

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

**Eighty-First Session
March 25, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:04 a.m. on Thursday, March 25, 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:

Assemblyman P.K. O'Neill, Assembly District No. 40

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Curtis Calder, City Manager, City of Elko
Tom Coyle, Deputy City Attorney, City of Elko
Steve Grammas, President, Las Vegas Police Protective Association
Michele Freeman, Private Citizen, Las Vegas, Nevada
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Michael Cathcart, Business Operations Manager, City of Henderson
Ron Dreher, Government Affairs Assistant Director, Reno Police Protective Association
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Joanna Jacob, Government Affairs Manager, Clark County
Tony Yarbrough, State Legislative Deputy, Veterans of Foreign Wars, Department of Nevada; and Secretary, United Veterans Legislative Council
Denise Estes, Veteran Service Officer, Veterans of Foreign Wars, Department of Nevada
Michael Willoughby, Technical Director, Battle Born Progress
Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services

Chair Flores:

[Roll was called. Procedures were explained.] We are going to go ahead and start off the meeting with Assemblyman Ellison's presentation on Assembly Bill 311. We will open the hearing on Assembly Bill 311.

Assembly Bill 311: Revises the Charter of the City of Elko. (BDR S-928)

Assemblyman John Ellison, Assembly District No. 33:

I am here today to present Assembly Bill 311, which revises the Charter of the City of Elko. For background information, Mr. Chair, Elko has grown to the point where it has to make some large decisions about its future. This bill will help a lot. Also, Mr. Chair, there is a conceptual amendment from the Legislative Counsel Bureau, which is a very good amendment, and we will also be presenting that [[Exhibit C](#)].

Very briefly, A.B. 311 allows the City of Elko to decide how the Elko Township should be presided over by a judge. The bill requires the City of Elko to determine whether the municipal court should be presided over by the justice of the peace of Elko Township as an ex officio municipal judge, one or more appointed municipal judges, or a combination of the two. This bill also authorizes the City of Elko to divide the court into separate departments if there is more than one justice of the peace, set the terms of office and salaries, and determine the duties of the judges. I would like to turn it over to Curtis Calder, Elko City Manager, and to Tom Coyle, Elko Deputy City Attorney, to add testimony.

Curtis Calder, City Manager, City of Elko:

I am speaking in support of A.B. 311, a bill that seeks to amend the Elko City Charter. As many of you may know, the City of Elko was incorporated in 1917 and is the county seat of Elko County. The City of Elko is the largest city in Elko County and is considered the regional hub of economic and governmental activity. As such, the city and county cooperate in providing various services to our citizens. One example of this cooperative relationship is the provision of justice and municipal courts through a long-established interlocal agreement. Under this arrangement, an Elko County justice of the peace typically serves as the City of Elko municipal judge through the appointment by the Elko City Council. Courtroom space and court administration is consolidated under one roof, thereby saving taxpayer money.

As our community has grown, so has the need for judicial resources. In 2017, a second department was created within the Elko County Justice Court system, and although a second justice of the peace was added, we only need the one municipal court judge to handle municipal court caseloads. Assembly Bill 311 addresses those instances when that one appointed municipal court judge is unavailable due to illness, vacation, or absence, and currently, other municipal court judges from neighboring communities or the second justice of the peace step in and serve in an ex officio capacity. The original 1917 city charter did not envision a community with multiple judicial departments and judges. As such, the City of Elko seeks to amend our city charter in order to codify the current practices in the municipal court, thereby allowing the efficient delivery of judicial services. We believe the proposed changes provide flexibility for future community growth and, again, I am speaking in support of A.B. 311 and would be happy to answer any questions.

Chair Flores:

Assemblyman Ellison, would you like for us to go back to you, or would you like for us to open it up for questions at this time?

Assemblyman Ellison:

I think that Mr. Coyle wanted to go over the conceptual amendment [[Exhibit C](#)]. Is that right, Mr. Calder?

Curtis Calder:

Yes, Assemblyman Ellison, that is correct. We are going to have Mr. Coyle address the amendment and any of the specifics of the bill itself.

Tom Coyle, Deputy City Attorney, City of Elko:

I am the Deputy City Attorney for the City of Elko, and I am also speaking in support of A.B. 311. Chair Flores and members of the Committee, thank you for this opportunity to address you concerning this bill. Hopefully, we have a compact bill here without many controversies, and it appears that the summary and digest attached to A.B. 311 provide a good synopsis of the City's proposed bill. This bill has seven sections.

Section 1, in effect, eliminates the sole option of the City having an appointed municipal judge, as was previously provided in section 1.070 of our city charter.

Section 2 of the bill adds some sections to the charter. First, we have a new section 4.012. In subsection 1, the council is granted authority to use justices of the peace as ex officio municipal court judges or the council may provide for appointed judges, giving us some flexibility there. In subsection 2, if there is more than one justice of the peace in the Elko Township and the justices of the peace are selected by the city council to act as ex officio municipal judges, then all justices of the peace would be so designated. In subsection 3, if there are multiple judges, then the court would be divided into departments, as is common in courts with more than one judge. The remaining subsections of that new charter section 4.012 follow traditional law and do not need any further comment.

We have a new section also in section 2 of the bill, which gives us section 4.014 in our city charter. This is applicable in the appointed judge situation, and in subsection 1, it provides that judges appointed would be appointed in the same manner as other appointed officers of the City. Subsection 2 provides a two-year term of office. This is where the city had, in its original bill draft language, a potential conflict with the *Constitution of the State of Nevada* when we had provided, as with other appointed officers, that they may be removed without cause. This was pointed out and the City has agreed to remove those potential conflicts with Article 6, Section 21, regarding judicial discipline, and this is where this conceptual amendment to A.B. 311 will be made hereafter [[Exhibit C](#)]. Basically, it removes the language that permits the City to remove without cause during the term of office. Subsection 3 provides standard provisions related to filling a vacancy for the appointed judges if that is the system that is in place.

Then we move to section 3 of the bill. This amends section 4.020 concerning the judges' salaries. Previously, it provided that those would be determined by the city council. Now, it provides, in the appointed judge situation, that it would be provided by the city council by resolution, or if we are utilizing the ex officio justices of the peace, it could be done by resolution of the city council or, as is done now and probably would remain in the future, by agreement between the City and Elko County.

Section 4 of the bill adds new sections to our city charter. In section 4.022, it provides for an administrative judge, basically providing for a lead judge in a situation where we have multiple justices of the peace or multiple appointed city judges. This would be similar to what is now found in *Nevada Revised Statutes* (NRS) 4.157; where you have multiple judges, a chief justice of the peace is selected. The language is very similar to what is currently found in the City of Sparks Charter. That is where a lot of that language came from. The senior judge generally is authorized to be the administrative judge. However, if he or she decides not to and there is agreement between the judges, then a different judge can act in that capacity. Section 4.022 also grants authority to the senior judge or the administrative judge over things such as rules, calendaring, budgets, employees, et cetera.

Section 4.024 provides, in subsection 1, the duties of the administrative judge; in subsection 2, the appointment of a court administrator to assist the court; and in subsection 3, the salary of this court administrator and provides the removal of that administrator. Then, we have another new charter provision in section 4.026, which provides for court employees

and other administrative matters. It basically clarifies the separation of powers issues that, many times, come up between the local government and the court. In this particular instance, we specify that the court has the authority in hiring and firing its employees and prescribing the duties of those employees.

Section 5 amends the existing section 4.030 of our charter that directs funds to be paid to the city treasury as prescribed by ordinance, and we just added the language for applicable law in case the Legislature would make amendments to that disposition of fines in the future.

Section 6 of the bill provides for the imposition of intermittent jail sentences. It is found in several other charters, in the judicial department area of those charters, when we were looking at drafting this bill. From what I was able to discover, basically, under state law, there really is no direct or specific authority for the judges to permit them to order intermittent sentencing on jail terms. However, they do it quite often and it is a benefit to the defendants because, quite often, that is what is needed for them to maintain their employment. This was to make it clear that the judges and municipal court would have that authority.

Finally, section 7 sets forth the effective date of the changes, which would be July 1, 2021. That, in a nutshell, is our bill. We intended to stick to matters of local concern to the City and we would hope the Legislature would allow the City to amend its charter as proposed. I thank you for this opportunity and would answer any questions.

Chair Flores:

Thank you for walking us through that section-by-section breakdown. I do anticipate some members will go back and ask detailed questions as to the need and/or benefit of that. I do appreciate your doing the section-by-section, however. With that, we will go to questions. Assemblywoman Thomas, I know you have mentioned that maybe your question had been answered.

Assemblywoman Thomas:

Yes, thank you, Mr. Chair, that is correct. I appreciate it. It was answered through the conceptual amendment.

Assemblywoman Anderson:

I have two questions. One is about the process of bringing this forward and the second is directly related to the bill's language. For the first question, when it came to changing the charter, is there a charter committee that met to discuss this issue or do you have a charter committee that reviews your charter on a continuing basis to make sure that everything is working out okay? It is not necessarily about this language specifically; I wanted to make sure that there was a charter committee that has met to discuss this.

Curtis Calder:

Although we do have a number of committees at the City of Elko, typically advisory committees, in this instance, this went directly to the city council in a public meeting and was

discussed, and city council voted unanimously to initiate this charter amendment. A lot of it was based on some of the commentary we were receiving from the Elko County justices of the peace. They were requesting a change.

Assemblywoman Anderson:

Thank you for that clarification. For me, I would advocate for all of the cities and counties to have those charter committees. It is sometimes important to have three people beyond the city council. The second question has to do with the language in the bill on section 4.024, subsection 2 [page 4, line 34]. Basically, it has to do with the at-will employees and the court administrator in particular. I really appreciate the fact that you had specified in a later portion of the bill about the court interpreters, because that is something that is very important and that I think many people forget about when it comes to our court system. Under subsection 2, as well as subsection 3 [page 4, line 40], you have a court administrator who is appointed by the judge. I am trying to figure out, is that consistent with other city charters or is it something that was a decision made at the city council. It is weird to have a judge also be the supervisor of an at-will employee when judges are usually elected. I am trying to figure out how that works exactly.

Tom Coyle:

This language, I believe, does mirror what was found in the Charter of the City of Sparks. There are, in those controversies I described earlier, some case law and opinions of the Attorney General regarding the judge's authority over his court and his employees and staff versus, say, the city or the county, depending on where the dispute is lying. Basically, under the separation of powers, with the judicial department being a separate portion of the government, they gave all of that authority to the courts. Typically, what I have seen is, yes, the judge would be the final decision maker on hiring and firing. He may delegate some of that to his court administrator, but I think that is at his discretion, as far as I am aware.

Assemblywoman Anderson:

Thank you so much, Mr. Coyle, for that clarification that the judge may in her decision or her ability hire and/or fire the court administrator.

Assemblywoman Considine:

Thank you for this bill. I find it incredibly interesting. I have a couple of questions so that I have a better understanding of how this all fits together. The first one is that, since existing law provides that the judges for the City of Elko are currently appointed, what is the appointment process? I am not sure whom that question would go to.

Tom Coyle:

I have been prosecuting for the City of Elko for 30 years now. During that entire time, the way it has occurred is the City of Elko appoints the justice of the peace to act as ex officio municipal court judge. Generally, after an election, the matter gets placed on the agenda before the City of Elko. They would have the option to potentially have their own appointed judge, but as Mr. Calder described, we have this long-standing agreement with the county and cost-sharing and things of that nature. I think even employees under that agreement still

remain county employees at present. It officially goes to the city council, they review the judge that was elected, and then they determine whether or not to appoint that judge as ex officio municipal court judge.

Assemblywoman Considine:

From a practical standpoint, if they are looking to fill the position and if they are not looking to just review the judge, is it that any attorney can apply for that position and the city council reviews them or does the city council come up with whomever they want to do it? I was trying to figure out how that portion of the process happens.

Tom Coyle:

I do not know if you want to take this, Mr. Calder. At least at this point, I have not been made aware of where the City opened it up to consideration of its own separate, appointed judge system. Since I have been with the City, it has basically been a review of the justice court justice of the peace being considered and the City going forward with appointing that person.

Curtis Calder:

I have been with the City of Elko for 22 years, so I have been here for a while too. We have not had a scenario in which the Elko County justice of the peace did not want the job. The interlocal agreement between the City and the County helps fund a pretty good portion of the Elko County Justice Court system. In the event a justice of the peace did not want to participate in running the municipal court, the City of Elko would be put in a position in which we would have to go out for some type of a recruitment for a municipal judge, much like a city manager or a fire chief or a police chief, which are also appointed officials, and then the City of Elko would have to locate a facility that we could operate a municipal court out of. It would not really be a financially prudent decision for either the County or the City to separate that, but it certainly is a possibility if the justice of the peace did not want to be the municipal judge. They could refuse that and that could be a possibility. One of the goals with this legislation was to bring a lot more clarity to that antiquated charter language. As these courts evolve, there is certainly the possibility in the future that the City will need to have a separate municipal court, and this language would help facilitate that in that event. We certainly do not envision that in the near future and, I would say, the funding mechanism in place is beneficial not only for the County and the City, but also avoids that duplication of service that would cost the taxpayer more money.

Assemblywoman Considine:

Thank you for that answer. I apologize if I misconstrued my question. What I was trying to figure out is, with that process, whether it would be a municipal judge or a justice of the peace, when the City determines who that is going to be. Does that mean the same person has been municipal court judge or justice of the peace currently, for 22 years? Or has there been a process, whenever there has been a replacement, of how someone can then become that position? That is what I was looking for, that type of process.

Tom Coyle:

So far, the justices of the peace have a term of office for six years. At every six-year interval so far, they have been considered for appointment. As the other justices of the peace in the county are elected, they also come up for consideration in the alternate list that the City keeps, in case the sitting justice of the peace that is acting as the ex officio cannot hear a particular case for a conflict or calendaring issues. Hopefully, that addresses your question.

Assemblywoman Considine:

Thank you. I believe so. You are saying there is a list that the City would then choose from. I think that is what I was trying to figure out. I will go to my second question and I appreciate all the time I have already taken up. The way this bill is written, it has that appointment. If this bill were to pass, that appointment would then be in statute. Does that mean that it would not ever move to a possible election if you wanted to elect that position, or would it then require you to come back to the Legislature if you wanted to change that appointed position to an elected position?

Tom Coyle:

The way I understand it, our original city charter provides for an appointed municipal judge. We maintain that as the established way of selecting our municipal judge. However, to answer your question, if we really wanted to go to elected judges for the City separate from the justice of the peace, we would have to come back for an amendment. At present, we are maintaining the appointed judge system, and that can either be the elected justice of the peace or a separate appointed officer.

Assemblywoman Brown-May:

I want to be really clear. What I understand you are saying is that your justice of the peace is an elected position and the city municipal judge is an appointed position. Is that correct?

Tom Coyle:

Yes. That is correct. The justice of the peace in the Elko Township is an elected position. Now, we have two of those. For them to serve as the municipal court judge, there is a state law provision right now, NRS 5.023, that allows a city to appoint them as municipal court judges in an ex officio capacity. That is the long-standing system that has been utilized here in the city. The City would have its option to break away from the justice court, develop its own facilities and employees, and appoint a separate municipal court judge.

Assemblywoman Torres:

I am looking specifically at section 3 of the legislation. I noticed there has been some changes on how salary changes could be made by the city council for municipal judges. I wonder if you could speak a little bit about what this process would look like now. If the municipal judge is appointed and their salary is fixed, would the salary only be able to change if the judge changed?

Tom Coyle:

I am not looking at the exact language, but the intention was to provide that the salary would be able to be changed but only at the end of each term of office. If we are utilizing the justice of the peace position, then it can be changed by that change in that interlocal agreement between the City and County. If we are utilizing a separate appointed judge system, then it could be changed at every term of office which, in this case, is a two-year term of office.

Assemblywoman Torres:

If that municipal judge were to stay the same, when would that change occur? When could the city council have that discussion? Would they have the discussion before that judge was appointed again? I am not sure that question makes sense, but I wonder what that would look like, if there was a judge that was to remain in office for multiple terms.

Tom Coyle:

Yes, I think that question makes sense. I believe that as the time frame approached, at the end of the term of office, then that judge would bring that matter up before the city council, and then it would be placed on an agenda whether or not to make changes to its resolution setting out the salary provision. I would think there would be a time frame at the end of each term of office that that could be considered, from the timing at the end of the term of office until an actual appointment. If it goes beyond that term of office, the acting judge is still during that time frame so it could be considered until such time as the appointment was made because usually that lasts until the new officer is in place.

Assemblywoman Torres:

My understanding from this is that the salaries of all municipal judges have to be uniform. Will all municipal judges still be appointed at the same time? I am not sure how you have that conversation or when that would occur. If one judge is appointed in 2020 and another is appointed in 2021, when does that change occur, because it cannot occur during the current term?

Tom Coyle:

In the present scenario under which we have justices of the peace that are going to be in staggered elections, I think the conversation could happen at any time between the City and County if they want to look at amending the way the court is handled in that interlocal agreement. In the other scenario under which we had a separate court entirely and a separate municipal judge that was appointed, at least for some time frame, I would think that one stand-alone judge would be handling the court because he could devote all of his time and energy to municipal court matters, and it would come up every two years. If you had two municipal judges, I am not sure that we can say right now whether that would be staggered or not. I do not know if I could really go further on that hypothetical at this stage.

Assemblywoman Torres:

I appreciate that, Mr. Coyle, but I think that should be a consideration while we are looking at this legislation, how we could strengthen that language, because I think that is a very possible scenario that could occur in a city. I think it is worth looking at so that we can ensure what passes here makes sense.

Chair Flores:

Members, are there any additional questions? [There were none.] At this time, I would like to invite those wishing to testify in support of A.B. 311. [There was no one.] At this time, I would like to invite those wishing to testify in opposition to A.B. 311. [There was no one.] Lastly, we will invite those wishing to testify in the neutral position to A.B. 311. [There was no one.] Lastly, we will come back to Assemblyman Ellison with any closing remarks you may have.

Assemblyman Ellison:

I would like to thank the City Manager, Chris Calder, and the Deputy City Attorney, Tom Coyle. It is good to have a Committee that has all these attorneys on here that can ask a lot of these questions. If you look at the Instant Messenger, I sent you a text saying there are some good questions out there, and I appreciate that. I look forward to seeing this bill go to the floor. I am hoping I get support from the Committee to move it forward and I really appreciate you guys and the questions you asked. Thank you very much.

Chair Flores:

Thank you, Assemblyman Ellison. We look forward to continuing to work with you and your counsel so that we can get some stuff clarified and/or address some of the concerns that were brought up this morning. With that, we are going to close out the hearing on A.B. 311 and we will open up the hearing on Assembly Bill 315. Good morning, Assemblyman O'Neill, and welcome back.

**Assembly Bill 315: Revises provisions relating to certain public employees.
(BDR 23-647)**

Assemblyman P.K. O'Neill, Assembly District No. 40:

Thank you, Chair Flores. I want to wish you and all the members of the Committee a very wonderful morning. Today I am here to introduce Assembly Bill 315 for your consideration. This proposed legislation seeks to require employing agencies to provide mental health, post-traumatic stress disorder (PTSD), and suicide prevention information to their employees, and provide a maximum of two hours upon retirement within a reasonable time period with a mental health expert where the employees become educated on dealing with mental health issues.

With me today to assist on this important endeavor is Steve Grammas, president of the Las Vegas Police Protective Association, and Michele Freeman, a retired chief with the City of Las Vegas Department of Public Safety, and she will be graduating this May with a doctor of philosophy in public policy. Additionally, she sits on the board for the American Foundation

for Suicide Prevention. They are here to elaborate on the need for this significant bill, along with answering any questions the Committee might have. We were also planning on having representatives from fire; however and unfortunately, they were unable to attend. Emergency apparently trumps Legislature.

As we all know, suicide among members of law enforcement and firefighters is a difficult topic to discuss, particularly for me after 40 years in law enforcement and having my own personal experiences. However, it is imperative that we do talk about this problem, try to better understand it, and find new ideas to address it because suicide among our first responders is a national crisis. According to the Police Executive Research Forum, the risk of suicide among police officers is 54 percent greater than among workers in general. On a daily basis, our first responders are exposed to horrific real-life situations that, over time, can present long-lasting mental health disorders, including depression. Access to mental health programs is increasingly recognized as an essential element of police and fire departments, not only for promoting mental and physical health and preventing suicides, but for the broader good of helping first responders to find fulfillment and happiness in their careers and lives. This bill requires employing agencies to do more to help their employees and retirees to learn how to deal with mental health issues.

In summary, A.B. 315 requires an employer of a police officer or firefighter to make certain information available to the police officer or firefighter regarding mental health issues and treatment. Early this morning, I was contacted by representatives of Clark County who explained to me that the county fire has an in-house employee assistance program specialist that the union membership utilizes in lieu of county services. From my limited conversation with them, we will be working with the International Association of Fire Fighters union representative of Clark County to clarify the responsibility of providing mental health assistance upon retirement. In short, there may be an amendment coming. While still employed though, the employer must provide ongoing information related to the awareness, prevention, mitigation, and treatment of mental health issues including, without limitation, PTSD, depression, anxiety, and acute stress.

In section 1, subsection 1, paragraph (b), I am proposing a conceptual amendment [[Exhibit D](#)], which should be posted up on the Nevada Electronic Legislative Information System, deleting the word "Before" and inserting "Within 3 months of retirement of." The section should now read that within three months of retirement, a police officer or firefighter employer must provide up to two hours of counseling from a mental health professional to discuss the symptoms, prevention, mitigation, and treatment of mental health issues, including without limitation post-traumatic stress disorder, depression, anxiety, and acute stress.

The main reason for this amendment is when a police officer or firefighter reaches retirement time, at several areas they do not have to give notification. They can say, in some instances, Effective at 5 p.m. today I am retiring. It would not be fair on the employer that they immediately provide this service. Plus, we have a shortage of mental health providers, so the three months should give ample time to address that issue and provide the necessary services.

Speaking of fiscal impact, while it has been determined that there is an unfunded mandate associated with this bill, I have reached out to several government agencies responsible for law enforcement and/or fire protection and they are in full support. I would like now to allow time for my copresenters to provide testimony on A.B. 315. Mr. Grammas would like to go first, if I understand correctly.

Steve Grammas, President, Las Vegas Police Protective Association:

Thank you, Chair Flores and the Committee, for hearing this bill. A special thank you goes to all those who are supporting this bill, including the Las Vegas Golden Knights [[Exhibit E](#)]. Finally, a big thank you goes to Assemblyman P.K. O'Neill for carrying and working on this bill with us from the beginning. I am the president of the Las Vegas Police Protective Association, representing over 3,500 commissioned officers at the Las Vegas Metropolitan Police Department as well as the City of Las Vegas. I am a proud member of the Public Safety Alliance of Nevada, which represents police and correctional officers in northern and southern Nevada. This bill has been something I have been thinking about and working on for a few years. Many times, in an officer's or firefighter's career, we see things that we will never forget—whether it was one of many violent deaths as an adult, or in my days, the death of a young girl who was only two years old and passed away from sudden infant death syndrome. At that same time, I myself had a two-year-old daughter. We as first responders carry mental and emotional scars in our career, terrible things normal people will never and should never be exposed to. These scars are lifelong, but oftentimes never visible to anyone other than ourselves and our families. We do, however, find ways to cope with these scars. While we are on the job, it is through our relationships, camaraderie, and the work that we do that helps us bury or forget these scars while we are employed.

What happens when we are no longer on the job? What happens when the familiarity of coming into work, seeing our coworkers, and going through a tour of duty is no longer an option? I myself have spoken to many retirees who feel disconnected from the very thing that they have been so connected to for 20 to 30 years. Some may consider turning to substance abuse in retirement that can, unfortunately, lead to depression, anxiety, PTSD, or, as we have seen across the country, taking their own life. I attribute these issues to the fact that an officer or firefighter never truly dealt with the things they had experienced when employed or never truly mentally prepared themselves for what is to come in retirement. When we hire on our agencies, we go through an extensive psychological evaluation. When we leave, we have no evaluation in place to make sure that those who have protected us are being taken care of when they are in retirement. What this bill will do is give police and firefighters the option to have a final evaluation without fear of losing their job under fitness [unintelligible], which most officers do fear. The chances of an officer truly dealing with their scars on their way out is far more likely than while they are employed. It is for this reason that this bill was brought forth, and I am supporting this cause to take care of those who took care of us and risked their lives for the well-being and safety of the citizens of Nevada. With that, if anybody has any questions for me, I am willing to answer any you may have.

Chair Flores:

Assemblyman O'Neill, did you have somebody else that you wish to go to, or do you want to open it up for questions?

Assemblyman O'Neill:

I would like Ms. Freeman to speak, but before she testifies, I would like to say that the firefighters were ditto in their experiences and observations and emotions that they have experienced, as Mr. Grammas has also said law enforcement faces. I apologize for their not being able to join us. As I said, it was an emergency. They said they would try to come on. Hopefully, they may, at least by phone. Right now, Chair Flores, I would like to have Ms. Freeman speak, and then we can go to any questions that the Committee may have.

Michele Freeman, Private Citizen, Las Vegas, Nevada:

I certainly do not want to repeat anything that Mr. Grammas has already eloquently said. I live in the same space; I can speak as an officer and now, I can speak as a retired officer. I worked in the agency for the City of Las Vegas Department of Public Safety for over 28 1/2 years. For 20 of those years, I was in a formal leadership position. In addition to that, for almost the last ten years, I was at the helm of the organization. I worked very closely with the other organizations to include fire in our community. I can speak to that, but I am going to stay specific to what I know in our agency. I am going to tell you that suicide is real, and people are struggling with mental health and suicidal thoughts throughout their career and after their career. I will tell you that the person who sat next to me in my academy, the chair remains empty because he died by suicide while on the job.

Mental health and suicide are a real thing. What I can tell you is that there are a lot of people that may have a smile on their face as officers and, unfortunately, they are struggling in silence inside and alone because of a stigma that is related around suicide awareness and mental health. What this bill today does, as I stand here in support, is it helps us to normalize the culture and helps us mandate people to get the help that they would need. I think that is imperative. I think normalizing our culture is something that we have not done.

What I would like to add to the testimony that you have already heard, something that is different, is I am going, right now, through my doctoral degree in public policy. I am graduating in May. I have been studying this for two decades; however, I have been exclusively studying it for over three years now. I did a survey here in the state of Nevada. The survey that I did, and I am just going to share it in part with you, was to try and have everyone's voice heard who wanted to be heard in the state of Nevada—law enforcement officers. Their law enforcement time was specifically here, but they could have served somewhere else as well. We are bringing people in who have past post-traumatic stress and experiences of tragedy and devastation throughout their career, whether in public safety or also military, because many military people go on to become police officers and/or firefighters as well. What I tried to do is get the voices of all. I sent my survey out to the Nevada Sheriffs' and Chiefs' Association, which I am an affiliate of, and then it was up to those sheriffs and chiefs to go ahead and forward the survey. It was an anonymous survey for everyone to be able to take and it included retirees on it. Out of the two weeks that I had

the survey open, 844 law enforcement professionals responded. I think that is a great foundation for us because we do not have research in this area.

What I would like to draw your attention to is one specific area of the survey. The question that is specific here is, What do you believe is the likeliness of law enforcement officers reaching out for professional mental health assistance if experiencing personal or professional, or a combination of both? I provided examples. This would include anything, whether it is family issues, marital issues, alcohol usage, and obviously on-the-job stress as well. They were grouped into current law enforcement officers, retired law enforcement officers, and personal likeliness. What I want to really talk about is the retirees.

There was strong data showing that everyone believed that it is a serious problem here. The retired law enforcement officer data showed that out of 804 people who responded to the specific question, the majority felt there was a serious, somewhat serious, very serious, and minimally serious problem. These are people saying "maybe" or "yes" to the question.

As you know, we are pretty skeptical in our work, so I have tried to make the survey very benign and welcoming for people to take. Again, it was anonymous. We used aggregate data, I never saw it, and I used a local company, Innovative Research and Analysis LLC. Dr. Justin Gardner, who also is a doctor at the University of Nevada, Las Vegas, is the one who did all the data for me; it was completely anonymous.

I want to thank you here today. From the bottom of my heart, I can tell you what it feels like to sit and to struggle. Now, to be on the end, where I am at in retirement, where my family has been, my law enforcement brothers and sisters have been an enormous part of my life since I was 23 years old. Now, I have been cut off from them, and now I understand what it feels like to be a retiree. Thank you for your time, and I appreciate any questions that you would like to ask.

Chair Flores:

And thank you for the work that you are doing. Hopefully, all that research will pay off in saving so many lives. With that, we will open it up for questions.

Assemblywoman Thomas:

Thank you, Assemblyman O'Neill, for bringing A.B. 315 forward. I want to thank Mr. Grammas and Ms. Freeman for your testimony. I am so happy that Assemblyman O'Neill brought this bill forward because for so long, as a society, we have kept the big secret, and that is mental health issues—especially public employees, along with our veterans, along with active-duty military members. It is time for us to take a deep breath and be a society that recognizes PTSD, recognizes depression, recognizes suicide, and recognizes anxiety. These are issues that are human because of our nature. As this bill brings forward, our first responders, our public employees experience on a day-to-day basis these egregious and heartrending situations that they are put in. From a car accident, from a firefighter who has to retrieve a baby that has been severely burned, the list goes on and on. For us not to

recognize that these men and women go through these mental health issues, as a society, it would be a shame on us.

Assemblywoman Considine:

My father was a firefighter, so I really do appreciate this bill. My question is about section 1, subsection 1, paragraph (b). From my point of view, the language is a little vague where it says, "not more than 2 hours of counseling from a mental health professional to discuss" I wanted to make sure that that is not something that would be, Here is a video, here is an online form to fill out. This would be with a mental health professional with whom there would be back and forth, not just a one-sided discussion or a list of symptoms or something like that. I want to make sure that I have the intent of that section correct: it would allow that retiree to have at least, in my opinion, two hours of time accessible to somebody to talk about these issues and then to possibly follow up to talk about these issues.

Assemblyman O'Neill:

In conversation with police, fire, and their employment agencies, we have talked about being with a mental health professional, not, as you said, on a video. Naturally, our Legislative Counsel Bureau wrote this. To me, it is very clear. To me, I would like to put on record that it would be with a mental health professional. If you have suggested language you think would tighten that up, I would be more than willing to see that it be included in the amendment.

Assemblywoman Considine:

I think you are saying "with" a mental health professional. That, in my opinion, would take care of it, but I am happy to follow up with you after this. I appreciate your response.

Assemblywoman Torres:

I do appreciate the intent of this legislation. I think it is excellent to ensure that our first responders do have access to this information before they are retired. My question, along similar lines, is where in section 1, subsection 1, paragraph (b), it says "not more than 2 hours of counseling." I would imagine that the intent was at least two hours of counseling so that there would be the option for there to be more if that organization so decided. I would urge you to consider changing that "not more" to "at least" unless there was another reason perhaps why we kept it at "not more."

Assemblyman O'Neill:

The "not more than 2 hours" was derived from, once again, working with police/fire representatives and their employing agencies. They did not want to exceed that because of the unfunded mandate that this requires. Speaking with the various memberships, they felt that two hours—it does not have to be a one-time block, usually mental health experts will give appointments in one-hour blocks. This could be two different sessions. I want it to work with the employing agencies, not to give them an expensive, unfunded mandate. That is why we limited that to "not more than 2 hours." Plus, they will also have access to their own personal insurance postretirement which does include mental health assistance programs.

Assemblywoman Torres:

I appreciate that, Assemblyman O'Neill. I think that with the language that we have, "not more," that could also mean 15 minutes or 10 minutes would be not more than two hours, right? I think there should be a minimum set, even if it is not two hours. At least one hour, maybe not more than two hours. I would urge you to consider that language because, as written right now, "not more" could be significantly less time than I think is intended in this bill.

Assemblyman O'Neill:

I understand where you are coming from, and I will work on seeing if we can tighten that up a little bit.

Assemblywoman Anderson:

I had an opportunity to talk with a few individuals as well about this a little bit beforehand. I really appreciate the adding in of "Within 3 months of retirement" [[Exhibit D](#)] because that was a huge concern for many individuals trying to make sure that that is equal. I really appreciate that amendment being brought forward.

My question is, what are the checks and balances? How do we know if this is working, and is there availability for individuals when they are retired? Most of the time they have been on the Public Employees' Benefits Program (PEBP) insurance. Does this mental health help continue during the PEBP insurance? It is outside of this bill, I realize, but I think that is a way to start. I do not know if that is necessarily for you, Assemblyman O'Neill, or if that is more for Ms. Freeman.

Assemblyman O'Neill:

I can say, and Ms. Freeman can chime in, that when I was on PEBP, what I did have, the mental health was included in my benefits. Now, I am on Medicare and mental health is also included there. I know that the counties have their own contractual agreements along the retirement insurance. Maybe Ms. Freeman or Mr. Grammas can chime in.

Michelle Freeman:

Each agency handles it differently, and they each have different insurance. Obviously, I do not want to be so bold as to speak for all of them. What I will say is that there can absolutely be a check and balance within the agency that they already have set up. Whichever provider that they are going to use, they can just mimic whatever they use right now. Many of the agencies throughout the state of Nevada already have a medical health evaluation, that is *Nevada Revised Statutes* Chapter 617, which ensures that we have that every year. A lot of the agencies have it here. Even though that is with on-duty officers, what you do is keep your roster. For the City of Las Vegas, which is where I worked, we had almost four ways to check and balance. It would be the individual, the agency, the medical or mental health provider, whichever, and human resources as well. I think that what is already created in many of the agencies could be used, but I do think it is an important question. You do not want to make it cumbersome, but you definitely want to have those checks and balances to ensure that the agencies know that that is part of the responsibility. They can have that on

their out-processing where the City of Las Vegas, again, has a human resources liaison and a human resources department, and on the out-processing there is literally a check sheet to ensure people have certain things that have taken place. It could be added to that, but again, I do not want to speak for every agency within our valley.

Assemblywoman Anderson:

I think that clarifies exactly what the checks and balances mean, so thank you very much for the very in-depth answer.

Assemblyman Ellison:

I noticed we touched on firemen and the police, but a lot of the places have privatized emergency medical technicians (EMTs), I think in Las Vegas, do they not? What about the first responders? These guys get there with the ambulance and they still have to deal with this as much as everybody else. That is my first question. The other question I have is about the shortage of health care experts that are out there. It seems like the more we try, the less we find them because of the salaries. We have a problem with that. We have to get more mental health people out there to help. I do not know if we have to look at the salaries or what we have to do. I talked to a few kids the other day who were going through college, so there is a push to help get these positions filled. I hope you can answer that. Then, the other thing is, what about the small communities and those departments? Can you answer that?

Assemblyman O'Neill:

The first part is, I do not want to go into the ambulance private enterprise and make requirements on them. That might be a contractual issue that they have with their employees. For now, I want to concentrate on our government first responders. They are the ones who we initially deal with over and over again in their career in these dramatic, serious incidents that can really stay with them. A lot of the students currently taking EMT and other classes are, for the majority, looking to go with the governmental agency, normally in fire, to provide the services that anyone would be covered under this.

As for the other part of your question about smaller counties, I think you are talking about the volunteer firefighters. It is difficult to address volunteers because there is no retirement. They volunteer for their time period. I have not heard from any of the small volunteer associations or groups on any verbiage or suggestions for inclusion in this. Right now, I am only dealing with our full-time, professional law enforcement and fire—which includes EMTs, their ambulance squads, rescue squads—in this bill to deal with the issues that they experience daily and over the years. Hopefully, that answers your question.

Assemblyman Ellison:

What I was looking at were some of these small communities like Jackpot, which might have two policemen, Wendover three—Ely, Eureka, Tonopah, Hawthorne—these small departments that are on really tight budgets, that is what I was talking about. They are full-time employees, but their budgets are strapped pretty badly. That is what I was trying to look at, not the volunteers, but these smaller departments.

Assemblyman O'Neill:

I appreciate the clarification, Assemblyman Ellison. That is where we limit it to a maximum of two hours of treatment instead of burdening them with the unfunded mandate. I know that Tonopah, as you mentioned, is covered by Nye County, which is a larger agency. They currently cover the health benefits of heart and lung, so it could be included in some of that as an additional cost upon retirement. Not all officers reach retirement age. Some may leave earlier. It really deals with a limited group that, from my conversation with most agencies, they felt they can solve that mandate.

Chair Flores:

Are there any other questions? [There were none.] At this time, I would like to invite those wishing to testify in support of A.B. 315.

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We are here in support of A.B. 315 and the amendment. We appreciate Assemblyman O'Neill for bringing this forward, along with Chief Freeman and Steve Grammas for the presentation and testimony on the bill.

Michael Cathcart, Business Operations Manager, City of Henderson:

The City is fully invested in a public safety wellness program and has hired a public safety wellness manager who is establishing the program that will assist employees who witness traumatic incidents in the course of their work. This program will provide crisis intervention services such as guidance and referrals to public safety employees, and this program will also include individual and group debriefings and coordinate the care for public safety employees after critical incidents and maintain contact and track progress of employees and assist in facilitating their return to duty when appropriate. We are fully supportive of this bill. We want to make sure we take care of our employees, including when they are entering retirement.

Ron Dreher, Government Affairs Assistant Director, Reno Police Protective Association:

I appear before you today by telephone to ask your support in passing A.B. 315 with the amendments as proposed by Assemblyman O'Neill. I appear on behalf of the members of the Reno Police Protective Association, as a member of the Public Safety Alliance of Nevada, and as a retired Reno Police Department Major Crimes detective, and as one who has represented many officers over the past 37 years on different types of issues affecting their mental health. We thank Assemblyman O'Neill and those cosponsors for sponsoring this legislation.

Assembly Bill 315 provides peace officers who are retiring an opportunity to have counseling from a mental health professional to go over assistance provided to the officers regarding mental health issues that officers may face postretirement. Most officers during their careers view horrific crime scenes. Some are involved in officer-involved shootings. Some have to use deadly force. The counseling provides possible help for officers, should

they need help to overcome post-traumatic stress conditions that they may encounter after retirement.

Assemblyman P.K. O'Neill and Michele Freeman, along with Steve Grammas, presented awesome evidence to you as to why this bill is needed. In the past, as a retiree and as someone who has watched my friends commit suicide after issues that they have sustained, we have been told to suck it up. "You can do it. You do not have to worry about anything." I have watched that over the years. Officers have to be strong. You see these types of issues that they encounter. This bill at least provides a start. It provides counsel to them. It helps these retirees as they progress into retirement and look at various areas of their lives.

We thank, again, Assemblyman P.K. O'Neill. Members of this Committee, please support this bill. We appreciate it, and I am happy to answer any questions. I know it is difficult to do that from the telephone. I would love to be there in person, but I think that you have heard the best from Steve Grammas, Assemblyman P.K. O'Neill, and Michele Freeman.

Chair Flores:

Thank you for sharing such a hurtful story with us as a form of empowering other Nevadans and working with us.

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

We do entirely support this concept. It is a great concept that has been offered to bring support. We appreciate Mr. Grammas and Ms. Freeman for providing their support along with Assemblyman O'Neill. Together, with Assemblyman O'Neill's amendment, we have offered the sponsor a small friendly amendment as well, and we are hoping that he will embrace that change. In any event, we do support A. B. 315. We encourage this Committee to do the same.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We appreciate Assemblyman O'Neill bringing this bill forward, and we definitely take the mental health of our officers very seriously. We are here in support of the bill.

Chair Flores:

With that, we will continue with support for A.B. 315. [There was no one.] [[Exhibit F](#) was also submitted in support for Assembly Bill 315.] At this time, I would like to invite those wishing to testify in opposition to A.B. 315. [There was no one.] At this time, we will go to those wishing to testify in the neutral position to A.B. 315.

Joanna Jacob, Government Affairs Manager, Clark County:

I am testifying in neutral at the request of Assemblyman O'Neill because, as he stated in his testimony, we did contact him about this. We will work with him. We are absolutely supportive of the intent of this bill and of our first responders. We have a structure in Clark County that I needed to take a look at to make sure that we can continue to use that structure. Based on this conversation during the hearing, it seems like that is the intent, and we will

work with the sponsor on this. The Clark County Fire Department has their own internal peer support network that they have grown and built. They call it "rescuing for the rescuer" anecdotally, and we believe very strongly in this support. That is what we want to make sure that we discuss with the bill sponsor, and I believe that we can work it out. We are committed to doing that, Chair Flores, and we will follow up with the bill sponsor afterwards.

Chair Flores:

Thank you for your commitment to help Assemblyman O'Neill reach the objective. We will go to the next caller wishing to testify in the neutral position. [There was no one.] Assemblyman O'Neill, please give us any closing remarks you may have.

Assemblyman O'Neill:

Chair Flores, with your indulgence, I would like to have Ms. Freeman or Mr. Grammas give closing remarks, and then I do have a short statement I would like to make.

Michele Freeman:

I really think this is imperative. It is imperative that we change our culture. It is imperative, as we heard the testimony today. We know that people are struggling in silence. We know that mental health is real. We know that mental health and suicide are things that are happening within our community and even deeper in our police and fire community, our public safety community. People are going in silence and suffering because they feel like they cannot say anything, and they cannot do anything because they feel like it is a weakness. It is a strength to reach out and get help. I have been on the American Foundation for Suicide Prevention—I am not representing them today—I have been on the board since 2013. I am a cochair on the education committee. I offer a lot of education and awareness, and I can see that a lot of people do not have that understanding and awareness. The cultural change is imperative, and this is something that affects our entire community. It is not just the first responder and the first responder's family, which is horrific enough.

As far as the fiscal impact, I will say, how can you put a fiscal impact on a life. Thank you very much for the opportunity today, Chair Flores and Assemblyman O'Neill. I feel humbled and grateful to be standing with Mr. Grammas and Assemblyman O'Neill on this.

Steve Grammas:

Thank you, Chair Flores. Thank you to the Committee and members for all the positive words of wanting to take care of our law enforcement and firefighters. Those things really mean a lot to our members and our officers and our firefighters. What this bill is intended to do is to jump-start the conversation with that retiree to get them to go seek help if it is needed. It was mentioned earlier about their insurance and afterwards, and we have very good insurance providers in retirement if officers and firemen choose to accept it. What this step will do is put it right in front of their face and not let them put it off until it is too late. To say, Hey with these two hours, get off of your chest what you need to get off. When you do that, maybe that spurs you to go to your insurance and say, I need to continue this counseling because it is important, and clearly there are some issues, so that we do not have to bury another coworker, whether they are 20 years retired or 2 years retired. We really

appreciate your work, Assemblyman O'Neill; and to everybody else on the Committee, we look forward to this continued conversation.

Assemblyman O'Neill:

I am going to go with less is more. I did have a longer closing statement, but I think enough has been said. I will conclude with thanking you, Chair Flores, and members of the Committee, for hearing this bill today. I urge your support for this significant piece of legislation that will help our first responders deal with the mental health toll it takes to protect our families' homes and neighborhoods. I will work with the stakeholders to ensure that we get an amendment to you as soon as possible so you can move this bill forward. Thank you very much for this time.

Chair Flores:

Thank you, Assemblyman O'Neill. To all our women and men who are on the front lines consistently fighting to protect all Nevadans, I think we owe it to you to try to help you in whatever way we can. We look forward to working alongside of you, Assemblyman O'Neill, Mr. Grammas, and Ms. Freeman. With that, we will go ahead and close out the hearing on A.B. 315. The next hearing we have is Assembly Bill 316, and Assemblyman O'Neill will join us right back. Welcome back, sir.

Assembly Bill 316: Revises provisions relating to veterans' benefits. (BDR 37-949)

Assemblyman P.K. O'Neill, Assembly District No. 40:

I am glad you are having me back, Chair Flores. I should start out with, once again, wishing you all a good morning. Today I am here to introduce Assembly Bill 316 for your consideration. This proposed legislation aims to ensure that veterans are fully aware that they may be responsible for fees if they utilize certain entities in attaining their U.S. Department of Veterans Affairs (VA) benefits, as well as informing veterans that there are multiple agencies who will assist the veteran in attaining these benefits for free. With me today to assist on this important endeavor is Tony Yarbrough, who is secretary for the United Veterans Legislative Council. He is here to elaborate on the need for this vital bill along with answering any questions the Committee might have.

As you may know, the United States Department of Veterans Affairs and Nevada's Department of Veterans Services provide an array of services that are free to veterans of the United States. There are many honest companies who will assist veterans to access their benefits at no charge. However, it was recently brought to my attention that some veterans are being taken advantage of when they attempt to attain their VA benefits by entities who charge for these services without providing the veteran with proper notification. This bill will ensure that veterans are made aware that they may be responsible for fees if they utilize the services of those certain entities in attaining their VA benefits. This bill does not intend to put good operators out of business. It only ensures that the veteran has been properly notified. I would like to provide a summary of the bill, then allow Tony Yarbrough, with the United Veterans Legislative Council, to provide additional testimony in support of the bill and then take questions.

Section 1 is short. It is standard language. Let us move to section 2. Section 2 requires any person who advertises or promotes any event or other public gathering or other service relating to benefits or entitlement for veterans, with certain exceptions, to disclose certain information, including that: 1) the event or services provided are not associated with the United States Department of Veterans Affairs, Nevada's Department of Veterans Services, or certain organizations for veterans; and 2) the veteran may qualify for benefits other than those discussed or advertised. The bill requires an oral announcement to be read at public events, which you can review starting on page 2, line 10. There is also a written statement that must be included on any advertisement, and that statement is on page 2, line 26.

In section 3, the bill requires a person who provides services to obtain benefits or entitlements for veterans to provide a written disclosure before entering into an agreement with a client for the provisions of those services. This section also requires Nevada's Department of Veterans Services to prescribe the form for the written disclosure.

Section 4 authorizes the Attorney General to collect a civil penalty of not more than \$1,000 for each violation of those provisions of this bill. Section 5 allows for any person who is a victim of consumer fraud to bring a civil action against the entity that committed the violation. That will conclude my introductory remarks. I would now like to turn it over to Mr. Yarbrough to provide additional testimony.

Tony Yarbrough, State Legislative Deputy, Veterans of Foreign Wars, Department of Nevada; and Secretary, United Veterans Legislative Council:

This is one of the true veteran bills that you will come across that has been collated, if you will, by a large handful of veterans and a lot of supporters. The United Veterans Legislative Council is an organization of all veterans' organizations throughout the state of Nevada. It includes all veterans, active-duty military, National Guard families, and advocates statewide. Of course, had we been in chambers, I would probably have a sea full of hats behind me, but in this case, we are going to make do with what we have. I am sure that many of you have veterans in your families. I know some of you are veterans and have direct experience in active-duty military service. All I am asking as we go through this and move forward, please remember them and the sacrifices that all the families made and the commitment to serve our country and how proudly you support them. Assembly Bill 316, as it started off, is simply a bill for veterans to require disclosure of certain information concerning events and services. Let us start out with this. I need to give a primer so you understand where the foundation of this is.

Upon entering the military in service to the Department of Defense, the United States Government assumes all responsibility for each person. That assumes the responsibility for all levels—if everybody is familiar with Maslow's hierarchy of needs—which are the basic, psychological, and self-fulfillment, which is essentially your entire life and well-being [page 1, [Exhibit G](#)]. If a veteran or eligible Department of Defense member sustains some injury or condition that was initiated by military service or the Department of Defense, it is called a "service-connected disability," if, of course, it is recognized by successful award through the United States Department of Veterans Affairs (VA). If awarded, the benefits

include a disability rating of 0 to 100 percent and are followed by monetary implementation of 10 percent of rate. Benefits provided are intended to make the injured or disabled person whole, if possible, and that frequently includes monetary compensation that can range from hundreds to thousands of dollars per month, in addition to health care services, education, vocational rehabilitation, in-home health care, and pensions. Many of these services are fully covered by the VA. The attraction of these potentially large award monies provided in back pay while waiting for a claim to be processed is very attractive to any unscrupulous service provider.

Veterans in Nevada have numerous avenues to obtain representation for benefits from the VA. Nevada's Department of Veterans Services and VA-accredited service officers, or veteran service officers—we call them VSOs—and agents or attorneys are well-versed in representing veterans or assisting in applying for health care or other benefits for the VA. The process for filing the benefits can take many months and even years to resolve. Moreover, there can be more than one claim in process simultaneously or, if denied, it can be reprocessed with new findings. Nevada has nearly 2,500 veterans living here in the state, and 112,000 veterans are enrolled in the VA system with over 50,000 receiving disability compensation. With the number of veterans steadily increasing, the veteran service officers get overwhelmed and groups or law firms create an opportunity to fill the gaps.

Unlike veteran service officers, who are typically nonprofits and have the funding to hire representatives to help veterans file claims at no cost, other groups operate with the only funding coming from the veterans receiving their benefits. Anytime there is a reduction of force from a particular military campaign or war, there is a surge in disability claims in addition to aging veterans, increases of routine discharges from active duty, reserves, and National Guard. As normally expected, this has caused other groups seeking to represent veterans in filing for benefits. These groups, including law firms, that operate independently have not been accredited by the VA, and some charge veterans a percentage of their monetary compensation.

This practice has been noticed and needs to be reviewed for legality, as the VA Office of the General Counsel states there are statutory restrictions against fees charged for VA representation. As a matter of fact, there has been a combination of situations where the National Attorneys General Training and Research Institute has detailed this with the predatory practices of VA claims representation. They go into extreme debt and they go through the details to explain that they have financial planners who promise to qualify ineligible veterans by repositioning assets with financial products not always in the veteran's best interests and inaccurately represent themselves as the only way to qualify for a VA pension benefit. They often tie that offer to the free claims assistance for their nonprofit products. There are also home care entities which offer free claims assistance as a ruse to lock veterans and their families into long-term contracts for subpar home care services. There are pre-filing consultants who attempt to avoid the law that prohibits charging veterans a fee for claims preparation by disguising their fee as a charge for general information about federal benefits and then claiming that benefit claim is filed free of charge, or post-filing—contract management involves a promise to file a benefit claim free of charge, but then

demands payment for a questionable contract management fee on the back end to oversee future communications with the VA. These are things that have been brought to the attention of the National Attorneys General Training and Research Institute.

These are very critical issues, and these predatory groups take advantage of this practice by not only overcharging, but not informing veterans up front for the costs and charges for services and seeking to make money from the veteran's claim. Nevada must address this issue to protect veterans seeking benefits and protect them from predatory groups seeking to profit from veterans who need VA benefits and health care.

This bill, A.B. 316, will reduce these predatory practices and protect veterans from losing benefits by being scammed into thinking they could receive benefits or receive services that are subpar and overcharged. We can protect veterans by passing this bill that clarifies the VA benefit practices and seeks to uphold the law or pursue legal action for groups not accurately or lawfully providing the VA benefits, health care, and other services that are unacceptable standards of care. These veterans seek benefits that they have earned, and there are numerous agencies accredited by the VA to assist with filing these claims at no charge to the veterans.

As was said previously, there are some very good secondary companies, attorneys' groups, et cetera, that do an excellent job and are within the confines of the law. We are going after those who are not. I appreciate the opportunity to make this presentation.

Chair Flores:

Thank you, sir. It is always an honor to see you and thank you for all your work. Unfortunately, this time, we cannot be in person. Even virtually, thank you for your service. With that, we will go back to Assemblyman O'Neill, please.

Assemblyman O'Neill:

I think Mr. Yarbrough really brought the point home on this bill. Now, both of us will be available for questions of your hardworking Committee.

Assemblywoman Brown-May:

I want to commend your efforts to support our veterans and protect their interests. My dad is a veteran. My brother is a veteran. It is very important to make sure our veterans are informed and able to access the benefits that they are entitled to. I appreciate that.

I have one clarifying question relative to this piece. Section 2, subsection 2, states, "Any person who advertises or promotes services to represent or assist veterans in matters." It goes on to identify the written disclosure, which is really well done, in my opinion. I do not see in here anywhere that there is an identification of, perhaps, a nonprofit or a bona fide 501(c)(3) that would provide benefit assistance to veterans at no fee. I completely understand your presentation is really to eliminate the bad actors out there, and unfortunately, there sure are plenty, but have you considered maybe identifying bona fide nonprofit

organizations that would provide this service at no fee? Would they still have to require that narrative on that advertising material?

Assemblyman O'Neill:

Assemblywoman Brown-May, that is an outstanding question that I had not thought of. I think I will ask Mr. Yarbrough for any comments or thoughts he may have on that initially.

Tony Yarbrough:

Thank you, Assemblywoman Brown-May, for this very pressing question. It is excellent. The reality is, I think that truth in advertising cannot hurt anybody from any perspective. As a matter of fact, I would believe that that would be reinforcement to help both the person seeking the services and the person providing the services, only building trust between the two parties. I do not see where it would matter that we try to carve out something uniquely there. I think it is better that we spread the word and be as transparent as we possibly can.

Assemblywoman Anderson:

Thank you, Assemblyman O'Neill, for bringing this forward. You and I have talked about it a few times. My question has to do with section 4. Why is the amount so small for those individuals who make a decision to prey upon our veterans? I feel as though \$1,000 is a small amount for the Attorney General to be able to utilize. I wonder why it is such a small amount as opposed to a higher penalty.

Assemblyman O'Neill:

Thank you, Assemblywoman Anderson. I know we have talked about this before, and I will be honest, I am willing to go to a higher amount. Speaking with Mr. Yarbrough and others prior, we settled on \$1,000. I am more than willing to go to whatever amount the group feels would be appropriate. I guess I should throw in "reasonable."

Tony Yarbrough:

In our research in bringing this bill forward, we came across some other states that had been doing similar activity. One state had it at \$10,000 for the first incident. We also found out that, for whatever reasons, they found an alternate way to skip around the law. If we make the initial penalty at a lower level, we probably have a greater opportunity of catching the bad actors at least once, if not more often. That was one of the reasons why we did not elevate that cost. I can tell you, with my conversations with the Attorney General, they are extremely serious about this and they are very willing to do whatever we would like to do.

Assemblywoman Torres:

I appreciate this legislation. I think it is excellent for our organizations to be transparent about the services they do and do not provide. Have there been any concerns that the statement is a little too long? I am thinking of a radio having an announcement that is 30 seconds and having to read all of this text is going to be the majority of that announcement. Additionally, as someone who organizes a lot of events, having this entire statement on a flyer is also going to be hard or the text is going to be so small that you are not going to be able to read it. Was there any consideration of condensing that a little more to a

clearer statement? I am looking at the term "advertisement" and it includes all of that. I am not opposed to that; I am thinking the statement is probably too long for those types of media forms.

Assemblyman O'Neill:

I can understand your position. I think the first thought I have is our own Assembly Chief Clerk when she is reading our bills. She does it quite eloquently and quite quickly. That, to me, addresses that radio or the announcement parts. The other part on advertising, and Mr. Yarbrough may have a different comment on this, but to me, I want to make sure the veteran, whether young, old, fully cognizant mentally, or with a disability, understands what is being discussed. I regularly get emails and letters asking me to attend various functions saying how they are going to help me beat taxes, ensure that my children not only get my inheritance but my neighbor's inheritance, et cetera, and they do it in such a refined manner that I really see where some people can get—and I have been contacted by some—absorbed into this without the full realization. That is why we went with this lengthy statement. I will say, for the good of the cause, I would be receptive if you have any ideas on shortening it.

Tony Yarbrough:

Assemblyman O'Neill, you are absolutely right. That is exactly what takes place. Something that is significant here is that we arranged this language in cooperation with the Department of Veterans Services. It is their team that came up with this language with their own personal experience in having to deal with veteran service officer issues like this. They are the ones who came up with this draft language that is apparently satisfactory to that entire team. That is why we have the language the way we do. I can appreciate the fact that, yes, from a 10-second radio spot, this would not work. I get it. Then again, a 10-second radio spot is not going to include hardly anything anyway. It is just telling you what the name is. If you look at a 20-second spot, you might get a phone number in there as well. With a 30-second spot, you might get a little bit more information. The reality is, when you are going to sign documents, documents are placed in front of you, that language, that transparency needs to be front and center. I hope that answers your question.

Assemblywoman Torres:

Thank you. I appreciate the response. If you look at page 3, line 2, it says that it would have to "appear in the same type face and font as the largest use of the term 'veteran'" For advertising purposes, that would be nearly impossible. That would be the entirety of the flyer. I think that perhaps that section would be worth removing. I would still consider finding or consulting with the Legislative Counsel Bureau to see if there would be a shorter way to condense this statement that still meets the intents of the organizations. As I said, advertising slots are really short. You still want to make sure that the information is really clear or even refers them to a website or something. I think that if we can condense that, it is going to help us meet the intent of the legislation, which is so veterans understand the services that are or are not available with this event. I think we should consider a much shorter statement and perhaps this statement in written text but allowing for a much smaller typeface because that would be the entire side of the flyer.

Tony Yarbrough:

I do not disagree with your thinking and I believe that, just as Assemblyman O'Neill, we would certainly entertain some kind of an amendment that you had in mind to make something more sensible, make it more accessible, and certainly more universal. We would certainly embrace that.

Assemblyman O'Neill:

I will also chime in. Assemblywoman Torres, I am more than receptive to your comments. We can get together with the Legislative Counsel Bureau and see what they might come up with, and then we can also discuss maybe one-half size or half-font size. If they did a 12-point font, it would be a 6-point font size in advertising, if I understand you correctly. As I said, I will get with you and get with legal to see what we can come up with for their suggestions and then go back to the veterans for their concurrence.

Assemblywoman Considine:

I have a clarifying question. Let us say there is a large "Ask a Lawyer" event or there is something that is put on by a bona fide 501(c)(3) for the entire community. Within that event there will be representatives who will be there helping people; there will be people with specific knowledge on VA or knowledge on scams that are happening specifically to veterans. In that scenario of a broad community event, would this require, on the flyers, on all of that advertising, to have this statement? Again, that does go back to the text size and how much that would be. I know there are several of those events throughout the year that do help veterans, but it is within the larger scope of an event.

Assemblyman O'Neill:

It is my understanding that you are talking about a community event that would have various tables and representatives out there. With their advertising, those who are dealing with veterans should have that advertising there. If they get up to give presentations during this community event, then they should have an acknowledgment. As I said prior to Assemblywoman Torres's thoughts, we will try to work on shortening that up to assist both in the verbal statement and in the written statement.

Chair Flores:

At this time, I would like to go to those wishing to testify in support of A.B. 316.

Denise Estes, Veteran Service Officer, Veterans of Foreign Wars, Department of Nevada:

I am in favor of this bill. By way of background, I am a veteran service officer representing the Veterans of Foreign Wars at the VA Regional Office in Reno. I have three examples I wish to present to the Committee. A veteran in Ely paid \$200 for assistance in filing his claim to the VA. Veterans Affairs denied his claim. When he returned to the person who assisted him, he was told, Sorry, and no offer was made to assist him with any further filings to the VA. A veteran in Carson City paid \$150 for assistance and his claim was also denied, and he received the same brush-off. The same story happened to a veteran in Las Vegas who paid \$125 for assistance. When the three veterans contacted my office afterwards, they were

quite upset because they had no idea there was a no-cost option. All three veterans understood there was no guarantee of success. However, they did feel that the person they sought assistance from should have continued to help them with filing an appeal to the VA. In conclusion, all veterans should be informed that no-cost assistance is available. Thank you for the opportunity to speak in favor of A.B. 316. [[Exhibit H](#) was also submitted as part of Ms. Estes' testimony.]

Michael Willoughby, Technical Director, Battle Born Progress:

Speaking on behalf of our organization, we are proud to be here today to support our veterans' community and support A.B. 316. It is critical that we protect our veterans from bad actors. As we have seen time and again in a post-9/11 era, organizations such as the Wounded Warrior Project, Twitter accounts such as Code of Vets, and even twice-impeached President Trump can and will use the prospect of helping veterans to provide cover for their own sleaze and greed. It is disgusting, and if we can take action to stop it, it is our duty on their behalf to do so. Many are only fans of veterans when it is convenient for them. We believe that we owe it to the brave men and women who sign their life on the line to show up on their behalf no matter the occasion because it is the right thing to do. "Support the troops," is not just an empty slogan to trot out during an election cycle or to affix to the back window of your lifted Ford F-350. It is our side of the bargain when we ask our people to volunteer to give their lives for our nation. It is time to take a stand against grifters. Assembly Bill 316 would prevent bad actors, such as twice-impeached, former President Donald J. Trump, from funneling critical resources away from the men and women brave enough to serve our country. We support A.B. 316 and you should too.

Chair Flores:

Thank you for joining us this morning. We will continue in support for A.B. 316. [There was no one.] At this time, I would like to invite those wishing to speak in opposition to A.B. 316. [There was no one.] At this time, I would like to invite those wishing to testify in the neutral position for A.B. 316.

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

I am calling in today because I would like to comment that the Department of Veterans Services can prescribe a form for written disclosure as defined in section 2, subsection 2, of A.B. 316. I would also like to say there are many cases of paying for assistance in filing VA benefits claims when quality, free services are available from both the state and veteran services organizations accredited by the United States Department of Veterans Affairs. While paying for these services is certainly the veteran's right, it would be ideal if they understood their options for free assistance.

It was mentioned that the Department of Veterans Services provided some language. The language provided was derived from public laws in other states, and we would certainly be glad to assist the sponsor or others in any amendments that would adjust the language to make it more palatable.

Chair Flores:

We appreciate your joining us this morning, as always. We will go to the next caller wishing to testify in the neutral position for A.B. 316. [There was no one.] At this time, we will come back to Assemblyman O'Neill with any closing remarks you may have.

Assemblyman O'Neill:

Thank you, Chair. With your authorization and approval, I would let Mr. Yarborough, if he has any, and then I will conclude.

Tony Yarborough:

Thank you, Mr. Chair. Thank you, Assemblywoman Torres. And thank you very much, Assemblyman O'Neill. Specifically, I believe that this is one bill that is actually a bill from the veterans, for the veterans; this is one of those bills where we know that there are people taking undue and extreme advantage of veterans. Director Miller is absolutely right, it is their right to pay for that if they believe that is their avenue. Unfortunately, we are dealing with a significant number of folks who are aging and people who do not have the comprehension level, sometimes, that we would like to believe that they have, or they are too proud to ask others for the help to analyze the details. I get calls all the time, How do I get my benefits? What am I supposed to do? All I can do at that point is direct them to our service officers, and we have many service officers who are hard-working people. They certainly know their avenue, they know what they have to, they know the job, and they do their very best. I get frequent reports that we have millions of dollars recovered in benefits to veterans that do go through the VA system. This is a lot of money. Unfortunately, we have veterans who are losing a lot of money. Now, I know that Veteran Service Officer Denise Estes made comments that her three cases were just a few hundred dollars that they had lost, but there have been situations down in Las Vegas that—I am hesitant to say the name, but what I will say is, the last I heard—cost one particular veteran \$1,000, and the person running the claim knew in advance that they had no chance of getting the claim approved and they took the money anyway. When they came back and they were unhappy that they did not get it, Goodbye, sorry. We need to do the right thing for veterans, and this is our opportunity. I truly appreciate your looking at doing the right thing for veterans.

Assemblyman Ellison:

Mr. Chair, I thank the sponsor of the bill. One thing I would like to say is I think one of my colleagues was correct. The bill should be changed to say "\$1,000 up to \$10,000," or something, because \$1,000 might be nothing to these guys.

Chair Flores:

Thank you, Assemblyman Ellison. And we will come back to Assemblyman O'Neill.

Assemblyman O'Neill:

Thank you, Assemblyman Ellison, for your comments. There is a smile on my face because I may not have even been saying \$10,000 was enough, but Mr. Yarborough did express some good points, that other states have discussed with this in some of those claims. I will conclude, if I may, Chair, by thanking the Committee and thanking you for allowing us to

present A.B. 316. I strongly urge your support of the legislation, and I want to conclude with the comment that Mr. Yarbrough said, which is so aptly and succinctly put. This will help veterans who helped and were willing to give their lives for you, for your families, and for your future families, and for all of us. This is something we can do in saying thank you. With that, I will conclude, Mr. Chair, and thank you all for the time.

Chair Flores:

And thank you, Assemblyman O'Neill, for your work. We appreciate your working with us and knocking out two bills in one day. With that, we will go ahead and close out the hearing on A.B. 316. Next on the agenda is public comment. [Rules and procedures for public comment were explained.] [There was no one.] At this time, we will go ahead and close out public comment. I want to remind everybody that tomorrow, Friday, March 26, 2021, we have two items on the agenda. Give yourselves an opportunity to become familiar with those. We will be hearing Assembly Bill 268 and Assembly Bill 280. We will be starting at 9 a.m. Members, thank you for your thoughtful questions and dialogue, and I am sure that we will be able to get to a good place with those bills. This meeting is adjourned [at 11:17 a.m.].

RESPECTFULLY SUBMITTED:

Zachary Khan
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 conceptual amendment to Assembly Bill 311, submitted by Assemblyman John Ellison, Assembly District No. 33.

[Exhibit D](#) is a proposed conceptual amendment to Assembly Bill 315, submitted by Assemblyman P.K. O'Neill, Assembly District No. 40.

[Exhibit E](#) is a letter dated March 22, 2021, submitted by Peter T. Sadowski, Executive Vice President, Las Vegas Golden Knights, in support of Assembly Bill 315.

[Exhibit F](#) is a letter dated March 22, 2021, submitted by Mathew Kaplan, President, Nevada Police Union, in support of Assembly Bill 315.

[Exhibit G](#) is written testimony presented and submitted by Tony Yarbrough, State Legislative Deputy, Veterans of Foreign Wars, Department of Nevada; and Secretary, United Veterans Legislative Council in support of Assembly Bill 316.

[Exhibit H](#) is written testimony dated March 25, 2021, presented and submitted by Denise Estes, Veteran Service Officer, Veterans of Foreign Wars, Department of Nevada, in support of Assembly Bill 316.