

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

**Eighty-First Session
May 12, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:07 a.m. on Wednesday, May 12, 2021, Online and in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Judith Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant

Minutes ID: 1060



OTHERS PRESENT:

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association

Chair Flores:

[The meeting was called to order. Committee protocol was explained.] Good morning, all. I see everybody came in this morning to make sure we do not do anything crazy with their bill. I promise you, we will not, but then again, I have said that many times, and then . . .

I intend to take the agenda in the order it appears. We will go down the work session document exactly as you see it. I know for a fact that there are a number of humans who are trying to get into the building right now, so once you have had your one, two, or three bills voted on, I ask that you please vacate the seat so we can allow another individual to come in. I know there are folks who have worked on some amendments, and we want to make sure that we get them in here in case there are any questions for them.

Members, thank you for reaching out and giving me a heads-up of where everybody is, so we can avoid any situations. This morning, there are some bills that the sponsor and/or I decided to roll and move off the agenda for the purpose of making sure that we are all on the same page. As we get to them, I will be giving you a heads-up that we will be moving those bills; I will give you a better idea as to when we will be putting those on work session. With that, we will start off the work session with Senate Bill 12 (1st Reprint). For those of you wishing to join us for public comment, please know that we will be doing that at the conclusion of today's hearing.

Senate Bill 12 (1st Reprint): Requires certain notices before the termination, expiration or ending of a restriction relating to the affordability of certain housing. (BDR 25-372)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit C.] Senate Bill 12 (1st Reprint) requires certain notices before the termination, expiration, or ending of a restriction related to the affordability of certain housing. This was sponsored by the Senate Committee on Government Affairs on behalf of the Advisory Committee on Housing and heard on April 29, 2021.

The bill requires the owner of any housing that has been financed by the federal low-income housing tax credit or other money subject to affordability restrictions to provide certain written notice prior to the termination, expiration, or ending of an affordability restriction. The bill requires the notice to be provided to each tenant, the Housing Division of the Department of Business and Industry, and certain other persons at least 12 months before either: (1) the owner submits a request to the Division for a qualified contract; or (2) if such request is not applicable, the date upon which the affordability restriction will expire. The bill also authorizes the Division to impose an administrative penalty upon an owner who fails

to provide the required notice and prohibit an owner who terminates an affordability restriction from applying for an allocation of federal low-income tax credits for a period not to exceed five years. Additionally, the bill provides that an owner of housing that will voluntarily maintain affordability restrictions after expiration of the restrictions shall provide written notice to the Division not less than 12 months before the expiration and, thereafter, submit an annual report to the Division for as long as the affordability restrictions are voluntarily maintained. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 12 (1st Reprint).

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO DO PASS
SENATE BILL 12 (1ST REPRINT).

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Matthews will do the floor statement on Senate Bill 12 (1st Reprint). Next, we have Senate Bill 14 (1st Reprint).

Senate Bill 14 (1st Reprint): Revises provisions relating to certain emergency response plans and assessments. (BDR 36-280)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit D](#).] Senate Bill 14 (1st Reprint) revises provisions related to certain emergency response plans and assessments. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the Division of Emergency Management of the Department of Public Safety and heard in this Committee on April 21, 2021.

The bill requires the Division of Emergency Management to post its guide regarding the preparation of emergency response plans on its website and requires that a copy of the guide be provided to certain persons or entities upon request. In addition, S.B. 14 (R1) requires the Division to coordinate with the Public Utilities Commission of Nevada, the Division of Environmental Protection of the State Department of Conservation and Natural Resources, and the Office of Energy of the Office of the Governor to annually compile a list of each utility and provider of new electric resources required to submit a vulnerability assessment and an emergency response plan. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 14 (1st Reprint).

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO DO PASS
SENATE BILL 14 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Duran is enthusiastic to do the floor statement for S.B. 14 (R1). Next, we have Senate Bill 15.

Senate Bill 15: Revises provisions relating to grant procurement, coordination and management. (BDR 18-255)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit E.] Senate Bill 15 revises provisions related to grant procurement, coordination, and management. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the Department of Administration and heard April 21, 2021.

The bill applies the standard of "the greatest extent practicable" to certain duties of the administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration. The bill authorizes the administrator to develop a manual of policies related to grant procurement, coordination, and management for state agencies. We have no amendments.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 15.

ASSEMBLYWOMAN TORRES MOVED TO DO PASS SENATE BILL 15.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Black will do the floor statement for Senate Bill 15. Next on the work session is Senate Bill 16.

Senate Bill 16: Revises provisions relating to the Nevada Commission on Minority Affairs of the Department of Business and Industry. (BDR 18-244)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit F.] Senate Bill 16 revises provisions related to the Nevada Commission on Minority Affairs of the Department of Business and Industry. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the Department of Administration and heard April 13, 2021.

The bill transfers the duty to provide staff assistance to the Nevada Commission on Minority Affairs of the Department of Business and Industry from the Department of Administration to the Department of Business and Industry. We have no amendments.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 16.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO DO PASS
SENATE BILL 16.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion?

Assemblyman Ellison:

I am going to be voting no, and I am going to reserve my rights. I still have some concerns; I think it should stay right where it is, for the cost. I am hoping I can get this resolved before floor. Right now, I have made calls out, but I have not received them back.

Chair Flores:

Is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Considine will do the floor statement for Senate Bill 16. Next on the work session is Senate Bill 28.

**Senate Bill 28: Revises provisions of the Nevada Code of Military Justice.
(BDR 36-261)**

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit G.](#)] Senate Bill 28 revises provisions of the Nevada Code of Military Justice. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the Office of the Military and heard April 15, 2021.

The bill establishes the offense of sexual harassment within the Nevada Code of Military Justice and provides that a person who is guilty of sexual harassment shall be punished by way of nonjudicial punishment or as a court-martial may direct. The bill also makes the existing Code regarding sexual assault consistent with the provisions of the Uniform Code of Military Justice of the Armed Forces of the United States and a directive from the U.S. Department of Defense. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 28.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 28.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Thomas will do the floor statement for Senate Bill 28. Next on the work session is Senate Bill 37.

Senate Bill 37: Revises certain provisions relating to the process by which a district attorney may request assistance in criminal cases from the Office of the Attorney General. (BDR 18-411)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit H.](#)] Senate Bill 37 revises certain provisions relating to the process by which a district attorney may request assistance in criminal cases from the Office of the Attorney General. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the Attorney General and heard April 14, 2021.

The bill provides that a district attorney is not required to present the reasons for requesting the presence of the Attorney General, Deputy Attorney General, or Special Investigator to provide assistance in criminal cases to the board of county commissioners of his or her county; or have the board adopt a resolution joining in the request, unless the Attorney General intends to seek reimbursement for expenses incurred in providing assistance to the district attorney. We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 37.

ASSEMBLYMAN MATTHEWS MADE A MOTION TO DO PASS
SENATE BILL 37.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Members, is there any discussion?

Assemblyman Ellison:

My problem is, I think every county should be advised that somebody is going to be making changes on a case. I am a no on this. It is a good bill; I just think that the county should be informed.

Chair Flores:

Is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.)

Assemblywoman Dickman will do the floor statement for Senate Bill 37. Next on the work session is Senate Bill 38 (1st Reprint).

Senate Bill 38 (1st Reprint): Establishes provisions governing the retention of pro bono legal assistance by the Office of the Attorney General. (BDR 18-409)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit I.] Senate Bill 38 (1st Reprint) establishes provisions governing the retention of pro bono legal assistance by the Office of the Attorney General. This was sponsored by the Senate Committee on Government Affairs on behalf of the Attorney General and heard April 22, 2021.

The bill authorizes the Attorney General, or any other officer, agency, or employee of the Executive Department, to enter into a pro bono contract with an attorney or law firm engaged in private practice for legal services, if the Attorney General determines that the provision of such legal services is necessary. The bill:

- Requires the Attorney General to retain final authority over the course and conduct of any matter that is the subject of a pro bono contract;
- Provides that any law firm or attorney offering pro bono legal services is deemed ineligible for outside counsel contracts with the Office of the Attorney General for a period of one year from the end date of the pro bono contract; and
- Delineates certain requirements associated with such pro bono contracts.

We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 38 (1st Reprint).

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO DO PASS
SENATE BILL 38 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Brown-May will do the floor statement for Senate Bill 38 (1st Reprint).
Next on the work session is Senate Bill 47 (1st Reprint).

**Senate Bill 47 (1st Reprint): Revises provisions governing public borrowing.
(BDR 30-395)**

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit J.] Senate Bill 47 (1st Reprint) revises provisions governing public borrowing. This bill was sponsored by the Senate Committee on Government Affairs on behalf of the State Treasurer and heard April 15, 2021.

The bill authorizes the State Board of Finance to continue to issue certain interim debentures to pay for the general operations of the state beyond the current expiration date of June 30, 2021. The bill permits the Board to issue not more than \$150 million in interim debentures if the State Treasurer:

- Determines that the balance in the State General Fund is insufficient to meet upcoming obligations;

- Notifies the Interim Finance Committee (IFC) of the insufficiency and its amount; and
- Includes a request to the IFC to allow the issuance of interim debentures by the Board.

Finally, the bill provides that if the IFC does not consider the request and deliver a resolution within 15 days of receiving the State Treasurer's notification establishing the maximum amount in interim debentures that may be issued, the request is deemed approved. We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 47 (1st Reprint).

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 47 (1ST REPRINT).

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Anderson will do the floor statement for Senate Bill 47 (1st Reprint). Next on the work session is Senate Bill 72 (1st Reprint).

Senate Bill 72 (1st Reprint): Makes various changes relating to common-interest communities. (BDR 10-318)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit K](#).] Senate Bill 72 (1st Reprint) makes various changes related to common-interest communities. This bill was sponsored by the Senate Committee on Judiciary on behalf of the Real Estate Division of the Department of Business and Industry and heard on April 23, 2021.

Senate Bill 72 (1st Reprint) revises several provisions concerning common-interest communities. The bill:

- Provides that a limited-purpose association must comply with requirements of the Uniform Common-Interest Ownership Act pertaining to the establishment and foreclosure of a lien for assessments.

- Eliminates the requirement that an executive board may only meet in executive session with an attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion are protected by attorney-client privilege. It provides instead that the board may meet in executive session with an attorney on matters that are protected by attorney-client privilege;
- Provides that a person who may be sanctioned for an alleged violation is entitled to receive written notice of the executive board's decision regarding the alleged violation within a reasonable time after the decision is made and that the period to cure a violation before it becomes a continuing violation does not commence until the date on which the notice of the board's decision is provided to the person; and
- Requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing criteria to be used in determining whether a violation poses an imminent threat to health, safety, or welfare; the severity of such a violation; and limitations on the amount of fines an association may impose.

We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 72 (1st Reprint).

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 72 (1ST REPRINT).

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Members, is there any discussion?

Assemblywoman Considine:

I am voting yes on this bill, but I do hope, after a conversation I had, that when the common-interest community gets together they include a member of code enforcement or the Las Vegas Metropolitan Police Department as a nonvoting member to help devise these rules.

Chair Flores:

Members, is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Martinez will do the floor statement for Senate Bill 72 (1st Reprint). Next on the work session is Senate Bill 109 (1st Reprint).

Senate Bill 109 (1st Reprint): Revises provisions relating to the collection of certain information by governmental agencies. (BDR 19-95)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit L.] Senate Bill 109 (1st Reprint) revises provisions relating to the collection of certain information by governmental agencies. This bill was sponsored by Senator Pat Spearman and heard on April 27, 2021.

The bill requires a governmental agency that collects demographic information related to a person's race or ethnicity to also request information related to a person's sexual orientation and gender identity or expression. The bill also provides, with limited exception, that such information is confidential; authorizes the agency to use such information only for certain purposes; provides that no person shall be required to provide information related to the person's sexual orientation and gender identity or expression; and requires a governmental agency to submit to the director of the Legislative Counsel Bureau an annual report regarding information received regarding sexual orientation and gender identity or expression.

Agencies without the necessary funding and resources to begin implementing the collection of sexual orientation and gender identity or expression data are not required to collect such data until January 1, 2024. Agencies that have not implemented collection of the data on or before January 1, 2022, must submit a progress report by December 31, 2022, and annually thereafter, setting forth reasons for not implementing the data collection and the actions taken by the agency toward the data collection.

We have one amendment that was proposed for this bill, and it was discussed during the hearing. You can see that on the next page [page 2, Exhibit L] The City of Reno proposes to amend the bill to provide an exception to clarify that law enforcement would not need to inquire about a person's sexual orientation or gender identity when gathering information in the course of their duties.

Chair Flores:

Please let the record reflect that Assemblywoman Duran is absent-excused, as she is presenting before the Senate.

At this time, I would like to entertain a motion to amend and do pass Senate Bill 109 (1st Reprint).

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
SENATE BILL 109 (1ST REPRINT).

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Martinez will do the floor statement for Senate Bill 109 (1st Reprint). Next on the work session is Senate Bill 127 (1st Reprint).

Senate Bill 127 (1st Reprint): Revises provisions relating to the Charter of the City of Mesquite. (BDR S-619)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit M.](#)] Senate Bill 127 (1st Reprint) revises provisions related to the Charter of the City of Mesquite. This was sponsored by Senator Joseph (Joe) P. Hardy and others and heard on April 28, 2021.

The bill revises the Charter of the City of Mesquite regarding the appointment of the city manager and city attorney by providing that if the person first nominated by the mayor is not confirmed by the requisite number of votes of the mayor and members of the city council, then any member of the city council may submit a nominee for consideration and confirmation. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 127 (1st Reprint).

ASSEMBLYWOMAN BLACK MADE A MOTION TO DO PASS
SENATE BILL 127 (1ST REPRINT).

ASSEMBLYMAN MATTHEWS SECONDED THE MOTION.

Members, is there any discussion?

Assemblywoman Thomas:

I do, as I did during the presentation, have concerns that this is a quagmire that the mayor—this would just go on and on of picking someone to be on the city council as the city manager or city attorney. Right now, I am a no.

Chair Flores:

Members, is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN THOMAS VOTED NO.
ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Black will do the floor statement for Senate Bill 127 (1st Reprint). Next on the work session is Senate Bill 138 (1st Reprint).

**Senate Bill 138 (1st Reprint): Revises provisions relating to planned development.
(BDR 22-566)**

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit N.] Senate Bill 138 (1st Reprint) revises provisions relating to planned development. This bill was sponsored by Senator Roberta Lange and Senator Keith F. Pickard and heard in this Committee on April 29, 2021.

The bill provides that a city or county may only exercise powers relating to planned unit developments if the county or city enacts an ordinance for a planned unit development in conformance with certain requirements. The ordinance must require the plan to be set forth in written and graphic materials; set forth certain procedures for reviewing an application for a plan; and set forth procedures for reviewing an application to modify, remove, or release any provision of a plan. The bill also revises requirements for minimum site areas and parking for a planned unit development, eliminates a requirement for tentative approval of a plan for a planned unit development under certain circumstances, and makes various other changes relating to provisions affecting planned unit developments. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 138 (1st Reprint).

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO DO PASS
SENATE BILL 138 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

Assemblywoman Dickman will do the floor statement for Senate Bill 138 (1st Reprint). Senate Bill 150 (1st Reprint) is next on the agenda but will not be considered.

**Senate Bill 150 (1st Reprint): Makes changes to provisions relating to housing.
(BDR 22-221)**

[[Exhibit O](#) was submitted in reference to Senate Bill 150 (1st Reprint) but was not discussed, as the measure was not considered.]

Next on the work session is Senate Bill 222 (1st Reprint).

Senate Bill 222 (1st Reprint): Revises provisions relating to governmental administration. (BDR 18-245)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit P](#).] Senate Bill 222 (1st Reprint) revises provisions relating to governmental administration and was sponsored by Senator Melanie Scheible. It was heard in this Committee on April 27, 2021.

The bill requires state agencies to collaborate with minority groups on policies, agreements, and programs that affect minority groups and ensure that programs and services are accessible and inclusive. The bill also requires state agencies to designate a diversity and inclusion liaison and sets forth certain duties of the liaison. Finally, the bill requires the Office of Minority Health and Equity of the Department of Health and Human Services, the Nevada Commission on Minority Affairs of the Department of Business and Industry, and the Office for New Americans in the Office of the Governor to facilitate a meeting between the liaisons and minority groups at least once a year and submit an annual report to the Governor and the Legislative Commission.

We have one amendment on this bill that was submitted by Erik Jimenez shortly after the hearing. You can take a look at that, starting on the next page [pages 2 through 4, [Exhibit P](#)]. The attached amendment proposes to amend section 4 to include those who identify as LGBTQ as a minority group, and define "LGBTQ" to mean lesbian, gay, bisexual, transgender, queer, intersex, or any other nonheterosexual or noncisgender orientation or gender identity or expression.

Chair Flores:

At this time, I would like to entertain a motion to amend and do pass Senate Bill 222 (1st Reprint).

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 222 (1ST REPRINT).

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Considine will do the floor statement for Senate Bill 222 (1st Reprint). Next on the work session is Senate Bill 237.

Senate Bill 237: Revises provisions relating to businesses. (BDR 7-548)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit Q](#).] Senate Bill 237 revises provisions relating to businesses. This bill is sponsored by Senator Dallas Harris and Senator Melanie Scheible and was heard in this Committee on April 28, 2021.

The bill makes a legislative declaration that: (1) LGBTQ-owned businesses are important to the welfare of this state; and (2) it intends to provide equal access and opportunities for the formation and growth of LGBTQ-owned businesses in Nevada in relation to the business of the Department of Transportation similar to the access and opportunities provided to other disadvantaged businesses. The bill adds these businesses to the list of disadvantaged and emerging small businesses that are entitled to receive certain business financing information through the state business portal and obtain loans through programs run by the Office of Economic Development within the Office of the Governor. Nevada's Department of Transportation (NDOT), the Cannabis Advisory Commission, and the Regional Business Development Advisory Council for Clark County are each directed to include LGBTQ-owned businesses in their planning and programming related to business ownership and development by disadvantaged persons, and the definition of "disadvantaged persons" is updated to include a person who identifies as LGBTQ.

We have two amendments to this bill [pages 2 and 3, [Exhibit Q](#)]. On page 2 you will find an amendment from Senator Harris which proposes to revise the definition of "LGBTQ" to mean lesbian, gay, bisexual, transgender, queer, intersex, or any other nonheterosexual or noncisgender orientation or gender identity or expression. A second amendment that was discussed during the hearing proposed by Cole Mortensen from NDOT is on page 3. This amendment proposes to amend the bill to distinguish the Department's efforts to include LGBTQ-owned small businesses from the federally recognized Disadvantaged Business Enterprise program; and require the Department to include information about the LGBTQ-owned small businesses in future studies by the Department on disparities in the awarding of contracts.

Chair Flores:

At this time, I would like to entertain a motion to amend and do pass Senate Bill 237.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
SENATE BILL 237.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.
ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Anderson will do the floor statement for Senate Bill 237. Next on the work session is Senate Bill 253 (1st Reprint).

**Senate Bill 253 (1st Reprint): Revises provisions related to alarm systems.
(BDR 20-968)**

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit R.] Senate Bill 253 (1st Reprint) revises provisions related to alarm systems. This bill was sponsored by Senator James A. Settlemeyer and heard May 5, 2021.

The bill prohibits a board of county commissioners or the governing body of an incorporated city from imposing any fee, fine, or penalty on an alarm system contractor or monitoring company for any false alarm that cannot be attributed to the improper installation of the alarm system or any other error committed by the contractor or monitoring company. We have no amendments on this bill.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 253 (1st Reprint).

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 253 (1ST REPRINT).

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Members, is there any discussion?

Assemblyman Ellison:

I am going to vote to get this out of Committee; I am still trying to contact the presenters of this bill about the problems we are having in the rural areas with alarm companies. I will most likely be changing to no, but right now I am going to vote yes to get it out of the Committee.

Chair Flores:

Members, is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblyman McArthur will do the floor statement for Senate Bill 253 (1st Reprint). Next on the work session is Senate Bill 283 (1st Reprint).

Senate Bill 283 (1st Reprint): Revises provisions relating to local improvements. (BDR 22-792)

Jered McDonald, Committee Policy Analyst:

[Reading from [Exhibit S.](#)] Senate Bill 283 (1st Reprint) revises provisions relating to local improvements. This bill was sponsored by Senator Chris Brooks and heard May 4, 2021.

The bill authorizes the governing body of a municipality to create a district to finance or refinance qualified improvement projects for energy efficiency, renewable energy, resiliency, or water efficiency if the governing body makes a finding that the creation of the district serves a public purpose, and the governing body adopts by resolution certain procedures for the creation and administration of the district.

The bill requires that each owner of a tract on which a qualified improvement project will be located enter into a voluntary assessment agreement in which the owner consents in writing to the location of the project, the levy of an assessment against the tract to pay the financing set forth in the financing agreement, and the placement of a lien on the property. The bill also sets forth certain liability protections for a municipality and its governing body, officers, and employees for the creation of a district and certain construction and financing requirements for a qualified improvement project.

We have a couple of amendments for you to look at [pages 2 through 17, [Exhibit S](#)]. The first one was presented during the hearing; that starts on page 2. As presented during the hearing, Senator Brooks proposes to amend the bill to, among other provisions:

- Amend the definitions of energy efficiency improvement project and renewable energy improvement project;
- Expand the authority of municipalities over program creation and implementation;
- Prohibit the distribution and sale of electricity between property owners;
- Disqualify land owned by the Department of Defense;
- Clarify that municipalities are not responsible for costs of construction;
- Specify minimum standards for the creation of a district, conform those standards to allow for greater local control, and specify that a district may be created by a majority vote of the governing body of the municipality.

That amendment also deleted section 12 of the bill.

Following the hearing, we received another amendment from Senator Brooks, and that is on page 17. This amendment further defines the meaning of "water efficiency improvement project" in section 9 to include appurtenances and incidentals necessary, useful, or desirable for any such improvements, facilities, and equipment, and which has a useful life of not less than ten years. The definition also includes projects designed to conserve or remediate water in whole or in part on the real property.

Chair Flores:

At this time, I would like to entertain a motion to amend and do pass Senate Bill 283 (1st Reprint).

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND DO PASS
SENATE BILL 283 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion?

Assemblywoman Torres:

I think the presentation on May 4, 2021, was truly engaging, and I think that this is going to put us light years ahead of where we currently are.

Chair Flores:

For those of you who are watching, you needed to have been there at the hearing on May 4, 2021, to understand what is happening here.

Assemblyman Matthews:

My comments are going to be very boring after that. There is a lot I like about this bill conceptually. I do have some concerns; I will continue to work with the sponsors on it. I am going to be no today, but I will reserve my rights.

Chair Flores:

Members, are there any additional comments?

Assemblyman Ellison:

Same.

Chair Flores:

Assemblyman Ellison echoes the sentiment of Assemblyman Matthews. Members, is there any additional discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Madam Vice Chair will do the floor statement for Senate Bill 283 (1st Reprint). I am sure it will be very enticing—may the force be with you, Madam, with that. Next on the work session is Senate Bill 294 (2nd Reprint).

Senate Bill 294 (2nd Reprint): Revises provisions governing collective bargaining by local government employers. (BDR 23-254)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit T.] Senate Bill 294 (2nd Reprint) revises provisions governing collective bargaining by local government employers. This bill was sponsored by Senator Nicole J. Cannizzaro and heard on May 5, 2021.

The bill provides that in a labor dispute between a government employer and an employee organization that represents employees other than firefighters, police officers, teachers, and educational support personnel, where the parties do not agree whether to make the findings and recommendations of a fact finder final and binding, either party may submit the findings and recommendations of the fact finder to a second fact finder to serve as an arbitrator and issue a decision which is final and binding on the parties. The bill also repeals provisions relating to the formation of a panel to determine whether the findings and recommendations of a fact finder on certain issues are to be final and binding.

We have one amendment that was discussed during the hearing, presented by the bill's sponsor, Senator Cannizzaro. You can take a look at that amendment on the next page [page 2, Exhibit T]. This amendment would amend the bill to clarify that procedures for the arbitration of a dispute prescribed by subsections 8 through 13, inclusive, of *Nevada Revised Statutes* 288.215 apply to the submission of a matter to a second fact finder to serve as an arbitrator.

Chair Flores:

At this time, I would like to entertain a motion to amend and do pass Senate Bill 294 (2nd Reprint).

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
SENATE BILL 294 (2ND REPRINT).

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Considine will make the floor statement for Senate Bill 294 (2nd Reprint). Next on the work session, we have Senate Bill 311.

Senate Bill 311: Revises provisions relating to rural housing. (BDR 25-542)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit U.] Senate Bill 311 revises provisions relating to rural housing. This bill was sponsored by Senator Julia Ratti and heard on April 23, 2021.

This bill authorizes the Nevada Rural Housing Authority to create a for-profit business entity to:

- Prepare, carry out, operate, and otherwise manage housing projects;
- Provide for the construction, reconstruction, improvement, extension, alteration, or repair of housing projects;
- Enter into a public-private partnership to finance a housing project;
- Construct or operate a housing project for profit; and
- Make certain payments in lieu of taxes relating to the development, operation, and management of housing projects.

Finally, the bill also authorizes the business entity created by the Authority to rent or lease accommodations to persons with a higher income, provided the housing project primarily serves persons of low or moderate income. We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 311.

ASSEMBLYWOMAN CONSIDINE MADE A MOTION TO DO PASS SENATE BILL 311.

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYWOMAN DURAN WAS ABSENT FOR THE VOTE.)

Assemblywoman Thomas will do the floor statement for Senate Bill 311. Next on the work session, we have Senate Bill 360 (1st Reprint).

**Senate Bill 360 (1st Reprint): Revises provisions relating to public employment.
(BDR 23-1011)**

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit V.] Senate Bill 360 (1st Reprint) revises provisions relating to public employment. This bill was sponsored by the Senate Committee on Government Affairs and heard on April 23, 2021.

Senate Bill 360 (1st Reprint) makes certain changes to the appointment of members to the Board of the Public Employees' Benefits Program (PEBP). The bill provides that the Governor must make appointments to the Board as follows:

- Two Nevada System of Higher Education (NSHE) professional employee members must be selected from a list of five nominees submitted by the professional organization representing the largest number of professional employees of NSHE;
- Two persons retired from public employment must be selected from a list of five nominees submitted by the professional organization representing the largest number of retired state employees; and
- Two persons who are classified employees must be selected from a list of ten nominees submitted by the labor organization representing the largest number of classified state employees in the Program.

We have an amendment that was discussed during the hearing that was proposed by Senator Marilyn Dondero Loop [pages 2 through 5, Exhibit V], which proposes to amend the bill to delete the existing changes to the Board of the Public Employees' Benefit Program and instead provide for the appointment of one additional member to the Board who is an employee in the classified service of the state. The member must be appointed by the Governor from a list of nominations of ten classified state employees submitted by the labor organization representing the largest number of classified state employees participating in PEBP. The amendment also provides that if the labor organization that submitted the member's name ceases to represent the largest number of classified state employees, the member continues to serve for the remainder of his or her unexpired term.

Chair Flores:

Please let the record reflect Assemblywoman Duran is back. At this time, I would like to entertain a motion to amend and do pass Senate Bill 360 (1st Reprint).

ASSEMBLYWOMAN THOMAS MOVED TO AMEND AND DO PASS
SENATE BILL 360 (1ST REPRINT).

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Chair Flores:

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN,
ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Assemblywoman Martinez will do the floor statement for Senate Bill 360 (1st Reprint). Last on the work session is Senate Bill 372.

Senate Bill 372: Revises provisions relating to injury caused by fire. (BDR 54-1007)

Jered McDonald, Committee Policy Analyst:

[Reading from Exhibit W.] Senate Bill 372 revises provisions relating to injury caused by fire. This bill was sponsored by the Senate Committee on Health and Human Services and heard April 22, 2021.

The bill limits to those caused by an open flame, explosion, or flash fire the types of burn injuries for which a health care provider is required to report to either local or state fire authorities for investigation. The bill also extends the timeline for submitting such reports from three to seven working days; requires that in counties with populations under 100,000 such reports are to be submitted to the state fire marshal on a form approved by the state fire marshal; and provides that a fire department may, rather than shall, investigate such a report. We have no amendments on this measure.

Chair Flores:

At this time, I would like to entertain a motion to do pass Senate Bill 372.

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO DO PASS
SENATE BILL 372.

ASSEMBLYMAN MATTHEWS SECONDED THE MOTION.

Chair Flores:

Members, is there any discussion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Dickman will do the floor statement for Senate Bill 372.

Members, that completes our work session for today. Before we make our way to public comment, I know that the agenda has not been posted, but please note that we will be meeting tomorrow at 9 a.m. We are still finalizing the agenda. Please be on the lookout for that.

At this time, we will open it up for public comment. I want to remind those of you wishing to join us for public comment that it is a time for you to speak about general matters that fall within the purview of this Committee. It is not a time to reopen a hearing. We do not have anybody present for public comment; we will go to the phone lines.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

Last week, I addressed this Committee on the collective bargaining process between school districts and educator unions. As I mentioned, if changes are not made to existing statute, new rules will take effect on July 1, 2021, to wall off over half a billion dollars in the collective bargaining process. This will make it nearly impossible for education unions to negotiate any item with a cost through the collective bargaining process. This morning, I will be reading a couple of comments from our members who will be impacted by this change.

Selena La Rue Hatch is a social studies teacher in the Washoe County School District and a Washoe Education Association board member. She writes:

I urge you to [unintelligible] the ending fund balance language that allows districts to wall off up to 16.6 percent of their operating budgets from collective bargaining. There is no legitimate reason for the state to be part of the funding plan and only ensures that educators across the state will no longer be able to collectively bargain for improvements to education and their profession. You have already pushed your educators past our limits this past year. Our workloads have doubled or even tripled, and we have risked our lives and health to keep students learning. Sadly, at the same time, our voices have been silenced, as we have been shut out of every major policy decision as this body chose to slash our budgets to the bone. The fact that you want to add to this suffering with an absurd end fund balance requirement demonstrates a severe lack of care or understanding from our leaders. Clearly, you do not understand that people can only be pushed so far before they break. However, this pain can easily be avoided. All it requires is a small change to the new funding formula; remove the harmful language which walled off 16 percent of the district's budget and allow educators to continue to bargain in good faith without arbitrary and artificial restrictions.

Carmen Andrews is a Spanish teacher in the Clark County School District and vice president of the National Education Association of Southern Nevada. She writes:

While the intentions of S.B. 543 of the 80th Session I think were good, in practice it is not good. By increasing the end fund balance amount to 16.6 percent, you are effectively killing collective bargaining. What did the State of Nevada take from educators to keep collective bargaining? The right to strike. Go ahead, change the end fund balance to 16.6 percent, violate the deal that the state made with the educators in good faith. I wonder what might happen if you break this deal.

I hope members of this Committee charged with oversight of Chapter 288 of the *Nevada Revised Statutes* are able to help remedy this issue so Nevada can continue to enjoy labor peace in public education. Thank you for your time.

Chair Flores:

Thank you for joining us this morning. We will take the next caller wishing to testify in public comment. [There was no one.]

Members, thank you for coming in prepared today. I know we had quite a number of documents on this work session; I appreciate everybody collaborating with us and letting us know where everybody is at to make sure that process goes smoothly. Again, we will be back in here tomorrow morning at 9 a.m. The agenda has not been posted, but we will for sure be back here tomorrow. Thank you, again, for all the work. With that, this meeting is adjourned [at 9:55 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

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

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

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

[Exhibit F](#) is the Work Session Document for [Senate Bill 16](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 28](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 37](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 38 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 47 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 72 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 109 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Senate Bill 127 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Senate Bill 138 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Senate Bill 150 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Senate Bill 222 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Senate Bill 237](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Senate Bill 253 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Senate Bill 283 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document for [Senate Bill 294 \(2nd Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document for [Senate Bill 311](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit V](#) is the Work Session Document for [Senate Bill 360 \(1st Reprint\)](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit W](#) is the Work Session Document for [Senate Bill 372](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.