

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

**Eighty-First Session
March 8, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 10:04 a.m. on Monday, March 8, 2021, Online. 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:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Lindsey Howell, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Kate Marshall, Private Citizen, Reno, Nevada
Jennifer Richards, Private Citizen, Reno, Nevada
Jimmy Lau, representing Dignity Health – St. Rose Dominican, Siena Campus
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Jamie Rodriguez, Government Affairs Manager, Washoe County
Arielle Edwards, Government Affairs Specialist, City of North Las Vegas
Dagny Stapleton, Executive Director, Nevada Association of Counties
Joanna Jacobs, Government Affairs Manager, Clark County

Chair Flores:

[The meeting was called to order. Committee protocol was explained.] This morning, we have one item on the agenda. I am very grateful to our Majority Leader, Assemblywoman Benitez-Thomas. As you all know, this bill dropped on Thursday, and she was ready to go this morning. I say that because we will be making the same request of some of you members as bills are dropping. We do not have the luxury of waiting anymore. I think the Majority Leader is setting a great example for the rest of the team to follow.

Also, I know today is International Women's Day. I feel like at the Nevada State Legislature, every day is International Women's Day, as we have a woman-majority legislature. It is just normal for us, but I wanted to acknowledge that and say thank you to all our women who work day and night for our state.

At this time, I would like to open up the hearing on Assembly Bill 196.

Assembly Bill 196: Requires courthouses to contain lactation rooms for use by members of the public under certain circumstances. (BDR 1-734)

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

This bill was brought to me by one great constituent in my district—Ms. Jennifer Richards, whom you will hear from in just a minute—via our Lieutenant Governor Kate Marshall. Lieutenant Governor Kate Marshall is outside of my district by about two blocks; however, we have a favorite coffee location. In the course of meeting up and talking one day about some things that were happening in the neighborhood, she said that she had received this great idea from Ms. Richards regarding lactation rooms for public use in the courts.

Just so you know the status quo, we do have some precedent, some established law around this. First of all, a couple of years ago, we passed Senate Bill 253 of the 79th Session, requiring public bodies in the state to provide employees with a space that is relatively clean for expressing milk. At the federal level, you have a requirement that certain federal buildings, including federal courthouses, have to be able to provide a lactation space that is

reasonably clean for the public to use. I do not live in the world of the courts; I have to be honest about that. I am a social worker and have been working in the medical field for the past decade. But you will be hearing today from Ms. Richards and Lieutenant Governor Marshall. They have their stories about working in the courts as new mothers, how hard it can be to find a safe and clean space to express milk, and why that space ought not to be the bathroom for myriad reasons.

I am going to quickly walk through the bill. Then I will let these two wonderful advocates talk to you more about what is happening and why we believe you ought to support this bill.

In section 1, you can see that we are looking at *Nevada Revised Statutes* Chapter 1, which is entitled Judicial Department Generally. Section 1, subsection 1, of this bill says that except as otherwise provided, each courthouse must provide a room where members of the public can express breast milk. "The public" refers to anyone who is in that building who is not an employee. For example, a member of the public could be someone who is in a courthouse because she is a very good citizen who has decided to come participate in jury duty, or a lawyer who is not employed by that courthouse but is coming in for the day for hearings.

Then there is subsection 2. Subsection 2 is important to me because as someone who used to sit on this Committee—and chair this Committee—I have a strong empathy for those not wanting to put in place unfunded mandates. The point of this is not to force an unreasonable cost—or onerous laws or requirements—onto our judicial, municipal, and district courts. Rather, it would be about dedicating a space if possible. We are not looking for courts to break leases, find a new space, or remodel. We are not looking for them to incur cost in this; we are just looking for them to think more strategically about the use of space in the courthouse. We feel confident that a space can be found.

In my conversations with the counties and with the courts of limited jurisdictions, they feel pretty confident that they can meet the requirements because we have strong elected female judges who need this as well. A number of them have organically decided to dedicate rooms to this. But we do run into a problem with some courts, especially on their very busy days. A good example of this would be Incline Village. They are able to dedicate a room for lactation four out of five days a week, but there is one day a week when they are so busy that they cannot find a room.

What I want to do, because I believe this is good policy, is see if we cannot find a small pot of money that could be helpful for doing a cost-sharing program or making a grant available for some of the local courts that might need to buy a lactation pod. If you have gone through the southern Nevada airport down in Clark County, the McCarran International Airport, you will have seen these pods. They cost just under \$10,000, plus shipping—they are not astronomically expensive, but for a small court in rural Nevada, that can be a lot of money to come up with. You can see that I have provided an amendment [[Exhibit C](#)] for the consideration of a small amount of the State General Fund in order to do a matching program for those locations that would really have to buy a lactation pod if they wanted to honor the spirit of this bill.

The number you see in that amendment is \$500,000. It will not be that much; it will be much smaller than that. That number was based on a back-of-the-napkin factor looking at our number of district, justice, and municipal courts. There are 57 in total, but some of them are housed within each other, especially in rural areas—for example, you will find that your justice court and your municipal court are housed together with your district court. We do not actually need 57 of these pods—that would be the worst-case scenario where rooms are not out there. That number will be smaller. I wanted to get the language attached to the bill, so we have the ability to keep that conversation going and see if grants can be made available to help local governments with attaining this goal.

With that, Chair, I will defer to Ms. Richards and Lieutenant Governor Marshall.

Kate Marshall, Private Citizen, Reno, Nevada:

I think Ms. Richards will have much to say that is very important, so I will keep my comments short. I am speaking here as an individual. I consider this a very important issue.

I had two children while I was a practicing attorney. At the time, if I wanted to keep nursing my children, there was no place in the courthouse for me to either express milk or nurse. To give you an example, one time I went into the restroom and was nursing my daughter there. She was very noisy at the time, but I made it through that—I thought everything was fine. I came out and there was a long line of women waiting and listening. I was embarrassed.

To go and ask my male colleagues for a place was also, to me, very uncomfortable. I took my work very seriously, as I still do, and I wanted to be professional. I did not necessarily feel it was appropriate for me to be talking to my counterparts about my personal issues in raising my children.

Having a place there that I could go to—without having to go through that rigmarole, without having to come out and realize I had an audience of strangers when I was nursing—would just be a godsend, I think. I am really grateful to Assemblywoman Benitez-Thompson, for bringing this bill forward, and to Jennifer Richards, for bringing what has happened in other communities and what we can do here to our attention. I would ask for your support.

[A letter in support of Assembly Bill 196 was also submitted, [Exhibit D](#).]

Jennifer Richards, Private Citizen, Reno, Nevada:

I live in Assembly District 27. I am a lawyer, and I am a mom. I am appearing today as a private citizen on my own behalf. I would like to thank my Assemblywoman, Majority Leader Benitez-Thompson, for sponsoring this bill. I would also like to thank Lieutenant Governor Marshall for her leadership and for working on this legislation to provide courthouses with lactation spaces.

It is truly a privilege and an honor to be here this morning in the company of our nation's first female-majority legislature. Diverse representation in government is critically important. If Assembly Bill 196 is passed, Nevada would become the second state in the nation to require lactation spaces in our courthouses—making them more inclusive and accessible for everyone.

My own personal journey to motherhood was difficult and, due to the circumstances related to the loss of my first pregnancy while working, the courthouse has become a place of mixed emotions. Later, even as I celebrated the arrival of my son, I worried about returning to work—and to the courthouse. This hesitance was exacerbated by an additional logistical wrinkle: How was I supposed to return and nourish my baby safely, comfortably, and with dignity?

Courthouses belong to the people. Lactation rooms will promote access to justice, allowing women jurors, witnesses, and other courthouse patrons to come to the court with the comfort of knowing that they will have an appropriate, clean place to pump or nurse their baby. Building on the foundation of the Nevada Pregnant Workers' Fairness Act, this bill will help make our courthouses more accessible. While existing law provides some protection for women in the workplace, women who are not employed by the courts—but must come to the courthouse to do business—do not receive the same legal protections.

Pumping or nursing is a biological necessity. In order to continue breastfeeding, a woman needs to pump for 20 to 30 minutes every three to four hours while she is away from her baby. She must also store her expressed milk, and wash and sanitize her pumping equipment.

The health benefits for the mom and the baby to breastfeed are significant. The American Academy of Pediatrics recommends that infants are exclusively fed breast milk for the first six months of life and that breastfeeding continues for the first year. For mothers, breastfeeding helps reduce the risks of developing postpartum depression, breast cancer, ovarian cancer, type 2 diabetes, and osteoporosis later in life. For infants, it can help protect them from childhood illnesses such as ear infections, asthma, and obesity. Also, as we have learned during the COVID-19 pandemic, mothers will produce COVID-19 antibodies through their breast milk to help protect their babies.

However, despite all these health benefits, according to the Centers for Disease Control and Prevention, at three months postpartum, over 60 percent of women in Nevada are no longer exclusively breastfeeding, and the rate continues to plummet from there.

Why? Because women face immense barriers to breastfeeding. For decades, women across the country have had to express their milk in empty rooms at courthouses only to be interrupted—assuming a suitable room could be found in the first place. One female prosecutor was told to pump her milk in a basement jail holding cell. We have had to pump

in unsanitary bathrooms, trek out to stifling or freezing cars, and everywhere in between. We are told that breastfeeding is the best way to nourish our babies, but we are not given the support and the accommodations to do so.

While motherhood has been considered a barrier to women entering the legal field, dedicated lactation rooms in courthouses will help remove that barrier. In Nevada, women make up 34 percent of the legal profession, a number that continues to rise as more women are entering and graduating from law school. We have a female-majority Supreme Court and in Clark County, a majority of female judges. Of course, in our state, women make up approximately half of the population. It is only natural that new mothers will be among the jurors, parties, witnesses, and others who come to the courthouse to resolve their disputes or to see justice done. Although we have made progress, there is still work to do. It is hard to raise a child, and for nursing women who have to come to court, this bill will provide a modest accommodation.

We face so many challenges as we become mothers. Each mother's situation is different, but any resources that can help make their lives easier and ensure that they properly nourishing their child are welcome. Finally, I want to thank the women of MothersEsquire, a national organization of over 6,000 lawyer-moms dedicated to promoting gender equity in the legal profession, for their support, encouragement, and resources to bring forward this legislation.

In conclusion, please support A.B. 196. I am happy to answer any questions.

Chair Flores:

Again, thank you to all three of you for your willingness to ensure that we could hear this bill on such a fitting day. I know that we had to program it last-minute. With that, I will open it up for questions, starting with Assemblywoman Anderson.

Assemblywoman Anderson:

I know this is an important element, and I was very proud to support something similar to this in most of our public areas. I am surprised that this is not already covered under Senate Bill 253 of the 79th Session. That bill had to do with our public entities. I did not know if you wanted to reflect on that, Assemblywoman Benitez-Thompson.

Assemblywoman Benitez-Thompson:

The bill you are referring to established the right for an employee of a public body to have a place to express milk. The difference between what we have in the law already and A.B. 196 is that A.B. 196 is open to the public. For the public members who are entering their courthouses, they have a place to nurse or express milk. This is unique in that it is specifically about the public and not the employees of that courthouse.

Assemblywoman Thomas:

This means a lot. My daughter is also a breastfeeding mom. I know the trouble she goes through in order to do just that. My question is for clarity. I have seen the pods at McCarran International Airport. Do these pods come with chairs, a working surface, an electrical outlet, and water, so that moms can clean up when they need to, and clean up their babies, all in one? How big are the rooms? Can more than one mom lactate at the same time, or is it a private room for one person at a time only?

Assemblywoman Benitez-Thompson:

The pods that you see used in the McCarran International Airport—I think that there are five or six of them—do have a chair or sitting surface. They also have an electrical outlet, which is the biggest thing that you need when you are using your pump, and the thing that is most lacking when you use a public restroom, since not every stall has an outlet. That is why, if you are left to pump in a public restroom, you are typically very exposed, or you have to lock everyone else out—or you are just the most comfortable woman in the world in terms of pumping in front of an audience. There might be exactly one of those in the state of Nevada; I think most of us would like the privacy that comes with a pod over a public bathroom.

The pods do not have water systems, so you can see in section 1, subsection 4, that we did not include a requirement for a lactation room to have water. I am not savvy as to all of the product vendors, so there may be a pod that does have water. We know that running plumbing to the pod could get a little more costly. The idea is that you do have that private place to express milk or to nurse.

There is an outlet, but you might have to use the bathroom if you are going to handwash your pumping items. A lot of moms will carry sterile wipes to clean their pumping items and little cooler packs or freezers for their expressed milk. Ideally, yes, you would have access to a refrigerator and clean running water, but absent of that, we can at least give you a place to express your milk. Most of the working mothers out there come with their wiping pads and little ice coolers.

Assemblyman Matthews:

I was seeking some clarification on the meaning and intent of section 1, subsection 3, which says, "Nothing in this section shall be construed to authorize a person to enter a courthouse if the person is not authorized to enter the courthouse." Is the purpose of that to ensure that this would apply to those who are already in the courthouse for official business? For example, if a person is an attorney—someone who is already there—is this designed to make a distinction between those people as opposed to someone who is just coming into the courthouse for the express purpose of using one of the lactation rooms? I assume that is the intent, but I wanted to get clarification for myself.

Assemblywoman Benitez-Thompson:

That is exactly right; it is for the people who have business within the court, members of the public who are in that court for official courthouse business. This is not meant to create a station open to anyone who would just walk in from the street. For specific individuals

who are barred from entering the courthouse, for one reason or another, this bill would not create a right that supersedes that; it would not allow the individual to enter just for the purpose of expressing milk. It is specifically for members of the public who are there on business.

Assemblyman Ellison:

I think my Las Vegas colleague, Assemblywoman Thomas, hit on some of the questions I had about water. Some of the courthouses are in different buildings. There would have to be a lactation station in every building; is that correct? For example, the district court might be on one side, the justice court might be on the other side, and then you also have all the other offices that are in there.

Assemblywoman Benitez-Thompson:

The goal is that as many of the courts that can accommodate these lactation rooms should do so. For example, just because you are in a district court, that does not necessarily mean that you have business in a justice court. If you are in a municipal court and the district court is down the street, that does not necessarily mean you have business in both of those buildings. The courts have very specific roles they fulfill. You might be in a municipal court for civil matters. That might not take you into the judicial court where someone might be for summary eviction, temporary protection, or whatever reason a person might have to walk into a justice court—lawyers on the Committee could probably give more specific examples. That is why we would want every court, as much as reasonably possible, to look at their structures, their rooms, and provide a lactation space.

Assemblyman Ellison:

If a building has several stalls in one of the women's restrooms, could they designate one of them for that purpose, or would they have to have a wider space? Handicap stalls are wide, for example. Could a bathroom's extra stall be used, or would there have to be a private room, period?

Assemblywoman Benitez-Thompson:

In section 1, subsection 4, we specifically exclude bathrooms. We do want a space that is separate from a restroom.

Assemblyman Ellison:

I think that designating an extra bathroom stall could help with the water issue for some of these locations in rural areas. I think one of the problems you might run into is that they have to supply water, and that kind of thing might create a problem.

Assemblywoman Anderson:

I have a question about the amendment. I realize that this Committee is only looking at the policy, and the amendment itself would be going through the Assembly Committee on Ways and Means. I know this is just a way to start thinking about it, but are there any ideas for

what happens if all the money in the one-time appropriation listed in the amendment is not needed? Would that money then go to a different account to help with the upkeep, or is it only the building you are considering at this time? I will allow Chair Flores to make the decision as to whether that is appropriate for this Committee to discuss since we are more focused on the policy.

Assemblywoman Benitez-Thompson:

I am happy to answer because I think it supports the overarching policy of not wanting to have unfunded mandates pushed down—something I like to steer clear of if I can. The idea is that the number would probably come down. I do not think we have \$500,000 lying around in the State General Fund that could not be repurposed for other uses. We do not know what the exact number will be because we are still working with the counties through the process of figuring out which courts might need help. This number was based on a worst-case scenario assumption that all 57 courts needed their own individual pod and could not at all plan for this space. But we know that is not true by half; we know there are just a couple of specific spots where we might need some help. That number will probably be refined more and whittled down. The idea is that there would be a one-time, little chunk of money going to those courts that are struggling to meet the intent of this bill. Section 3 of the bill does have an effective date of January 1, 2022, so we are trying to be generous in the amount of time allocated to local governments and the courts so they can plan for these spaces. Hopefully, we will have time and a little money on our side in order to accomplish this goal.

Chair Flores:

Are there any more questions? [There were none.] At this time, I would like to invite those wishing to speak in support of Assembly Bill 196.

Jimmy Lau, representing Dignity Health – St. Rose Dominican, Siena Campus:

We wanted to go on record in support. We support the expansion of the ability for women to have safe spaces in order to provide nourishing breast milk to their children.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

We are in full support. This seems like a big no-brainer, and I am glad this bill is being brought forward.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

We believe this is an important bill. According to the State Bar of Nevada, 35 percent of the attorneys in Washoe County are women. I personally had a member of a jury on a criminal trial I conducted who needed to be able to use these facilities. We appreciate this bill to ensure that attorneys and the public who are in our courthouses have access to these important facilities. I know some courts already have a lactation room, and we appreciate

that. We just hope this can continue to benefit all Nevadans. I would just note that, due to COVID-19, there are already concerns that female attorneys will be forced to leave the legal profession—we appreciate this as another way to ensure that those female attorneys, as well as members of the public, are able to be in the courthouse and have those facilities available.

Jamie Rodriguez, Government Affairs Manager, Washoe County:

The Majority Leader spoke with us about this bill last week. We are in support. Our Second Judicial District Court has had a specified room for public use for quite some time. Both our Reno and Sparks justice courts, while they do not have a specified room, do always make sure they have a room open and available for such uses every day within their court.

As the Majority Leader stated during her presentation of the bill, our Incline Village justice court does have space most days. However, there are some days—approximately one day a week—that they would not have any space, so we do appreciate the amendment. I just want to highlight that, in cases such as the Incline Village justice court, that is not within a county building. I am not sure if a pod would be able to work in that space; there is a possibility that we would have to look at expanding our lease. That would have a long-term fiscal impact on the county. However, we believe, given the permissiveness and timeline of the bill, it is something we can hopefully work through to ensure that space is available in that court as well, five days a week. Again, we are in full support of the bill, as we feel that we already provide these services for our residents.

Arielle Edwards, Government Affairs Specialist, City of North Las Vegas:

We would like to state for the record that we are in deep support of A.B. 196. We appreciate that this bill prioritizes women and gives them a safe space to take care of their families.

Chair Flores:

Is there anyone else wishing to testify in support of Assembly Bill 196? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] I think they knew better than to try to come in opposition to this bill here. At this time, I would like to invite those wishing to speak in the neutral position to Assembly Bill 196 to call in.

Dagny Stapleton, Executive Director, Nevada Association of Counties:

I just wanted to go on the record this morning to thank the Majority Leader very much for reaching out to us on this bill. Counties do fund our justice and district courts, and because of that we appreciate the flexibility provided in section 2 of the bill. We also appreciate the amendment that would provide some funding for any of these retrofits to courthouses to provide for the areas for nursing mothers or to purchase a pod. We also appreciate the intent of this legislation to support nursing mothers.

Joanna Jacobs, Government Affairs Manager, Clark County:

I wanted to echo the comments of the Nevada Association of Counties and thank the Majority Leader for reaching out to counties in advance of this hearing and for the flexibility that is in section 2, as well as the amendment that has been proposed. We are currently

working with her to gather the information she has requested in order to find out how to comply with this, but we believe that we will be able to find some room. Many of our justice courts do have a room that can be repurposed. We have some logistics that we need to work through.

We also support the intent of this bill. There has been some mention of the pods at McCarran International Airport that is in the Clark County Department of Aviation. Those pods are in three locations. I am happy to send a link to the Committee if anyone would like to take a look at where those are located in the airport. We are supportive of the overall intent of the bill. We will continue to work with Majority Leader Benitez-Thompson.

Chair Flores:

Please send that to our committee manager. She will make sure to get that out to all the members. Is there anyone else wishing to testify in the neutral position for A.B. 196? [There was no one.] With that, I would like to invite the presenters to come back with any closing remarks you may have.

Assemblywoman Benitez-Thompson:

Thank you, Chair Flores and members of the Committee on Government Affairs—the best committee in the whole building, I believe—for your time and consideration of this bill. We will continue the work to make sure that this is a good fit for local governments and for the courts, and ultimately, to make sure that we have good policy supporting our lactating and nursing population out there.

Chair Flores:

Thank you, all three of you, for your presentation this morning.

[An email in support of A.B. 196 was submitted by Jamie Katherine Combs, Attorney, Akerman LLP, [Exhibit E](#).]

At this time, I would like to close out the hearing on Assembly Bill 196 and invite those wishing to speak in public comment to please join us now. [There was no one.] Members, you heard it directly from our Majority Leader—this Committee is the best in the building. I think you had all better wear that as a badge of honor.

Tomorrow, we will be meeting at 9 a.m. As you know, our very own Assemblyman Ellison will be presenting Assembly Bill 99. I encourage you to reach out to him ahead of time should you have any preemptive questions you would like to discuss. Otherwise, we will take care of it on the record. I look forward to it, as I am confident that we will have ample folk on both sides of that conversation wishing to be heard and provide some insight to the Committee. This meeting is adjourned [at 10:50 a.m.].

RESPECTFULLY SUBMITTED:

Lindsey Howell
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 proposed amendment to Assembly Bill 196, dated March 8, 2021, presented and submitted by Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27.

[Exhibit D](#) is a letter to Chair Edgar Flores, dated March 7, 2021, submitted by Kate Marshall, Private Citizen, Reno, Nevada, in support of Assembly Bill 196.

[Exhibit E](#) is an email dated March 8, 2021, submitted by Jamie Katherine Combs, Attorney, Akerman LLP, Las Vegas, Nevada, in support of Assembly Bill 196.