MINUTES OF THE MEETING OF THE ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Eightieth Session June 1, 2019

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:46 p.m. on Saturday, June 1, 2019, in Room 3142 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:

Assemblywoman Sandra Jauregui, Chair Assemblyman Ozzie Fumo, Vice Chair Assemblyman Skip Daly Assemblyman John Hambrick Assemblyman Glen Leavitt Assemblyman William McCurdy II Assemblywoman Brittney Miller Assemblywoman Daniele Monroe-Moreno Assemblyman Tom Roberts Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Heidi Seevers Gansert, Senate District No. 15

STAFF MEMBERS PRESENT:

Rick Combs, Director, Legislative Counsel Bureau Carol Stonefield, Committee Policy Analyst Catherine Bodenstein, Committee Secretary Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Sarah Adler, representing Nevada Coalition to END Domestic and Sexual Violence Lindsay Anderson, Director, Government Affairs, Washoe County School District J. Kyle Dalpe, Interim Executive Director of Legislative Affairs, Nevada System of Higher Education

Patti Jesinoski, Private Citizen, Henderson, Nevada

Chair Jauregui:

[Roll was called and Committee protocols were explained.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections. Assemblyman Hambrick, I am so delighted and happy to see you here with us. Welcome back to Legislative Operations and Elections. We have a short agenda. We will move right into it. We are going to start with the hearing on Senate Bill 332 (1st Reprint).

Senate Bill 332 (1st Reprint): Revises provisions relating to education. (BDR S-640)

Senator Heidi Seevers Gansert, Senate District No. 15:

I am here today to present <u>Senate Bill 332 (1st Reprint)</u>. I was approached last summer by a group of stakeholders or representatives from the sexual violence organizations; Washoe County School District; Clark County School District; University of Nevada, Reno; University of Nevada, Las Vegas; folks who worked in compliance around Title IX; and the Rape Crisis Center. All were wondering what we should do or thinking about what we could do around bullying, cyberbullying, and also the change of guidelines at the federal level with Title IX.

As things have evolved, both at a K-12 level and a higher education level, we thought we needed to reevaluate them. More specifically, the original statutes around bullying were put into place in 2015 and now we know more about the process that we set up, whether it works or not, and potentially if we can improve it. We think we should get those stakeholders together to reevaluate where we are to make sure we have safe and respectful learning environments.

At the higher education level, what I mentioned was Title IX. This current federal administration is changing the guidelines around Title IX. So for the university system, including community colleges and the four-year institutions, we need to look at how their processes are around Title IX and potentially provide them with some guidance at a state level around that.

Circling back to bullying, there was another bill that passed out of this Legislature that I brought specifically around cyberbullying. At a federal level, we found that schools are provided 30 days to do an investigation and provide a report, whereas in Nevada, we had only two to three days. We already took care of an extension for cyberbullying to make sure we addressed that—right now it is sort of a Band-Aid. But this would be a more comprehensive study.

We had an amendment, so if you are looking at the first reprint, what we thought—sort of the broader term we were using around harassment is "discriminatory harassment," which is defined in section 1. Discriminatory harassment means "discrimination or harassment on the basis of race, color, religion, sex, age, disability, sexual orientation, national origin, ancestry, or gender identity or expression."

Section 2 talks about the Legislative Committee on Education bringing together stakeholders from northern and southern Nevada, some representing K-12 and some representing higher education; as well as representatives of organizations that assist victims such as the Nevada Coalition to END Domestic and Sexual Violence, the Crisis Support Services of Nevada, and the Rape Crisis Center; also experts in dealing with misconduct concerning bullying and cyberbullying; and also some students.

Really, this bill went from a study of the bigger issue to requiring the Legislative Committee on Education, during the interim, to study these issues to see if we need to modify any of our statutes or add further guidelines.

Chair Jauregui:

Committee members, do you have any questions? [There were none.] We will move forward to testimony in support.

Senator Seevers Gansert:

Thank you. We have Sarah Adler here. We were hoping to get Christy McGill from the Office for a Safe and Respectful Learning Environment, but I am not sure if she made it or not. We also have a representative from Washoe County.

Sarah Adler, representing Nevada Coalition to END Domestic and Sexual Violence:

We have great appreciation for the sponsor, Senator Seevers Gansert, who worked with us for a few months before the session looking at this issue. We have, as our stakeholders would say—and this was brought forward by the Rape Crisis Center of Las Vegas—a quite serious problem between the good intentions of our current bullying law, which requires an investigation in two or three days, and the experience of those students who have suffered somewhere along the continuum of sexual harassment to sexual assault. We are seeing this, unfortunately, significantly in our lesbian, gay, bisexual, transgender, and queer/questioning population. The trauma that those students have experienced is exacerbated—in the words of an exhibit I will refer to in a moment—by the time frame of the bullying statute. So that issue, which as Senator Seevers Gansert shared—the state of Washington actually came up with the term "discriminatory harassment"—we think the work that that state and other states have done yields great potential for us to examine here in Nevada about whether we need to address these issues specifically. There is a conflict between the Title IX federal approach and our approach here. Let me say that there is an exhibit under S.B. 332 (R1) from Lisa Ferriolo (Exhibit C), who is a school-based advocate with the Rape Crisis Center, and she shares two very serious experiences of this problem that I refer you to.

Another piece of the experience that I bring to you is having helped stand up SafeVoice, the school safety and student well-being tip line (Exhibit D). It is shocking how many kids are reporting sexual assaults through the school safety tip line, as well as a number of a wide range of experiences including bullying. I honor this Legislature for the number of bills this session related to student mental health, suicide prevention, and social and emotional learning. I am hopeful that this work can be added to the work of the interim Legislative Committee on Education, that we would have an opportunity to look at what has been done recently, what our goals are for our students, and to take some steps forward.

I have been texting this afternoon with Tammy Malich, associate superintendent of Clark County School District, and she said she cannot get to the Grant Sawyer State Office Building, but she is in support of this work.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I am here today in support of this legislation. I think you have heard the reasons we need to better coordinate our efforts around harassment and safe and respectful learning in schools; there is such a conflict between federal law and state law. We have a member of our team at the school district who oversees our office of civil rights complaints and is connected to our bullying. She has been participating with Senator Seevers Gansert and would like to continue to do that, so we can make sure we are coordinating these efforts in the best possible way to address the needs of our students, not retraumatizing them in a short period of time because of the short timelines around our bullying complaints. We are complying with federal law around civil rights. We are looking forward to this work over the interim.

J. Kyle Dalpe, Interim Executive Director of Legislative Affairs, Nevada System of Higher Education:

I am here to support <u>Senate Bill 332 (1st Reprint)</u>. We supported it earlier in the session. A safe learning environment is the best learning environment and the most appropriate for all students including those in the P-16 pipeline. We stand ready to help with the study, provide information from an expert standpoint on how it affects higher education, and support students as they travel through from K-12 into higher education so they can reach their dreams of education.

Chair Jauregui:

Is there anyone else here in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in neutral? [There was no one.] Do you want to give any closing remarks, Senator Seevers Gansert?

Senator Seevers Gansert:

I appreciated Sarah Adler talking about SafeVoice. I wanted to give you some quick statistics. SafeVoice is the tip-line program that we established in K-12. This body implemented it last session through one of my bills [Senate Bill 212 of the 79th Session]. Between January 1, 2018, and May 20, 2019, there were 2,369 reports of bullying on the tip line. There could have been more, but that is what was sent through. That number includes 587 reports of harassment and 420 reports of cyberbullying. We have a volume of

complaints in tips. Now that we have had the statutes in place for a number of years, it is time to review them and make sure we have the appropriate processes. Also, higher education has been somewhat of a moving target around Title IX. This bill will help us direct the interim committee to do some work in this area.

Assemblyman Hambrick:

Senator Seevers Gansert, I have a question, if I may. On the statistics, have you done male, female, or age groups?

Senator Seevers Gansert:

We can get that for you, but I do not have that from this brief report. It is hot off the press. They break it down to the hour, the days, the hours that have been reported, male, female, and so forth because there are peak times. With the way they receive the tips, they have to be able to respond right away or decide how to sort and basically triage them. They track all that data. If you would like, I can provide that to the Committee.

Assemblywoman Monroe-Moreno:

When Ms. Adler was testifying, she made a statement that there were a number of reports to our SafeVoice about sexual assaults. Do we know if those sexual assaults were on-campus sexual assaults, or were they children reporting those assaults? Did they happen off campus? Do we know?

Senator Seevers Gansert:

I do not have the specifics about that, but I do know that the SafeVoice line is available through texting or phone calls so students can actually report from wherever they are. I am not sure if we actually have data on that, but Ms. Adler may be able to expand on that.

Sarah Adler:

SafeVoice, as the Senator said, is a 24/7 reporting system. Those sexual assaults could have happened virtually anywhere that the student is experiencing life. What we do know, for example, is that the school bus is, unfortunately, a place where students are experiencing a lot of harassment. One of the stories brought forward in the exhibit (Exhibit C) was on the school bus. It could be in school. It could be at an after-school activity. It could be on the school bus. Senator Seevers Gansert, in the way she designed her legislation, was to say, We want you students to be well, and we want you to have a place where you can report anonymously and safely, if you wish, the things that are preventing you from accessing your education. Those reports could have been—and I am not seeing the detailed reports at this time—anywhere in that student's lifespan.

Assemblywoman Monroe-Moreno:

Yes, I am very familiar with SafeVoice. Have the children reported if the incidents happened while at school? How many of those reported incidents were school-related?

Sarah Adler:

We could ask the SafeVoice staff to bring forward that information.

Assemblyman Roberts:

I am not very familiar with SafeVoice and I am curious—you said it was 24/7—if there are people monitoring that 24/7. Where do those go?

Senator Seevers Gansert:

They are centralized. Some of them go to the Department of Public Safety and then they get distributed to the schools. Each school has a three-person safety team. We had some legislation this session to amend who could be on that team, but typically we try to make sure there is a teacher, a counselor, and an administrative person—a principal or vice principal.

Assemblyman Roberts:

They go to the Northern Nevada Counter Terrorism Center. That is not a 24-hour center, so do they get them in the morning? If you are going to provide some information for the Committee, could you include that information? I would be really interested in that. There is another fusion center in the south. It is 24 hours. I do not believe they share a lot of that data with the Southern Nevada Counter Terrorism Center. That may be something we could look at in the future, but I know that does not pertain to this.

Senator Seevers Gansert:

I am not sure if it goes to the fusion centers, but the Department of Public Safety actually runs this program. Because of the volume of tips—I think it was June a year ago—there was a number of staff added to be able to fulfill the demand 24/7. It is a triage system, so basically they take the report, figure out which school, and how they need to respond. We had been talking about bullying and harassment, of course, but what this really has helped with—which is very time-sensitive—is students who are concerned. They are either suicidal, threatening self-harm, or threatening to harm others. That is why we set it up to make sure it was 24/7 and to get an immediate response. We figure out where those calls go—a lot of it is texting—north, south, or if it is centralized and then disperse from there.

Chair Jauregui:

Committee, do you have any more questions? [There were none.] If you want to send the information over to me, Senator Seevers Gansert, I will make sure to distribute it to everyone on the Committee. Seeing no further comments or questions, we will close the hearing on Senate Bill 332 (1st Reprint).

The next item on our agenda is Senate Bill 552 (1st Reprint).

Senate Bill 552 (1st Reprint): Revises provisions governing the administration of the legislative process. (BDR 17-1277)

Rick Combs, Director, Legislative Counsel Bureau:

I want to clarify that I am nonpartisan staff. This is a bit of an unusual role for us since this bill is a result of a bill draft request that is approved by the Legislative Commission each biennium regarding the operations of the legislative process. These are recommendations for the Legislature's consideration relating to the legislative process and the Legislative Counsel Bureau. I will go through the provisions of the bill.

Sections 1 and 3 removes land-line telephone charges and tolls from the allowances that you receive at the start of session. As you will recall, there is a \$2,800 allowance that each legislator receives at the start of session, and a \$900 additional allowance that chairs and members of leadership also receive at the start of session. In statute, both of those allowances are described as telephone allowances. As you can imagine, you do not use that much telephone service, so these allowances have been used for many other expenses associated with your serving as a legislator. Since it is called a telephone allowance, we are having to find a way to charge you for your use of the telephone. You are getting the allowance, but getting free telephone service. That is why you see monthly charges for \$0.88, \$0.98, and \$1.12, which are basically long-distance telephone calls that are made from either your office or from your assistant's office. If you are a chair, your committee staff's offices are charged to you as a result of this. This takes up a tremendous amount of staff time. We are having to pour through the phone records, decide what is supposed to be charged to you, and then actually bill you for it each month. From an efficiency standpoint, it does not make sense for us to do that anymore. Making this change would enable us to see if we would be better served through a system that has free long distance rather than charging you for individual long-distance calls. It does not increase the allowances in any way, shape, or form. It is still \$2,800 and \$900. There is no increase, but we would remove the charges for the telephone tolls from that allowance.

In section 1 and section 2, there are outdated provisions about the cheapest way for legislators to travel. On the list of things you are to check into is the availability of state-owned vehicles. The Legislature itself does not have any vehicles that are available to you during session, and the state motor pool does not have enough vehicles for all the legislators to use during session. This is an obsolete reference we would like to have taken out in sections 1 and 2 of the bill.

Section 4 is an authorization for the Legislative Commission to adopt regulations regarding certain reports that are required to be submitted to the Legislature electronically. We are trying to do a better job of making things on our website available to those with visual impairments. Because so much of our content is created by other people and then submitted to us, to accomplish that goal we need to place some requirements on how those documents are constructed so the visually impaired community will be able to read them. This provides authorization for the Legislative Commission to adopt regulations to set forth those future requirements.

Section 5 of the bill moves up the date for interim study committees to begin meeting. Currently, an interim study that is created by resolution or by the Legislative Commission cannot begin meeting until January 1 after the session. We would like to move that up a couple of months. We are not necessarily encouraging additional meetings during the interim, but it would be helpful to have additional time between meetings during the interim. We find the meetings often result in a significant amount of workload and information collecting that is needed prior to the next meeting. If we move things up by a couple of months, it would enable that to be done in a more efficient manner.

Sections 6 through 11, 13, and 14 apply the same concept to the statutory committees: Public Lands, Tahoe Regional Planning Agency and the Marlette Lake Water System, Health Care, and Education. Those statutory committees currently have a start date of November 1 after the session, and we would like to move that up to September 1 as well. Again, this does not require those committees to meet any earlier, but it provides them the opportunity if they are ready to start. Our vision is to provide more time between those meetings, but not necessarily more money to the committees for more meetings.

Sections 12 and 15 of the bill are basically provisions that are outdated as well. They contain information on reports that the public defenders across the state, as well as district attorneys, were required to submit to the Legislative Commission for many years. A number of years ago, the regulations asking for that information were repealed by the Commission. The provisions, statutes, and regulations requiring those reports are still in statute, so we recommend they be deleted.

Finally, section 12.5 of the bill is the provision in the *Nevada Revised Statutes* that describes the property that is within the authority and control of the Legislature in the Capitol Complex. It is basically the property line of the Sedway Office Building to the south, the Legislative Building and its grounds, and the State Printing Office across Stewart Street. It spells all of that out. Due to the firefighters' memorial being added to the grounds, we want to revise one of the property lines so that we could encompass that portion of land that the firefighters' memorial is on. The firefighters' memorial was approved last session through Senate Bill 540 of the 79th Session. It gave the Legislative Commission the responsibility for approving both the site for the monument and the design of the monument. The Commission approved both the location and the design at its May 16, 2018, meeting. There was a groundbreaking ceremony for the firefighters' memorial just a couple of weeks ago in the Capitol Complex. The amendment in section 12.5 simply reroutes that line so that we are responsible for it. The Legislative Commission, through legislation, was responsible for approving the design and location, so I feel it is our responsibility to take care of it in the same manner as we do the police memorial. This is just a change that would allow us to have control of that property. Those are the provisions of the bill.

Chair Jauregui:

I am looking at section 12.5. Where are Fall Street and Plaza Street? It appears we are extending out that far. Where is that exactly?

Rick Combs:

Fall Street used to exist where the Sedway Office Building is and goes between the Legislative Building and the parking garage. You can see the old city block in both directions, north and south. Plaza Street is an intersecting street to the south that ran through the Capitol Complex as well. They are basically vacated streets that existed in the Capitol Complex prior to our taking over.

Assemblyman Fumo:

I have a question regarding section 12 deleting the information provided by the district attorneys and public defenders. Did you say the requirement to do the reports was repealed several years ago?

Rick Combs:

Yes.

Assemblyman Fumo:

I assume we collected that data for a reason at one time. Do you know why it stopped being collected? Was it deleted from here because it was collected by another regulation?

Rick Combs:

As you will notice, section 12 is not a repeal section. That section remains, so the information is still being collected pursuant to that section. It is simply not being provided on a regular basis to the Legislative Commission anymore. The other two sections were sections that related to the regulation. They are actually being recommended for repeal.

As I recall, the reports were on the Legislative Commission agenda frequently, but no one asked questions about them and the information was not being used. The Commission made a decision to no longer require the information. We can obtain that information at the request of a legislator, but it is not routinely reported to the Commission.

Assemblyman Fumo:

So, it could still be collected pursuant to section 12. Although the information is not provided on a regular basis, you just have to ask for it.

Rick Combs:

Correct. Section 12 is a state public defender provision only. It requires the State Public Defender to submit a report to the Governor and to each county that participates in the use of the State Public Defender's services. If we have a request for it, we can obtain the same report that the Governor gets at any point.

Assemblyman Fumo:

Would the county district attorneys have to provide that information also upon request?

Rick Combs:

There are other bodies now that were not in existence when the Legislative Commission was requesting that information, specifically, the Advisory Commission on the Administration of Justice. The Nevada Right to Counsel Commission can obtain that information—probably on a more readily available basis—for a committee that is more designated to handle those types of issues. The Legislative Commission has broad authority to seek information from any entity and could do so.

Assemblyman Fumo:

I know they did a study for the capital cases in the state. The Clark County District Attorney was requested to provide information, but they refused. If we request it through the Legislative Counsel Bureau, do they have the option to refuse to provide it to the state?

Rick Combs:

Because they are a local government entity, I do not want to say that we could demand it; however, the committees that are created by the Legislative Commission have subpoena powers and powers to obtain information that is within their purview as well. The Legislature does not often go to those measures, but they are available.

Assemblyman Fumo:

They may in the future.

Assemblywoman Miller:

My question is out of pure curiosity. It is in established language, so it is not about any of the amendments to the bill. We know assistance for living arrangements is only for legislators whose homes are 50 miles or more from the Legislature. It sounds like a reasonable distance, but we have quite a few legislators who live 40, 45, and 49.5 miles from the Legislature. With the hours we work and the winter weather at times, I was wondering why or how 50 miles became the target.

Rick Combs:

That is an Internal Revenue Service (IRS) rule and regulation regarding the legislator tax home exemption. These statutes are patterned after that. It is for tax purposes and a number of other reasons why the 50 miles was established.

Assemblywoman Miller:

Are you saying it matches federal guidelines, so we would not be able to amend or alter that?

Rick Combs:

We would have to look into whether we are able to do that because the legislator tax home provision in the IRS is an important provision in terms of whether what you are receiving is considered taxable revenue or not.

Chair Jauregui:

Committee, do you have any other questions? Seeing none, we will open it up to testimony in support.

Patti Jesinoski, Private Citizen, Henderson, Nevada:

I am speaking in support of the bill.

Chair Jauregui:

Is anybody in opposition? [There was no one.] Is anybody in neutral? [There was no one.] Director Combs, do you want to make any closing remarks? [He did not.] We will close the hearing on <u>Senate Bill 552 (1st Reprint)</u>.

I am going to move us into our next order of business. We are going to move into a work session. We can get started with the work session for <u>Senate Bill 332 (1st Reprint)</u>.

Carol Stonefield, Committee Policy Analyst:

Senate Bill 332 (1st Reprint) was heard today in this Committee. It was presented by Senator Heidi Seevers Gansert. The measure proposes that the Legislative Committee on Education will be directed by the Legislative Commission to conduct an interim study concerning the provision of a safe and respectful learning environment that is free of bullying, cyberbullying, and discriminatory harassment to ensure that each student enrolled in an elementary, middle, or high school, as well as an institution of the Nevada System of Higher Education, is provided equal access to education.

Chair Jauregui:

Committee, do you have any questions for our policy analyst? [There were none.] I will entertain a motion to do pass Senate Bill 332 (1st Reprint).

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO DO PASS <u>SENATE BILL 332 (1ST REPRINT)</u>.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno.

Ms. Stonefield, we have a work session next for Senate Bill 552 (1st Reprint).

Carol Stonefield, Committee Policy Analyst:

<u>Senate Bill 552 (1st Reprint)</u> was heard in this Committee today. It was presented by the Director of the Legislative Counsel Bureau on behalf of the Legislative Commission. The bill relates to the legislative process. <u>Senate Bill 552 (1st Reprint)</u> does the following:

- Changes the interim committee starting dates;
- Authorizes the Legislative Commission to provide by regulation additional requirements on the submission of reports made to the Legislature;
- Repeals provisions requiring the Commission to prescribe the kinds of records kept by and the contents of reports made by district attorneys and public defenders;
- Revises provisions regarding allowances received by legislators for certain expenses;
- Eliminates the allowance provided to legislators for the payment of telephone tolls and charges. Instead, payments are authorized for communication charges other than land-line telephone charges;
- Eliminates the requirement regarding the availability of state-owned automobiles; and
- Makes a technical correction to the statutory description of parcels of land controlled by the Nevada Legislature.

Chair Jauregui:

Committee, do you have any questions for our policy analyst?

Assemblyman Leavitt:

Can I make a motion to do pass this?

Chair Jauregui:

Are there any other questions? Seeing none, we will give the first motion to do pass Senate Bill 552 (1st Reprint) to Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT MADE A MOTION TO DO PASS SENATE BILL 552 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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Is there any discussion on the motion? [There was none.] Is there any objection to the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Leavitt. Our next order of business is public comment. Is there anyone to give public comment? Seeing no one, Committee, we will stand in recess [at 5:24 p.m.].

The meeting was adjourned [at 5:42 p.m.]	
	RESPECTFULLY SUBMITTED:
	Catherine Bodenstein Committee Secretary
APPROVED BY:	
Assemblywoman Sandra Jauregui, Chair	

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

<u>Exhibit C</u> is written testimony by Lisa Ferriolo, School Based Advocate, Rape Crisis Center, submitted by Sarah Adler, representing Nevada Coalition to END Domestic and Sexual Violence, in support of <u>Senate Bill 332 (1st Reprint)</u>.

Exhibit D is a document titled "Nevada SafeVoice 2018 Program Overview," dated June 2, 2019, from the Investigation Division, Department of Public Safety, submitted by Senator Heidi Seevers Gansert, Senate District No. 15, in support of Senate Bill 332 (1st Reprint).