in support of A.B. 347.

Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce:

I wanted to state that we are in support of this bill. We appreciate Assemblywoman Neal reaching out to us. She also confirmed the question that we had in terms of no interest or accrual over time. This is something we believe would really help young businesses and a lot of entrepreneurs.

Peter Guzman, President, Latin Chamber of Commerce:

We appreciate that Assemblywoman Neal always works on behalf of small businesses. We believe that anytime we can do anything to help a small business or young entrepreneur get into this incredible game called entrepreneurship, it is a right step. It is a step that the Latin Chamber of Commerce will always stand with. On behalf of the small business community, thank you.

Mariana Kihuen, Interim Director of Government Affairs, College of Southern Nevada:

The College of Southern Nevada supports Assembly Bill 347 primarily due to our involvement with the NV Grow Program. On March 12, 2019, the College of Southern Nevada expressed support for Assembly Bill 224 in the Assembly Committee on Taxation. Assembly Bill 224 would transfer the oversight of the NV Grow Program from the Office of Economic Development within the Office of the Governor to the Division of Workforce and Economic Development of the College of Southern Nevada.

The NV Grow Program is a partnership between the Small Business Development Center, the Latin, Urban, and Asian Chambers of Commerce, among others, that provides informational and technical assistance to existing small businesses in Nevada that are expanding or are ready to expand. Thus far, the NV Grow Program has had an economic impact of \$8,458,218, including the creation of 82 jobs.

We believe that A.B. 347 would play a vital role in providing short-term economic relief to the small businesses that the NV Grow Program assists. Additionally, we support business growth and the efforts of A.B. 347 to provide a temporary safe haven for the small businesses who are the backbone of our local economy.

[Ms. Kihuen also submitted her written testimony ([Exhibit F](#)).]

Evan Louie, Chair, One APIA Nevada:

We are a grassroots, political 501(c)(4) agency for the advocacy for the Asian Americans and Pacific Americans in our community. I just want to articulate that 1 out of 11 businesses in southern Nevada are Asian-American-owned. Today we came with a group of 14 individuals from Las Vegas to advocate for our community. Four of them are presidents or founders of their companies—two in technology, one in construction consultation, and one in finance. I formerly served as a state commissioner of minority affairs and chaired the economic development subcommittee. In that capacity, I dealt with a lot of minority-owned businesses and disadvantaged enterprise businesses. It is a struggle with start-up ventures when they are laying out a lot of capital for attorneys, filing fees, and expenses. There are times where they may not be tracking their current license status and are not in a financial disposition. I think leniency to make a payment plan is under consideration.

Aside from that, we do represent several other trade associations: Chamber of Commerce and organizations like National Association of Minority Contractors. Within our membership base I actually have a colleague that has 40 business entities. He has independent LLCs for each of his real estate holdings. He has a registered agent who might be a CPA, attorney, or family friend that gets the mail for the list of officers that he has to submit to. The CPA, attorney, or family friend may not track the business license and find out he is in default a year or two later. If you look at the compounding effect of, say, 20 LLCs, you are talking about tens of thousands of dollars in fees that he has to incur. Sometimes people are not in a position to pay that on an annual basis. I just wanted to give that information for consideration.

Vida Chan Lin, President and Founder, Asian Community Development Council:

The Asian Community Development Council was created in 2014 to educate, connect, and empower over 300,000 Asians and Pacific Islanders in Nevada. We are the fastest growing minority population in our state. As a former business owner with 20 years of doing business in Nevada, I know firsthand the challenges that businesses face every day including navigating the amount of forms and fees while trying to grow your business—especially during the first five years. I am here to speak in support of A.B. 347, which reduces financial barriers and provides an affordable payment program for new businesses in Nevada.

Chair Flores:

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

Kimberly Perondi, Deputy Secretary for Commercial Recordings, Office of the Secretary of State:

We are in neutral on this bill. As Assemblywoman Neal said, we worked with her on this conceptual amendment ([Exhibit D](#)). We believe that by using an existing process to qualify people for this program it helps us without much impact to our office.

Chair Flores:

Is there anyone else wishing to speak in the neutral position? [There was no one.] Assemblywoman Neal, would you like to make any closing remarks?

Assemblywoman Neal:

I want to thank the Secretary of State for working with me, and helping me find a middle ground to move this bill forward. I think this bill will help small businesses when they run into situations they cannot avoid. I would ask that this Committee take consideration to pass this bill.

Chair Flores:

I am now going to close the hearing on A.B. 347 and invite anyone wishing to speak in public comment to come forward. [There was no one.]

This meeting is adjourned [at 10:49 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 conceptual amendment to Assembly Bill 300, submitted by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit D](#) is a conceptual amendment to Assembly Bill 347, submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit E](#) is a late fees chart, dated March 29, 2019, submitted by Assemblywoman Dina Neal, Assembly District No. 7, regarding Assembly Bill 347.

[Exhibit F](#) is written testimony dated April 1, 2019, submitted by Mariana Kihuen, Interim Director of Government Affairs, College of Southern Nevada.