

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

**Eighty-First Session
March 30, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:04 a.m. on Tuesday, March 30, 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:

Assemblyman Howard Watts, Assembly District No. 15
Assemblywoman Sandra Jauregui, Assembly District No. 41

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Marcos Lopez, Legislative Liaison, Americans for Prosperity–Nevada
Eric Bott, State Director, Americans for Prosperity–Wisconsin
Daniel Honchariw, Director of Legislative Affairs, Nevada Policy Research Institute
Alexis Motarex, Government Affairs Manager, Associated General Contractors of Nevada
Janine Hansen, President, Nevada Families for Freedom
Barry Duncan, representing Nevada Taxpayers Association
Lynn Chapman, State Treasurer, Independent American Party
Eddie Diaz, Private Citizen, Las Vegas, Nevada
Wiselet Rouzard, Director of Grassroots Operations, American Families for Prosperity
Louis Vega, Nevada Community Engagement Director, Concerned Veterans for America
Lisa Ortega, Member, Legislative Committee, Sierra Club Toiyabe Chapter
Kyle Davis, representing Nevada Conservation League
Russell Kuhlman, Executive Director, Nevada Wildlife Federation
Jake Tibbitts, Natural Resources Manager, Eureka County
Colby Prout, Natural Reserves Manager, Nevada Association of Counties
Charles Donohue, Administrator, Division of State Lands, State Department of Conservation and Natural Resources
Victoria Carreón, Administrator, Division of Industrial Relations, Department of Business and Industry
Kelly Gaines, President, Nevada Subcontractors Association
Vinson Guthreau, Deputy Director, Nevada Association of Counties
Matthew Walker, representing Southern Nevada Home Builders Association
Jordan Krahenbuhl, Executive Director, Plumbing-Heating-Cooling Contractors Association of Nevada
Darin Tedford, Deputy Director, Department of Transportation

Chair Flores:

[Roll was called. Committee rules and video protocol were explained.] Good morning, members. I want to give you a quick rundown so that everybody has some clarity about how we will be managing the agenda this morning. We are going to take the agenda slightly out of order. First, we will be hearing Assembly Bill 340, followed by Assembly Bill 378, and then lastly Assembly Bill 249, for the sake of accommodating folks who have multiple presentations happening simultaneously. We are going to switch that order around. Apologies to anybody who did not get a heads-up earlier on that. At the very end, we will be doing public comment.

With that, we will start off with Assembly Bill 340. Assemblyman Matthews, good morning, welcome, and whenever you are ready.

Assembly Bill 340: Provides for the review of certain administrative regulations by the Legislature. (BDR 18-929)

Assemblyman Andy Matthews, Assembly District No. 37:

Good morning. Thank you, Chair Flores. Thank you, members of the Assembly Committee on Government Affairs. Today, I have the pleasure of presenting Assembly Bill 340. I will start with a brief introduction and overview. I have a few other copresenters with me today who will make some remarks of their own.

The objective of this bill is to bring greater legislative oversight to the process of writing regulations here in our state. Currently, a lot of authority is given to Executive Branch agencies when it comes to unilaterally crafting and instituting some new regulations. While that is certainly practical and even necessary in some cases, when we are talking about regulations with a very significant economic impact, I believe it would serve the people of Nevada much better if we, the people's elected and accountable representatives, had a role and a voice in that process.

Under this bill, for any new proposed regulation, an economic analysis would have to be conducted to determine the regulation's likely economic impact. Then, regulations with an estimated impact over \$10 million could be enacted only through a vote of the Legislature. Now, you will notice, the bill as written provides for the agency itself conducting that analysis. I have a conceptual amendment [[Exhibit C](#)], which should be posted on the Nevada Electronic Legislative Information System. I believe that would actually require that analysis to be done by an independent entity. I feel that this independence in that analysis is crucial from the standpoint of accountability. The \$10 million figure is consistent with the one other state in the country that currently has this law in place. That is the state of Wisconsin.

I am anticipating a likely question from Committee members regarding how many regulations here in Nevada would be subject to that threshold. The answer is that we really do not know. I have worked with our Legislative Counsel Bureau (LCB) staff on this. The bottom line is that because this law has not been placed at this point, the data that would be needed to determine the answer to that question has not been collected. However, going forward, if this bill were to become law, we would, of course, start collecting that data. We would be in a position to know how many regulations are subject to that threshold and to know whether that \$10 million threshold is appropriate and practical, or an adjustment would need to be made. Along the way, we would have the tremendous benefit from the inherent value of actually getting these analyses done regarding how much these regulations are costing our citizens and businesses, which is information that is good for us to know in any case.

The bottom line on A.B. 340 is that it is not about stopping necessary regulations from being put in place; it is simply a way to make sure that agencies are not allowed to be on autopilot during that process. Smaller regulations would still be implemented as under the current process. For those more costly and impactful regulations, we, the people's elected

representatives, should and now would be able to be at the table and have the authority to review them before deciding whether they truly serve the interests we are elected to represent.

Assembly Bill 340 would accomplish that important goal. Thank you for considering this bill. I now would like to turn this over to Marcos Lopez, who is the legislative liaison for Americans for Prosperity–Nevada.

Marcos Lopez, Legislative Liaison, Americans for Prosperity–Nevada:

Fundamentally, A.B. 340 is building upon and strengthening the legislative review provisions that we already have under our *Nevada Constitution*, that we already have in the Nevada Administrative Procedure Act [Mr. Lopez read from [Exhibit D](#)]. Fundamentally, this bill is about transparency and checks and balances. In recent decades, it has been a phenomenon across the entire nation at every level of government that the lawmaking authority of this Legislature keeps getting pushed off to the Executive Branch and its agencies. We believe that this is what we need to make sure that legislative bodies have input review to make sure they are holding to the intent of the legislation that you have passed. There are real effects to all of this. These regulations have been associated with increases. From 1997 to 2015, Nevada's regulatory burdens have been associated with an increase in the number of people living in poverty by 52,518, and an increase in the poverty rate by 1.76 percentage points. These are real facts that real Nevadans are having to deal with. We need to make sure that we are reining this in, and we are keeping an eye on what effect this is having on people. The evidence strongly suggests that Nevada needs some reforms. This is a big problem when we cannot quantify the costs of many of these regulations. The fact that we are not able to get an answer on how many regulations this would affect or how many rules would be affected by this shows that we are kind of grasping in the dark in terms of our cost/benefit analysis. We are making decisions that affect millions of Nevadans, that are slowing our growth and putting more burdens on low-income families.

When we see other jurisdictions that have engaged in red tape reduction in other states and Canada, we do not see any diminished protections for health or safety. Instead, we see increasing economic success. When we look at our ranking in a lot of different scales of our ability for business and of our friendliness, we are increasingly sliding down in our rank as a state. As we are looking at post-pandemic and post-COVID-19, we should be doing everything we can to make sure that we are getting back to where we were prior to the pandemic, which was a top-performing state. We had extremely low unemployment.

I also have Eric Bott, who is State Director for Americans for Prosperity–Wisconsin, which is currently the one state that has implemented this. We are also looking at other states, like Montana, to get this passed and we are exploring these options. I do not know if Mr. Bott wants to share a little bit about the Wisconsin experience.

Eric Bott, State Director, Americans for Prosperity–Wisconsin:

Thank you, Committee members and Mr. Chair, for the opportunity to speak briefly with you today. I had the pleasure, over about a five-year period, to help craft and ultimately see through enactment of the provisions for a state-level REINS Act [Regulations from the Executive in Need of Scrutiny] in the state of Wisconsin. It was enacted in August 2017. As the other speakers have mentioned, the real goal here is to restore legislative authority to the legislature that over time, in many states, has been ceded to the Executive Branch. In doing so, we feel it should better connect the citizens to their democracy. We think that as legislators, you will have more accountability to the public. There is more transparency when you are involved in significant laws that have the ability to impact the loss and livelihoods of those people whom you represent.

In Wisconsin, there was a particular regulation that really sparked interest in the legislature and the Executive Branch in regulatory reform of this nature. That was the 2010 Phosphorus Rule, which ultimately had a \$7 billion impact on key industries in our state of Wisconsin. We are the "Cheese State." This was a regulation that threatened to shutter a significant portion of our cheese-making industry, our paper industry, and our food-processing industry, of which we are the national leader. The need for a REINS Act was really highlighted by that regulation. The idea that we would ever pass a tax of \$7 billion without the legislature getting to have a say on it seems absurd. Something similar happened here to the detriment of our economy and to the detriment of thousands of family-supporting union jobs.

Interest grew in the legislature to regain some of the authority that had previously been ceded to the agencies. In doing so, the legislature passed a law requiring an independent economic impact analysis of the regulation I mentioned. I think that it is worth noting that when the state agency for the Wisconsin Department of Natural Resources promulgated that regulation, the internal economic review determined the rule would have a net positive impact of \$18 million to the state's economy. When an independent economic analysis was conducted, it was determined that the rule would have a cost of \$7 billion to the state, a wide disparity. That does indicate the importance of an independent review to be included in the consideration of such a proposal.

We have been operating on this rule for about three years and the Wisconsin Regulations from the Executive in Need of Scrutiny (REINS) Act thus far. Our feeling is that it has improved the quality of lawmaking in the state. It has improved transparency and the level of communication among regulators, the community, and the legislature as regulators seek to avoid triggering an initial process in the implementation of their rules. It had a very positive impact. It has not resulted in any significant additional workload on the legislature or any other burdens thus far.

Thank you for your time. I would be happy to assist in answering any questions about our experience in Wisconsin.

Assemblyman Matthews:

Thank you, Mr. Lopez and Mr. Bott. Just for the benefit of the Committee, you heard Mr. Bott refer to the term "REINS Act." That is sort of the name of this concept. That is REINS; it is an acronym. It stems from the initial concept of this, which I believe was at the federal level. The use of "reins" is referring to reining in the Executive Branch. Thank you to both copresenters. We are happy to answer any questions you may have.

Chair Flores:

Thank you, Assemblyman Matthews. Thank you, Mr. Lopez and Mr. Bott, for joining us this morning. Members, we will start off with questions.

Assemblywoman Considine:

I actually found the REINS Act last night when I was reviewing this bill. It seems like it is something that has been in Congress for over a decade but has not passed. I was able to do a little bit of research on it to try to understand it. I know you have already talked about this question. My question is which regulations cost \$10 million? I understand that there has to be some sort of study to find out what those necessarily are. There have to be some. I am wondering if, when you worked with LCB, you had two, three, or five good examples to show us what that \$10 million regulation level would be?

Assemblyman Matthews:

It is an important question. That has been the challenge to try to home in on which types of regulations would be subject to this. My apologies for not being able to provide that. That really is the challenge because this has not been in place because that information and data have not been collected. We are left in a situation where we truly do not know. I do not want to do a disservice here by guessing or speculating. To some extent, you can bring a commonsense test to a particular regulation and determine if this is a larger one that may trigger it. Absent that data, it is hard to know with certainty.

As I said in my opening remarks, the reason I set the threshold at that \$10 million level was to be consistent with the state that has this in place. I do think it is important that, were this to be implemented, we would begin to get that information. That is extremely valuable in and of itself to be looking at what the regulations are that are costing our economy. Then we can make that determination of how often this is being triggered and how many of these regulations would be subject to it. Going forward, lawmakers could make an assessment of whether that \$10 million threshold really is the appropriate and practical level or whether an adjustment needs to be made.

I wish I had that information. I did spend a lot of time working with our staff on that. It is not their fault either, by the way. They cannot provide access to information that simply does not exist. That is one of the chief goals of this: to make sure we are actually starting to get this data. Mr. Bott, Mr. Lopez, feel free to add to that as you see fit.

Marcos Lopez:

There is one piece of information that can help us guide this. I submitted some supplemental information from the Mercatus Center, in which they did a snapshot of the regulatory regime in Nevada [[Exhibit E](#)]. We can start getting a picture of which industries and which chapters include the most regulations. That is probably a good gauge to start looking at which issues we will be talking about if this legislation is passed and the agencies start doing these economic impact analyses.

Assemblywoman Considine:

If we are considering Wisconsin at the same level as us, if we are going to the \$10 million, and this law is already in effect in Wisconsin, do you have three, four, or five examples of regulations in Wisconsin that have this \$10 million?

Assemblyman Matthews:

I will defer to Mr. Bott on that. He said that there has not yet been a regulation proposed that has triggered this. I am sure Mr. Bott can speak a little bit more to what the experience has been there.

Eric Bott:

As I said, in the last three years, we have not had a regulation that triggered the \$10 million threshold thus far. However, during the mid to late 2000s and into the early 2010s, Wisconsin saw a number of very high-cost regulations proposed and many implemented. Predominantly, we saw a number through the Wisconsin Department of Natural Resources, water, and air rules primarily. In recent history, we have seen a lot of rules with a 9-figure cost estimate proposed. Ultimately, it was withdrawn by the agency. In recent times, we have not seen it. I think, in terms of our state, rules that could potentially exceed a \$10 million threshold, we are probably talking about natural resource issues and potentially health and transportation. Most agencies will probably not ever hit that threshold with the types of regulations that they enact. On occasion, we see rules that far exceed that.

Assemblywoman Considine:

I am curious. If we do not know and if Wisconsin has not had this issue, why are we creating a law for something that we do not even know whether or not it is an issue? That is just what I am trying to figure out.

Assemblywoman Thomas:

When you had mentioned your conceptual amendment, you said you would have an independent audit. What is the cost of that?

Assemblyman Matthews:

We really want to make sure that we are not creating an undue burden in terms of this analysis. Of course, the analysis itself is really important. I will let Mr. Lopez speak to this; I think the state of Montana is exploring one of the ways that would be the best mechanism for that analysis. I think Montana is looking at actually having the university

system perform that analysis to control those costs. It is hard to determine exactly what the cost of the analysis itself would be. To some extent, it would depend on the scope of the regulation that is being analyzed. I think Mr. Bott and Mr. Lopez may have some more detail to add to that.

I do want to briefly touch on Assemblywoman Considine's follow-up question about whether we need this bill, given we do not know to what extent it would be triggered. As I said in my opening remarks, it would be an inherent value along the way to start requiring these independent analyses so we can get a good grip on the cost of these regulations and determine if there is, in fact, a problem. I think it is really a less than ideal situation when so many of these things are being done in the dark. There really is no analysis of what the cost of these regulations is going to be.

Mr. Bott and Mr. Lopez, do you want to speak to the issue of Assemblywoman Thomas's question?

Marcos Lopez:

In Montana, one of the main things that came up is how do we handle the cost of this. Their approach is to partner up with universities for the studies to engage in cost savings. It is something that we can explore in the same route. Going back to Assemblywoman Thomas's question on the cost and this problem, this is about getting a complete picture and getting all of the relevant information. At the end of the day, if the legislative body agrees that this is the right way or maybe it needs to be done a lot tighter or more or less restrictive, this is about getting more information and more transparency to your Committee and members of the Legislature to make better-informed decisions.

Assemblywoman Thomas:

Assemblyman Matthews, I would like a dollar amount, an estimate. I am assuming that you would have the University of Nevada, Las Vegas and/or the University of Nevada, Reno to do these analyses. Something is costing the universities for these analyses. It sounds like it would be an expensive audit for what you are asking for. Since you mentioned Montana and Wisconsin, I would like to know if somebody has a dollar amount. Could you please expand on that?

Assemblyman Matthews:

I would like to continue to work with stakeholders, look at some of the experiences from other states, and work with our staff to get as precise as we can regarding what the cost of those impact analyses might be. As soon as I have that information, I will be happy to share that with Committee members. It is very important to know. Because this is a concept that is relatively new, taking shape, and there is just one state where it has been implemented, a lot of this is fairly new territory. We are all working through the best ways to approach these things. I am also going to explore potential alternatives to the university system. I think that is a great way to do it, but there may be other entities that may be well situated to provide some of these analyses. We are working through a lot of the different possibilities here.

The main goal and the key objective of all of this, as Mr. Lopez said, is greater transparency to make sure we are not doing these things in the dark, that when we are going to write new regulations, we do have an understanding of what that is going to be. A lot of the time, there will be tremendous costs to our economy down the road. I would argue it may well be worth it if there is an initial up-front cost to at least understand what that is going to be before we go too far down that road.

Assemblywoman Brown-May:

I have a couple of questions. Over the years, I have had an opportunity to work very closely with some of our self-advocates out of Wisconsin in particular. It is my understanding that their legislative body meets all year long and functions very differently than we do in Nevada. I just want to verify that is, in fact, the truth. What we are talking about is giving them an opportunity to consider this type of oversight. They are a body that is already in session and can immediately reply to that.

For me, these regulations would be relative to Medicaid and how Medicaid is administrated and regulated with the State. The State often rolls out regulations through the Department of Health and Human Services (DHHS). I am curious to know if you see that as well. Those contracts and regulations are always over \$10 million. With a legislative body that meets every other year, for me, that is an issue of concern. If you do not mind, I would like for you to respond to that.

What about contracts? Would this apply to contracts that the State would enter into as opposed to regulations?

Assemblyman Matthews:

To your first point, yes. I believe one of my copresenters mentioned, and I would anticipate, this would oftentimes involve regulations involving Medicaid and DHHS. I will let Mr. Bott speak to your question on the Wisconsin legislature and the frequency with which they meet. My understanding is that they are an annual legislature. They do meet annually, unlike us. One way I think would be beneficial to address that here in Nevada—and this is what they are doing in Montana or the way they are looking at this in Montana, which is also a legislature that meets every other year—I think they are looking at a provision. I will let Mr. Lopez correct me if I am wrong. They are looking at a provision through which a regulation that would come up in an off year, when the legislature is not in session. It is not practical for the legislature to come into session all the time and vote for or against these regulations. Under what they are doing in Montana, the regulation would be allowed to take effect at the outset. What would happen is when the Legislature does come back into session, the Legislature would then have to approve it. The regulation would come with a sunset provision, and it would be allowed to temporarily take effect subject to later approval from the Legislature when they are back in session. I think something like that. I think that would be a good way to amend this or to add to this bill. It would have to be a similar provision for here in Nevada. Mr. Lopez, correct me if I am wrong on that or feel free to add to that.

Marcos Lopez:

That is what they are looking at in Montana because they also meet on the same schedule we do. In particular, if a federal rule comes down and the agency has to comply with the federal rule, if it comes with money attached then the REINS Act would not kick in in Montana. If it does not come with money attached down from the federal government, then it would go into effect on the sunset on approval and the REINS Act would kick in. When the legislature gets back into their regular session, they would meet on that. By the end of the regular session, if there is no agreement on approval, then the sunset clause would kick in on that said regulation or rule.

Assemblyman Matthews:

I do not believe this would apply to contracts. I would defer to Legal Division as to whether or not that would fall under this definition of regulation. As it is written, I do not believe that would apply to contracts.

Assemblywoman Brown-May:

For me, this would be the Workforce Innovation and Opportunity Act, which would be a federal regulation that was handed down to the Bureau of Vocational Rehabilitation. It was an unfunded federal mandate that requires transition services for high school students with individualized education plans and is a 4:1 match out of the federal government, but it would be well over \$10 million. Under what you have just presented, even if handed down in an off year when we have not met, would you expect the department to implement a new regulation and then come back and seek approval for a federal mandate? Am I understanding this?

Assemblyman Matthews:

Again, Mr. Lopez, you have more familiarity with how they are exploring this in Montana. My understanding would be—this is not in the current bill but I think it is something worth exploring—if there is a federal regulation that is mandated that does come with funds, then this act would not kick in and the agency could go ahead and implement the regulation. If there is an unfunded mandate, it would be subject to the Legislature having to go ahead and approve that. The Legislature may well go ahead and approve it. For a situation like you described, Assemblywoman Brown-May, the argument in favor of doing that would be extremely powerful. It would be in the interest of the state to do that. I want to be clear that this does not mean these regulations would not take effect. This simply means that when you are talking about these significant dollar amounts, the Legislature should have a seat at the table and have a voice in the discussion. Mr. Lopez, do you have anything to add to that?

Marcos Lopez:

No, I think you pretty much summed it up perfectly. Again, the way they are exploring it in Montana is that if it comes down with federal money, then it would not kick in. If it does come with an unfunded mandate, then the legislature would have a say. There is nothing in this bill to stop them and stop you from approving said regulation rule or putting input to either strengthen it or put it more in line with what you believe is in the best interest of your state.

Assemblywoman Brown-May:

I just want to leave with this one last comment. There are often unfunded mandates that come down from the federal government that do draw a 4:1 match. This is a General Fund expenditure that would be over \$10 million but would put in well over \$40 million. I just want to leave it at that.

Assemblywoman Duran:

There are a couple of questions that I have. Has anyone in Nevada, that we know of, been hit with a \$10 million regulation or fine? Can you give me some examples of how this regulation would impact the low-income communities?

Assemblyman Matthews:

That is part of the challenge that I spoke to earlier. The state has not tracked this data because these analyses have not been done. It is very difficult to know, and we do not have that information on how many agencies and how many regulations would be subject to this. Going forward, I think it is really important information for us to start collecting, and this is part of what this would accomplish.

To your second question, I think one of the best ways to help our lower-income communities is to identify and stop onerous regulations. Overregulation is so often one of the great impediments to economic growth, job creation, and opportunity. This is a mechanism to make sure we are not putting up these barriers that would help contribute to that problem. At the very least, if we are not seeing regulations proposed that would trigger this, there would be that inherent value in starting to get that information on what the cost of these regulations would be. Lawmakers could take it on themselves to start removing regulations that are in place and that are found to be really prohibitive when it comes to people getting access to a good job.

So often some of the regulations we have in place, whether it is occupational licensing or something else, really do have a disproportionately negative impact on lower-income citizens because they do end up serving as a barrier to entry into the workforce. This should end up being extremely valuable in terms of getting a good grip, more transparency, into what our regulatory apparatus is and where some of the challenges may be, and making sure we are not overregulating to the point that we are making it difficult for people to be successful and earn a good living.

Assemblywoman Duran:

Do we not already have regulations concerning employment disparities? We have the Equal Employment Opportunity Commission and things like that for people to file complaints if it is about trying to get the impacts of employment or any other type of disparate treatment. There are already places that people can go. I am just trying to figure out which regulations are really impacting people without some of the state agencies we already have.

Assemblyman Matthews:

Yes, of course. There are lots of regulations that are already in place. This is not covered in this bill, but I think there would be a lot of value in getting more of a grasp on what the impact of those regulations would be. This bill would pertain to new regulations going forward, making sure we understand the economic impact and making sure, if that impact is going to be very significant, that we, the people's representatives, have a say in that. As I said, I do think it is important to know. A lot of times many of these regulations make sense. Many of them are necessary and practical. In a lot of cases, they can serve as an impediment to economic prosperity and job growth. We just want to have a better sense of what is going on. In those significant cases, we are just making sure that you and I and others in this Legislature have a chance to speak on behalf of our constituents on those questions.

Marcos Lopez:

We know that there is an association of high regulations with negative effects in terms of poverty, income inequality, lower entrepreneurship, higher consumer prices; and all of this disproportionately affects low-income communities because they are spending more of their money that they might have less of on higher prices. It is harder for them to climb the economic ladder. This is one of the reasons we always talk about occupational licensing reform and tackling the fact that we are the second-most onerously regulated occupational licensing regime in the country. A lot of those are for lower-income occupations or people trying to start off on a new career path.

Even looking at this COVID-19 crisis, one of the first things we did at the beginning was ease health care regulations, so we had the ability to increase the supply of medical professionals in our state. There are real impacts that stand in the way of our being able to deliver quality services and goods in our state. Sometimes, it is kind of begging the question, What is this going to affect when we do not even have anything in place to do these analyses in the first place?

Assemblywoman Anderson:

I am trying to wrap my head around it. I am going to go directly to the bill and ask for a "what if" situation. If you look at section 1, subsection 1, and there is somebody who is utilizing regulations for hazardous materials, based upon Mr. Lopez's exhibit [[Exhibit E](#)], that seemed to be one of the higher regulations. Before the department can even bring people together to discuss this, and based upon this, an independent entity is supposed to figure out how much the possible regulation could cost. Am I understanding that correctly? Have I muddled the process?

Assemblyman Matthews:

Under this, the regulation could not simply be put into effect. It would have to have an analysis to determine the impact.

Assemblywoman Anderson:

Just to make sure, let us say that, again, we are using the hazardous material. Instead of being able to reach out to individuals who might be in the middle of being a small business that utilizes the hazardous materials, and before being able to figure out what is realistic for that small business, the regulatory department must figure out how much it could cost. I am getting caught up in the minutia of this, and I realize I am. There are some really minute details that have a big impact on some of our smaller businesses.

Assemblyman Matthews:

I see that Mr. Lopez is unmuted. Maybe you have something to add to that.

Marcos Lopez:

I do not think the intention is that before they progress on any rule or before they take [unintelligible], it is more before the final product is implemented, they have to do an economic study of it while they take input and reach out to parties that might be affected. I think this is part of the process of the rulemaking. They have to do the economic review so they have the full information. Before it goes into final effect, it has to come through the Legislature. The agency comes and they present it. They explain what it would do and they make a case. If they convince you that it is something that is needed and appropriate, we just move forward.

Assemblywoman Anderson:

Thank you for that clarification. I am not going to lie; I am having a problem with this. Based upon my experiences, before conducting a workshop, the workshops are not always what the regulation has already figured out. Many times, it is with people who are in the middle of items. They are able to have those discussions as to what is the best way to move forward when there is a regulation that is being triggered by a law. That is one element that I have a bit of an issue with.

I think another thing that is very concerning to me has already been brought up. How will the independent auditor be paid for? Let us just say it is the Nevada System of Higher Education, a K-12 regulation, or even one of our medicals. Based upon the exhibit that was brought forward, our medical facilities have many regulations [[Exhibit E](#)]. How would that independent auditor be paid? Would it be done through taxpayer money? Would it be done through the other entities?

Assemblyman Matthews:

As you noted, that is something that did come up earlier and is something that I think is really important to get more of a firm grip on. As I said, because it is relatively new and not in place in a lot of places, one of the things about this concept is that kind of feedback is extremely helpful as we craft this, work to get this in place, and work to get it just right for our state. I think it will be an ongoing process.

Mr. Bott, I do not know about some of these questions that are being asked. I am assuming these were considered in Wisconsin while this was being worked on, talked through, and analyzed there. I do not know if you could speak to Assemblywoman Anderson's questions and how those may have been considered or addressed in your state, not to put you on the spot.

Eric Bott:

I have a couple of comments. First off, the way that our act is crafted in Wisconsin is that it is only triggered if there is a \$10 million cost on the regulated community for a two-year period. The act has no impact on the state implementing state or federal programs such as Medicaid. It would only be impacted, not by spending or implementing a new program, but by creating a new regulation that will have a burden on the regulated community rather than the state or local government. This is an important approach because you do not want to, in some ways, unintentionally strangle the implementation of necessary government services. It is quite possible to do that if appropriately crafted. Forgive me, I have lost track of the last question here. Would you mind repeating?

Assemblywoman Anderson:

I also want to make sure this is clear. It is \$10 million over a two-year period? Is it actually \$5 million per year as a possibility? Is that accurate?

Eric Bott:

It could be.

Assemblywoman Torres:

I am wondering if you could give some clarification. As I read the legislation right now, it requires approval from the entire legislative body, is that correct?

Assemblyman Matthews:

As I read it, yes. That was my intent.

Assemblywoman Torres:

I appreciate the response, Assemblyman Matthews. Perhaps I am a little bit more fiscally conservative; I just find this a liberal use of our taxpayers' money. When I came up to this session, I left my community. I serve a predominantly low-income community. I work in a predominantly low-income community. Hard-working Nevada families have been hit hard by this pandemic. I cannot imagine our passing a piece of legislation that is going to be costly to Nevada taxpayers. I think about this idea of having the entire Legislature approve something like this. It either requires multiple special sessions, or as you mentioned, perhaps giving them the temporary ability for that to take effect. This just seems costly to Nevadans. I do not know that there is any way that this bill can be amended that will not be costly to hard-working Nevada families. I just do not know how I am going to get there on this legislation, honestly.

Assemblyman Matthews:

I think it is worth remembering that regulations themselves are very costly in terms of our economy. When you implement something like this, there is a cost to the government. I think in the interest of fiscal conservatism and accountability, it is making sure we know what the impact of those regulations is going to be on our private citizens, economy, and our job creators because there is a very significant cost to that as well. The cost of an analysis on the front end would be a one-time thing, and these regulations, if put in place, would be permanent. Where we are having the cost of these regulations year after year, it becomes very obvious and clear that the cost of those regulations over time would far exceed the initial cost to perform the analysis to put this into place. We want to make sure we are not putting an undue burden on our citizens, the low-income Nevadans who are so often disproportionately affected by onerous regulations. Having a better grasp of what that impact is going to be is very important.

Assemblywoman Torres:

If you cannot even provide examples of regulations or how often this type of thing would occur, we are being blindsided by a piece of legislation. If this legislation were to perhaps have LCB look at regulations that were over \$10 million, that is something we could entertain. This is going to put something in place that is going to be a financial burden to Nevada taxpayers. At this time, amidst a pandemic, I do not know how this is something we have a dialogue about.

Assemblyman Ellison:

Most of my questions were answered. We have some good questions and good answers out there. One of the questions that I have, and you might have already hit on this, most of these agencies that are dealing with this kind of money have an audit every year. Can you not use that? I mean, it is something to base on what they already have in their audit. You just review it.

Assemblyman Matthews:

These analyses would be specific to a particular regulation that is proposed before it takes effect, to understand what is going to be proactively on the front end. That would be a distinction there. Again, I do not know if Mr. Lopez and Mr. Bott have anything to add to that.

Eric Bott:

I suppose I could add. In Wisconsin, this proposal applies only to prospective regulations. It is applied to regulations that would have a significant cost to the impacted regulated community. It does not have an impact on current agency spending or regulations. Such an approach may not be applicable here since we are looking at bringing more transparency to prospective regulations and getting a better understanding through either an internal economic impact analysis within an agency, which Wisconsin does, or in some rare instances, an independent review if the legislature deemed that an agency may not have conducted a thorough or appropriate review. I think in those instances it is a very wise investment if your state is faced with the potential for a rule that will have a cost impact in

the tens or even hundreds of millions of dollars or more, the impact of such a regulation on tax revenues to the state is very likely to far exceed the cost of serving an internal analysis, which should really be a part of regulating any administrative rule process, but also even in an independent analysis.

Assemblyman Ellison:

An audit of that magnitude, of \$10 million, could be anywhere from \$20,000 to \$50,000 per audit; it depends on the size and length of it. That is for the ones I have run across in that size. It can be very costly. I would like to get the response back from Assemblyman Matthews on how that is going to be funded and where that comes from. I know he does not have those answers right now, but it would be something to bring back or at least let us know by email or text.

Assemblywoman Martinez:

Vice Chair Torres pretty much hit on the same questions that I had. I, too, feel like at this point, Nevadans cannot afford to be spending money like this. I feel like the companies doing the analyses are going to be the ones that are making out. I am not sure that I am on board with this.

Assemblywoman Considine:

I think my question has been asked, but I will take this opportunity. Could you tell me the genesis of this bill? In doing my research, it looks like these bills have been going around in different states, and it started a decade ago as a congressional bill. To me, this does not seem like it was a Nevada-created bill. Where did this idea or this bill actually start?

Assemblyman Matthews:

I am pretty clear on the understanding of the history, but the others can jump in if I am wrong. I believe that the genesis of this was a federal piece of legislation called the REINS Act, with a nod toward the idea of reining in Executive Branch agencies. One state in particular, Wisconsin, decided to adopt this concept at the state level. At the federal level, I believe the proposed threshold for a regulation was \$100 million. With state economies being much smaller and regulations being not as far-reaching, Wisconsin adopted the concept at the state level with a \$10 million threshold. I believe that remains the only state that actually has this in law. As Mr. Bott said, it took effect just a few years ago. This is an example of looking at what is being done elsewhere, seeing something that looks like a good idea, something that could work for our state, and trying to adopt it, just like we do with a lot of different bills and ideas. We will look at an idea from a different state and see that it looks like it would be effective here and try to adapt that for our own state. As Mr. Lopez said, Montana is another state that is in the process of advancing legislation to implement this. I think the state of Florida is also giving this some consideration, although I am not sure exactly where they are in the process.

Assemblywoman Considine:

From my perspective, it feels like this is something we are trying to shoehorn into the state of Nevada without having any data to show that it is necessary, and coming with all of those costs of the analyses and everything that would have to be done. If I add this all up—and it is potentially \$10 million—then we have to lay out all of this money, and without data to show that, and without this percolating up through Nevada, that is my issue with this bill: that excess taxpayer money that we may or may not need to spend.

Chair Flores:

Thank you, members, for the questions. [There were no additional questions.]

Assemblyman Matthews:

I believe that Daniel Honchariw from the Nevada Policy Research Institute intended to provide testimony. I believe he is on via Zoom.

Chair Flores:

We can have him join us now. We will open it up for those wishing to testify in support of Assembly Bill 340.

Daniel Honchariw, Director of Legislative Affairs, Nevada Policy Research Institute:

Nevada Policy Research Institute supports A.B. 340 and urges each member of this Committee to do the same. From a taxpayers' perspective, this bill is desperately needed. The status quo suffers from a lack of legislative oversight regarding some of our state's most costly expenditures. Assemblyman Matthews' proposal seeks to remedy this by prohibiting state agencies from implementing the costliest of these measures unilaterally, essentially injecting a legislative and unitarian check against the ever-expanding administrative state. By requiring both the legislators' and Governor's explicit authorization of any regulatory appropriation in excess of \$10 million, this bill will curb the rate at which the administrative state has grown in recent years and promote cost [unintelligible] solutions. While the federally proposed REINS Act, after which A.B. 340 is modeled, has unfortunately not been enacted, the state of Wisconsin implemented its own REINS Act in 2017. In other words, this concept is neither novel nor untested. Government has a fundamental obligation to its taxpayers to limit wasteful and unaccountable spending wherever possible. Assembly Bill 340 simply provides an appropriate tool for that purpose. Thank you very much. [Mr. Honchariw also submitted [Exhibit F](#).]

Alexis Motarex, Government Affairs Manager, Associated General Contractors of Nevada:

We are here in support of A.B. 340. Of an industry that is heavily regulated, we believe that it is solid public policy to have a better understanding of the economic impact regulations will have on private industries and government agencies. Overly burdensome regulations can be costly to business owners as it directly impacts their ability to grow and hire employees. Thoughtful analysis on the cost of implementation or where possible savings may be realized would be beneficial to both governmental agencies and private industries. We appreciate Assemblyman Matthews bringing this forward.

Janine Hansen, President, Nevada Families for Freedom:

We support A.B. 340. This is a very reasonable measure, which requires administrative agencies, before implementing the proposed regulation, to determine economic impact, not only on the agency and taxpayers but also on those citizens who will be subject to the regulation. This bill will save Nevada families money. The *Nevada Constitution* Article 4, Section 19, which outlines the duties and powers of the Legislature, states, "No money shall be drawn from the treasury but in consequence of appropriations made by law." That portion of the *Constitution* clearly places the power of expenditures on the Legislature, not on unelected administrative agencies. Therefore, it is only appropriate the cost of regulations exceeding \$10 million be reviewed before implementation by the Governor, who submits the budgets, and the Legislature, which approves them.

The high cost of government regulations implemented by unelected government agencies is part of the hidden taxes which drive up the cost of doing business and therefore drives up costs to all consumers. Regulations are one of the main drivers of these hidden taxes. According to the Institute for Policy Innovation, in the United States the total "tax burden is equal to 56 percent of annual personal consumption spending." Local and hidden taxes are "equal to 56 percent of annual personal consumption spending." In other words, taxes consume 56 percent of all that the average person spends.

My brother had a roofing company in Sparks. He would tell people if the roof would cost \$10,000, half of that was in taxes, fees, and regulations. It is good policy that unelected administrative agencies should be subject to the oversight of the Governor and the Legislature in order to save taxpayer money. Support A.B. 340. Thank you. [Ms. Hansen also submitted [Exhibit G](#)].

Barry Duncan, representing Nevada Taxpayers Association:

Mr. Chair, members of the Committee, we call in support of A.B. 340 and the concept of conducting economic analysis on regulations. Should the Committee opt to move the bill forward, we stand prepared to work with the sponsor, the Committee members, and other stakeholders on any amendment that may be considered for the legislation. Thank you for your time and consideration.

Lynn Chapman, State Treasurer, Independent American Party:

We are in support of A.B. 340. Taxpayers should expect accountability and responsibility in their government, but unfortunately that does not seem to always happen. We hear the words "transparency in government" a lot, but I do not think we really see it as much as we hear of it. People are becoming more wary of regulations. After all, we are the ones who are greatly impacted by the regulations themselves. Regulations should be scrutinized closely, especially when it concerns large amounts of money attached to them. Citizens need accountability, responsibility, and transparency, and that should not be too much to expect from our government. This bill is a reasonable beginning to that end. Please vote yes on A.B. 340.

Eddie Diaz, Private Citizen, Las Vegas, Nevada:

I am calling in support of A.B. 340. Taxes, fees, and regulations are what hurt the citizens the most, like many of you said, especially in a pandemic. This will bring more accountability to our state and to our government. Please support A.B. 340.

Wiselet Rouzard, Director of Grassroots Operations, American Families for Prosperity:

I ask you to support A.B. 340. There is a quote saying, "Seeing is believing." As much as everybody has shared here, transparency is key in making sure that government is operating rightfully to and for the people. There is no better way to make sure of that than to support A.B. 340 and making sure that anything above \$10 million is assessed diligently so that we, the taxpayers and constituents, are able to see what our government is spending so we can direct to our lawmakers what the concerns are within those spending's. I ask you all to support A.B. 340. Remember, Seeing is believing.

Louis Vega, Nevada Community Engagement Director, Concerned Veterans for America:

I am calling in support of the REINS Act. I believe this is not just going to help veterans but, overall, it is a tide that lifts all boats in regard to giving the voters more say. This reform is forward-looking. It only applies to new proposals. This gives lawmakers the opportunity to prevent the implementation of overly burdensome regulations. This is an important check on what is often virtually unrestrained power of the administrative branch to implement laws at their discretion. This is giving a greater say to the people, and Concerned Veterans for America greatly supports and urges you to support it as well.

Chair Flores:

Can we go to the next caller in support of A.B. 340? [There were no more callers in support.] At this time, we will invite those wishing to testify in opposition to A.B. 340. [There were no callers in opposition.] At this time, we will invite those wishing to testify in the neutral position. [There were no callers in neutral.]

Assemblyman Matthews, do you have any closing remarks?

Assemblyman Matthews:

I will be very brief. I appreciate all the time allotted to this by you and the Committee this morning. In closing, I would just like to mention that regulations can and often do have a profound impact on our communities, our businesses, our job creators, and our workers. In many cases, those regulations may well be justified, but before we put them in place, it is important we first take the steps to see what precisely that impact will be. When the impact is especially significant, the people of our state deserve to have a voice in that discussion through their elected legislators. This is what A.B. 340 seeks to accomplish. I respectfully ask for your support for this bill.

Chair Flores:

Thank you, Assemblyman Matthews. We will close the hearing on Assembly Bill 340. Assemblyman Watts has joined us. We will now open the hearing on Assembly Bill 378.

Assembly Bill 378: Revises various provisions relating to public lands. (BDR 26-718)

Assemblyman Howard Watts, Assembly District No. 15:

Thank you very much, Mr. Chair and members of the Committee. I am glad to present Assembly Bill 378 for your consideration today on behalf of the hard-working Assembly Committee on Natural Resources. With the Chair's indulgence, I will provide a brief background for the measure before stepping through the sections of the bill, after which I will stand for any questions the Committee may have. I also want to bring to the Committee's awareness that I was having conversations with some of the interested parties on this and compiled a conceptual amendment [[Exhibit H](#)], which I sent to all of the members late last night. I will be referencing that as well. Apologies for not getting it out sooner.

To understand Assembly Bill 378, we first have to provide a little bit of context about the Sagebrush Rebellion. This was a movement that started in the 1970s in the western United States that objected to the federal management of our public lands and sought significant mass-scale transfers of management authority, if not an outright transfer of ownership, to state and local government. As many, if not all, of you are aware, most of the lands in Nevada are owned by the people of the United States and managed by federal agencies, with the Bureau of Land Management (BLM) holding the most jurisdiction. While the BLM has operated under a multiple-use doctrine since 1976, balancing energy development, mining, grazing, recreation, and the preservation of historic and cultural resources for future generations, their decisions in particular have been subject to critique by every individual constituency for not providing the proper attention to their interests. As wilderness and endangered species designations, along with changing economies, impacted local industries and communities, cause grew across the West for more local control and local ownership.

Nevada has had its share of prominent Sagebrush rebels and public lands conflicts. Starting in 1979, these efforts moved into the legislative arena, with an effort by then-Assemblyman Dean A. Rhoads, which successfully added a variety of policies that sought to establish state veto power over federal management actions, asserted a state claim to vast swathes of public land, and set up processes to manage the lands that would soon be transferred into the state's hands. As many of us know, that vision never came to pass. Much of the resulting statutory language today in *Nevada Revised Statutes* (NRS) Chapter 321 is, frankly, unconstitutional. As a result, Assembly Bill 378 seeks to remove these unused and inappropriate statutes and establish state and local governments under our law as partners in the collaborative management of our public lands.

In conversations with others, I have understood a few of the proposed changes swung a little too far in the opposite direction. After talking with our Division of State Lands [State Department of Conservation and Natural Resources] and representatives from Eureka County, I have proposed an amendment that I will walk you through [[Exhibit H](#)]. Eureka County has submitted a letter of opposition and a proposed amendment [[Exhibit I](#)]. I did not accept all of their proposed changes, but I do appreciate their feedback and will remain in conversation to make sure we get this to a balanced and reasonable place.

First, I think it is appropriate to start with what is not in the bill. I direct your attention to section 14, which notes the sections of statute that are being repealed. That first legislative declaration that is referenced [NRS 321.00051] signals the intent of the state to seek acquisition of any lands managed by the federal government in the state. *Nevada Revised Statutes* 321.596-321.599 declare federal management of public lands a hardship, claim to give the state management authority over these lands, and create the Board of Review as a regulatory and appeals body for these decisions. A table of boards and commissions that was prepared and provided for the Sunset Subcommittee of the Legislative Commission indicates that no recent meetings have been held at the Board of Review and notes that in 2015, the Legislative Counsel Bureau (LCB) questioned the constitutionality of these statutes. *Nevada Revised Statutes* 321.601 created a Public Land Trust Fund to handle payments and taxes following the massive land transfer from the federal government. Since that did not happen, this section has never become effective since its passage decades ago. *Nevada Revised Statutes* 321.735 gives the Division of State Lands the ability to represent state and local interests on issues involving federal lands, roles that I feel are best delegated by our Governor and local governments. *Nevada Revised Statutes* 321.736 unconstitutionally requires the federal government to get state consent for its land management decisions.

Now, returning to the top of the bill and walking through, section 1 seeks to deprioritize disposal of state trust lands, making it one of many management options. The amendment that I have provided [[Exhibit H](#)] clarifies this by adding the word "disposing" back in, but not having "selecting" and "disposing" be the only pieces of language including "managing," as well.

Sections 2 and 3 of the bill eliminate language related to the designation of areas of critical environmental concern (ACEC). The state ACECs are a separate designation, for those who are familiar with federal areas of critical environmental concern. This statute has not been used by the state since enactment. However, in conversations with stakeholders, there is interest in putting this authority to use. My proposed amendment leaves this language in place. It undoes the changes that are proposed in the original bill. Section 3 also eliminates the definition of public lands that basically, by process of elimination, only means BLM lands.

Section 5 is simplifying language regarding the state's technical assistance to local government. My proposed amendment changes the "shall" to "may" because this work is dependent upon available resources. As amended, it provides broad statutory authority for the Division of State Lands to provide technical assistance requested by local governments depending on available resources.

Section 6 deletes language promoting the increased local management of public lands.

Section 7 removes the requirement that the state include local comments in any comments it makes to the federal government. Though it would not be precluded from doing so, it would just become optional.

Section 8 removes language prioritizing the acquisition of federally managed lands and eliminates language around planning that I had originally interpreted as dictation of federal land use plans. However, my proposed amendment restores this language in this and other sections since, in conversation with Eureka County, it was determined that local governments can indeed submit local land use plans to support and inform collaborative management outcomes under the Federal Land Policy and Management Act of 1976 and other federal processes.

Section 10 removes another unconstitutional provision requiring the federal government to seek consent to manage lands in the state.

Section 13 adds the previously deleted definition of public lands—that is, BLM lands—to NRS Chapter 487 where it is referenced to statutes related to abandoned vehicles. I am going to do some additional research and see if that definition should be modified further.

In summary, Assembly Bill 378 streamlines our state statutes by removing language that is unconstitutional and eliminating accounts and bodies that have never been utilized. In doing so, it promotes the responsible and collaborative management of public lands in our great state. I ask for your support. With that, I conclude my presentation and I will take any questions that the Committee may have.

Chair Flores:

Thank you, Assemblyman Watts. I appreciate your walking us through the sections to help us grasp what is happening. Members, at this time, we will open it up for questions.

Assemblyman Ellison:

Mr. Chair, I was born and raised in rural Nevada. This is probably the worst bill I have ever seen of a taking. I am hoping that the sponsor of this bill will take a look at it. This is a bill that has crossed the line. I have been involved and remember when the Sagebrush Rebellion was there. I also remember the taking of South Canyon Road. This takes the right of the people totally out of this. It gives total control. I do not know. I am hoping I can get with Assemblyman Watts and work on some amendments. This has crossed the line.

Assemblyman Watts:

Thank you, Mr. Chair and Assemblyman Ellison. I just want to say that I respectfully disagree. This is not a taking. This is clarifying existing authority where the federal government manages our public lands. It is not seeking to reduce the role of local feedback and participation in those processes that occur to this day. If Assemblyman Ellison has specific recommendations as Eureka County did, which I incorporated in the proposed conceptual amendment, I am more than interested in seeing those. However, I will note that when Nevada entered statehood, the title of most of these lands was transferred to the federal government for management for future generations.

Assemblywoman Anderson:

I have two questions. The first is on section 5. Does the language that is being removed from section 5, subsection 2, mean that these activities will no longer be a consideration of the State Land Use Planning Agency? Does this mean it will be transferred over to a different agency or entity to oversee these items?

Assemblyman Watts:

Essentially, under the proposed conceptual amendment, section 5, subsection 2, will read "The State Land Use Planning Agency may provide technical assistance to a county or city in areas where such assistance is requested." This statute has been modified. There was a different list of priority activities and those have been adjusted as the resources for the Division of State Lands have changed. As I was looking at modifying this around the areas of critical environmental concern language, what we did was just simply this; instead of designating in statute particular priorities, we maintain the authority for the Division of State Lands, which is our State Land Use Planning Agency, to provide technical assistance to local government in any areas where that assistance is requested as long as they have the resources to do so. The intent really is to streamline this section, not to create a functional change.

Assemblywoman Anderson:

That is what I thought, but I just wanted to make sure about that. Thank you for that answer. In section 8, subsection 2, is that the same reasoning for removing the language of considering these items? Is that the same reasoning, just to try to streamline it, or is it addressed in other statutes or codes?

Assemblyman Watts:

The reason for addressing the language in section 8, subsection 2, was that in preparing the plans or statement of policy, the State Land Use Planning Agency was required to identify land suitable for acquisition. Again, we are taking that out so it is not required. The statute will be silent. If the agency wishes to do so, they may. We are keeping the final element of that subsection in the proposed amendment, which is that those plans must not include matters concerning zoning of the Division of State Lands and must be consistent with local plans to ensure that there is no conflict between what the State Land Use Planning Agency is putting forward and local plans.

Assemblywoman Anderson:

Thank you so much for that clarification. There is no way I would have been able to make the connection of how this was allowing the county plan to take precedence over the state land use plans.

Assemblywoman Dickman:

You talked about how NRS Chapter 321 is unconstitutional. Is it Nevada's *Constitution* that is unconstitutional or the federal *Constitution*? Could you just expand a little bit on that and maybe explain why it is unconstitutional?

Assemblyman Watts:

Certainly. I was referring to specific sections of the statute within NRS Chapter 321. In particular, I referenced my remarks in the repealed sections of NRS 321.596-321.599, which establish the board of review and essentially create statutes dictating to the federal government how management actions would occur and requiring consent from the state for any federal land management to occur. Those are unconstitutional because those lands are held by the people of the United States and managed by the federal government. We do not have the constitutional authority to preempt all of their laws and land management processes. Under existing set-ups, there are multiple ways where local and state entities can participate in the land planning development process, but we do not have final say, veto power, or the ability to give consent for any decision the federal government makes on its land use decisions. Essentially, we have a role of providing feedback and assistance. In certain areas, we do have some leeway, but we do not get a blanket say over how to manage lands that are not owned by the state or local governments. Those are the provisions that are unconstitutional and are being proposed for removal under this bill.

Assemblywoman Dickman:

Who determined they were unconstitutional? Our legal department?

Assemblyman Watts:

Yes. As I noted before, in a table of boards and commissions provided to the Sunset Subcommittee of the Legislative Commission, it was noted as far as back as 2015, the LCB Legal Division questioned the constitutionality of these statutes, which essentially try to preempt federal land management policies.

Chair Flores:

Members, do we have any additional questions? [There were none.] At this time, I would like to invite those wishing to testify in support of Assembly Bill 378.

Lisa Ortega, Member, Legislative Committee, Sierra Club Toiyabe Chapter:

Good morning, Chair Flores and members of the Committee. Please accept this testimony of support for A.B. 378 [[Exhibit J](#)]. I am a volunteer member of the Sierra Club's Legislative Committee and a southern Nevada executive committee member. On behalf of the Sierra Club and our more than 40,000 members and supporters statewide, I am speaking in support of A.B. 378. One of the best things about Nevada is our wealth of public lands managed on behalf of the public by agencies like BLM, the United States Forest Service, and others. We and many others do not want that to change. We disagree strongly with the language that this bill targets to remove from law. This bill will eliminate existing unconstitutional and anti-public land provisions in law and better align the roles and responsibilities of the Division of State Lands. There have been numerous efforts in the past to seize federal lands and transfer ownership to the state or local government, which would have created negative impacts on conservation and public access. Nevadans are lucky to have access to public lands. The state does not have the financial resources to effectively manage these lands and

any large-scale transfer will result in more privatization of these public resources. Thanks for your time, hard work, and dedication to the citizens of Nevada. We hope you will vote in favor of A.B. 378. Thank you.

Kyle Davis, representing Nevada Conservation League:

The Nevada Conservation League is in support of A.B. 378. This bill removes several outdated and unconstitutional sections of state law relating to public lands. Nevadans overwhelmingly support our public lands and want to see them kept open to the public and conserved for future generations. In the past, our state has attempted to seize federal public lands and transfer ownership to the state. The simple fact is that Nevada does not have the money or the expertise to manage these lands, and the ultimate outcome would have been to either bankrupt the State or sell these lands into private hands. This bill will update our state law and remove law that has proven to have no legal basis. Thank you.

Russell Kuhlman, Executive Director, Nevada Wildlife Federation:

This bill cleans up a lot of unnecessary and unconstitutional language that is currently in Nevada law. It has been shown time and time again that states do not have the financial or the human personnel capacity to manage all of the land in Nevada if a federal transfer were to happen. That is why the Nevada Wildlife Federation is in support of A.B. 378. Thank you.

Chair Flores:

We will go to the next caller wishing to testify in support of Assembly Bill 378. [There were no more callers.] At this time, I will invite those wishing to testify in opposition to Assembly Bill 378.

Jake Tibbitts, Natural Resources Manager, Eureka County:

Chair Flores and members of the Assembly Committee on Government Affairs, thank you for the opportunity to share our view on A.B. 378. Eureka County opposes A.B. 378 as written. We have provided a more detailed written testimony that is on Nevada Electronic Legislative Information System [[Exhibit I](#)]. We do appreciate the discussions with the sponsor, Assemblyman Watts, and the conceptual amendment put forward addresses many of our concerns.

I want to point out that I am the current chairman of the State Land Use Planning Advisory Council (SLUPAC). I am not speaking on behalf of SLUPAC today, but I do have some insights related to some of the issues of this bill by being a member of SLUPAC for many years. While we understand the angst that many have in the current statutory language related to the state policy on public lands, it is crucial to retain certain provisions being proposed for change or removal. We have included a potential amendment in our written testimony. The amendment is intended to restore the crucial elements related to the role of the State Land Use Planning Agency related to assistance to counties and public land use management. It is also meant to honor the intent to shift from the current focus of transfer and control over public lands by amending instead to endorse state and county coordination and engagement on public land use planning, management, and administration.

As the state with the largest federal land hold in the U.S., it is crucial that the state continues to have strong policy in place to ensure counties' and local communities' voices in public land use planning and management are not diminished. Current federal law and regulation require federal land management agencies to coordinate their planning and management activities with the state, local, and tribal communities and governments to reach consistency with state and local plans and policies to the maximum extent possible. These coordination and consistency requirements are absolutely imperative to providing what I call a healthy tension and balance that gives the necessary recognition, consideration, and incorporation of state and local interests. The Legislature should ensure that Nevada law has policy in place recognizing this. We look forward to continuing to find common ground on A.B. 378 with the sponsors and other interested parties. Thank you, Mr. Chair.

Janine Hansen, President, Nevada Families for Freedom:

Good morning. We oppose A.B. 378 [[Exhibit K](#)]. The battle to obtain control of Nevada's land by Nevada has been going on for decades. I participated in the Sagebrush Rebellion. This blows up the Sagebrush Rebellion. The control of Nevada's lands by the federal government is unconstitutional. In Article 1, Section 8, Clause 17 of the *U.S. Constitution* it states, Congress shall "exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings," not to control the whole state of Nevada—87 percent. Nevada has an extraordinary burden of more than 87 percent of our land controlled by the feds. No state east of the Mississippi has more than 4 percent controlled by the feds. Why? Because here, they are doing it unconstitutionally.

Federal management of Nevada's lands has been a disaster. Wildfires have destroyed habitat and grasslands by the millions of acres. This is so apparent if one lives in the rural counties. Near my home in rural Elko, we have been threatened by wildfire repeatedly in the last 15 years since I have been there—fires coming within a mile of my home. The feds ignore local people and their representatives. When the BLM and the United States Forest Service were planning to close many roads which had been open in Elko County for over 100 years, the feds listened to the objections of the county and the people and then did exactly what they wanted. They completely ignored the concerns of the people. They do not care what we think. They do not care what our needs are. They do not care about the need to use some of the resources of our own state. In Elko County, we try to participate. They do not want to cooperate with us. It is absurd to assume they do if you have never been a part of this.

We object to this bill as destroying our heritage of the Sagebrush Rebellion and destroying the statement that Nevada should have its own lands back, not controlled by the federal government. It needs to go according to the *Constitution*, not according to this recent interpretation, which steals the control of Nevada lands from the Nevadans.

Colby Prout, Natural Reserves Manager, Nevada Association of Counties:

The Nevada Association of Counties' (NACO) members are all 17 of Nevada's counties. First, NACO would like to thank Assemblyman Watts for his work on this bill and for taking the time to meet with us and hear our concerns, as well as his willingness to put forward a

conceptual amendment, which we appreciate looking over and continuing to work on with him. However, we are testifying in opposition of this bill as currently written. The State Land Use Planning Agency has proved important for many of Nevada's counties, particularly those without the resources themselves to create land use plans, specifically because certain laws, such as the National Environmental Policy Act or the Federal Land Policy and Management Act of 1976, require consistency or consideration of county land use plans. Having comprehensive and updated versions of these plans gives counties a seat at the table and a voice on federal actions that will have a significant impact on them. To that end, requiring the State Land Use Planning Agency to include comments of the affected counties and their own comments submitted to the federal government encourages cooperation and coordination through all levels of the planning and regulatory process. Because so much of Nevada's land is managed by the federal government, in some counties over 90 percent, this coordination and cooperation is oftentimes the most a county can hope for. Going forward, we hope that SLUPAC's involvement in advancing county plans and priorities can be retained and continue to provide support that has become so important to so many of Nevada's counties. Again, thank you, Chair, and thank you to the sponsor for working with us going forward on a balanced approach to this bill.

Chair Flores:

We will go to the next caller wishing to testify in opposition to Assembly Bill 378. [There were no more callers.] At this time, we will invite those wishing to testify in the neutral position for Assembly Bill 378.

Charles Donohue, Administrator, Division of State Lands, State Department of Conservation and Natural Resources:

Good morning, Chair Flores and Committee members. The Division of State Lands is neutral on Assembly Bill 378. However, we are concerned that the bill, as currently worded, could result in some fiscal impact and unintended negative policy consequences. As background, the Division of State Lands serves as the real estate agent for other state agencies with the exception of the Department of Transportation, the Legislature, and the Nevada System of Higher Education. We secure lands that agencies need to carry out their mission and conversely dispose of lands when they are no longer needed by the agency or the state. A recent example is when the Division of Forestry (NDF) shifted from an all-risk program to a more focused wildland fire protection program. This shift, which was supported by the Legislature, required the disposal and transfer of a number of NDF fire stations from the state to local government to fold into their programs. This is not a unique example, as over the years the state has transferred properties originally acquired from the federal government to local governments in order to serve the public most efficiently.

As such, we are concerned that striking the word "disposing" at the very beginning of the bill removes a necessary and essential tool for our land office. We are also concerned about the proposed language under section 5 stating the State Land Use Planning Agency, an agency of one within the Division of State Lands, shall provide technical assistance to a county or city in areas when assistance is requested. Requiring the agency to provide planning assistance whenever requested is beyond the agency's staffing and budget capacity and will require an

additional staff person with an appropriate operating budget. The Division of State Lands has assembled and provided the information to LCB fiscal staff, and I believe the approximate dollar value is \$143,000 per year.

My final comment has to do with the elimination of SLUPAC to provide recommendations regarding areas of critical environmental concern designations. Over the past two years, the agency has worked with the Land Use Planning Advisory Council members to refine the process of designating a state ACEC. This Committee recently heard a bill outlining some of those changes in Assembly Bill 52. The agency has identified two state properties worthy of that designation and the additional protection it may afford. As I testified during that hearing, I believe the council has both the technical expertise and political wherewithal to evaluate a proposal before them, provide for public participation through noticing and workshops, and make a final recommendation to the Governor.

Mr. Chair, I would like to recognize Assemblyman Watts' opening comments regarding his conceptual amendment, and I appreciate his time yesterday to discuss this bill. I would be more than willing to work with the Assemblyman and his staff on the conceptual amendments he discussed. Thank you, Chair Flores and Committee members. I would be happy to answer any questions you or any other Committee members might have.

Chair Flores:

We will go to the next caller wishing to testify in the neutral position. [There were no more callers.] At this time, we will go back to Assemblyman Watts for any closing remarks.

Assemblyman Watts:

Again, I appreciate the comments that were provided in opposition and neutral. I know that we had those conversations late and got this amendment put together late. We are at that point in the session where things are moving quickly. I look forward to making sure that everyone has the opportunity to review that and provide feedback.

My understanding is that the contents of that proposed amendment, including adding the word "disposing" back into section 1, changing the "shall" to "may" in section 5, and restoring the reference to plans throughout the bill address most, if not all, of the substantial concerns about the bill and maintain state and local government's ability to participate in collaborative land management planning with the federal government. If any additional adjustments are needed, I look forward to working those out and bringing them back to the Committee for consideration in a work session.

One last thing I will add in closing to address some of the questions or remarks that have been made about what is and what is not constitutional: the Ordinance of the *Nevada Constitution*, our first and founding document, the third item listed in that ordinance is "That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher

than the land belonging to the residents thereof," and so on. As we entered the Union, we got rid of our claim to unappropriated lands in the state, and they became public lands managed for all of us with a multiple-use doctrine for future generations. This bill ensures that our statutes line up with the *Nevada Constitution* and the *U.S. Constitution*. I urge your support for A.B. 378 as amended. Thank you very much for your time and consideration.

Chair Flores:

Thank you, Assemblyman Watts, for that presentation. I am sure that you will work with the opposition and continue to answer some of the concerns they have raised. I encourage the opposition to reach out to him. I am sure that you all could have a roundtable. At this time, I will go ahead and close out the hearing on Assembly Bill 378.

Next, we will go to Assembly Bill 249. Assemblywoman Jauregui, welcome.

Assembly Bill 249: Revises provisions relating to land use planning. (BDR 10-796)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

It is so nice to be back in front of you to present a bill. I am here today to present Assembly Bill 249 for your consideration. In 2019, I worked on a bill with the very same people at this virtual table here with me today. Our mission in 2019 was to create a safer work environment on construction sites. We were successful in passing Assembly Bill 290 of the 80th Session, which created the Occupational Safety and Health Administration (OSHA) registry to help combat the growing problem of fraudulent OSHA cards. We are here before this same Committee again, tackling a new and growing problem on construction sites, one less tangible: the problem of heat exhaustion and heat stroke.

Those in the construction industry are uniquely susceptible to heat-related injuries. The work comes with inherent risks, which are amplified by exposure to direct sunlight during the hottest months of the year. Between 1992 and 2016, 285 construction workers died from heat-related causes and more than one third of all United States occupational deaths are from heat exposure. These figures are from the *American Journal of Industrial Medicine* in a study published in July 2019 that examined heat-related death. The study also noted that 78 percent of heat-related deaths in the construction industry occurred during June, July, and August. Non-fatal heat injuries are far more prevalent.

A study conducted in North Carolina showed heat-related injuries as the most common cause for an occupational emergency room visit. Injuries from heat exhaustion or heat stroke can result in cognitive impairment, dizziness, sweaty and slippery hands, slowed response time, muscle fatigue and cramping, nausea or vomiting, and clouded eyewear that blocks vision. The risks are obvious when these individuals are working with hammers, power saws, nail guns, and welding and propane torches, and doing so suspended several stories in the air or on the roof of a home. While everyone is affected, cement masons are most at risk. They are ten times more likely to die than the average construction worker, followed by roofers, who are seven times more likely to die than the average construction worker. According to the

National Institute for Occupational Safety and Health, one of the most effective ways to combat this is to schedule higher-risk jobs for cooler parts of the day, and that is exactly what A.B. 249 aims to do.

With your permission, Chair, I would now like to walk the members through the bill. You have all received the proposed amendment on the Nevada Electronic Legislative Information System (NELIS) [[Exhibit L](#)], where I replace the entire bill with the short new language indicating that a common-interest community (CIC) must not restrict the hours that construction work may begin during the months of May through September, other than those hours in which construction work may begin pursuant to a zoning ordinance adopted by the governing body of the county or city. If a city start time is 7 a.m., then a CIC must allow work in their community to begin at the same time. This bill is just the start of a conversation that I look forward to having in the interim to address this issue. Other cities and counties in other states with similar weather have already recognized this problem and passed local ordinances allowing for 5 a.m. start times during the extremely hot summer months.

Chair, with your permission, I would now like to turn it over to Victoria Carreón with the Division of Industrial Relations, Department of Business and Industry, to speak about the issue and growing numbers of complaints that their office is receiving, followed by Kelly Gaines, President of the Nevada Subcontractors Association.

Victoria Carreón, Administrator, Division of Industrial Relations, Department of Business and Industry:

Hello, members of the Committee, Mr. Chair. We are happy to be here today to help present A.B. 249. Our agency does handle all aspects of worker safety, and heat stress has been a major issue of our concern. We are engaged in doing regulations related to heat stress that I think are a good complement to this bill. Assemblywoman Jauregui has aptly stated some of the health dangers of heat stress.

I did want to also share with you some of the data that we have here in Nevada related to heat stress. In terms of workers' compensation claims, there is an average of about 73 per year related to heat stress. I have provided this data in our written testimony that is available for you on NELIS [[Exhibit M](#)]. In addition, our Nevada Occupational Safety and Health Enforcement Section receives complaints from employees related to heat stress. We have had about 61 average per year in southern Nevada and about 8 average per year in northern Nevada. Obviously, there are more in southern Nevada due to the high levels of heat in the summer. Some of those complaints result in inspections, and we have had an average of ten inspections over the last few years in southern Nevada and three in northern Nevada.

To address this, since this is a concern of our agency as well, we do have a proposed regulation that we have been working on. We held a workshop on it on March 4, 2021, and the adoption hearing will be held April 20, 2021. It required employers with employees subject to certain high temperatures to do the following—I will just give you a brief summary—include a program for management of heat stress in their written safety program,

which is already required by law. It also encourages employees to frequently hydrate, ensure that employees have ready access to potable drinking water, provide access to shade to employees who may be suffering from heat illness, and provide training to employees and supervisors on heat illness. In case an employee does start to show signs of heat illness, then the regulation would require that an employer relieve the employee from duty, provide the employee with sufficient means to reduce their body temperature, and monitor the employee to determine whether medical attention is necessary.

That concludes my remarks. We are happy to be of assistance in helping to be a complement to A.B. 249. Thank you.

Assemblywoman Jauregui:

Thank you so much, Ms. Carreón, for being here today. Chair, with your permission, I would like to go to Ms. Kelly Gaines next.

Kelly Gaines, President, Nevada Subcontractors Association:

Good morning, Chair Flores, Vice Chair Torres, and Committee members. I am here alongside, virtually, Assemblywoman Jauregui and Ms. Carreón in support of A.B. 249. The Nevada Subcontractors Association represents 150 residential contractors, subcontractors, construction vendors and suppliers, and businesses alike. These companies employ thousands upon thousands of southern Nevada residents. For us, our number one priority in the construction space is to create and adhere to safety standards to protect employees and still have a positive impact on our economic development. With current restrictions on start times, our workers are exposed to extreme heat during the summer months and the inability to complete full workdays during the summer.

Very simply, our perspective in the passing of this bill will be giving our workers the ability to work full-time during the summer months while limiting their exposure to the high heat indexes, overall creating safer work spaces. That concludes what I have, but I will still be on the call for any questions. I just wanted to thank you for hearing that.

Assemblywoman Jauregui:

Thank you, Chair Flores. We are now ready for questions. I did want to point out that we did work with local governments, and one of the reasons we restructured the bill this way is that throughout Nevada, some local governments do not have restrictions on start times in construction and some do. That is why this is something that I would like to continue the conversation on moving forward and into the interim. With our virtual setting, it made it difficult to do during this legislative session. It is something that I do want to work on during the interim.

I feel that A.B. 249 at least gets the needle moving, so that during the interim and during the next few summer months, construction workers can get the earlier start times and the local governments' work start times can be 7 a.m. or 6 a.m. without the restrictions of common-interest communities where they might say, Construction cannot start here until 9 a.m. If a crew is getting there at 9 a.m. to set up in August and they are not starting on the

roof until 10 a.m. after they fully set up, we know 10 a.m. in August in Las Vegas can already be facing temperatures in the triple digits. My intent with carrying A.B. 249 has always just been from a viewpoint of worker safety and making sure we are providing the safest work environment for all Nevadans throughout the state.

Chair Flores:

Thank you, Assemblywoman Jauregui. I appreciate your work on this bill. With that, we will open it up to questions.

Assemblyman Ellison:

Assemblywoman Jauregui, I really like the bill. When we were down visiting Las Vegas, I could not believe some of the people working in that heat. In rural Nevada, our construction season is totally different than southern Nevada versus northern Nevada. We have harsh winters. Sometimes, we have to get in there and get a lot of this work done. The 7 a.m. on a lot of these projects, I think, is great because a lot of people say, Do not come in. I think that is a great idea. Is it correct that this will be a whole state law as intended right now?

Assemblywoman Jauregui:

Correct, Assemblyman Ellison. It would not impact your construction during the winter months because the bill specifies that this is only during those few summer months.

Assemblyman Ellison:

We appreciate it. We do not have the heat you have in the summer months. In our business, where you are handling conduit and stuff, I do not know how they do that down in Vegas without gloves. I tell you what, it is miserable in the couple of months where we have maybe 101 to 105 degrees as the worst conditions at most times in the summer. Thank you for bringing this bill.

Chair Flores:

Members, do we have any additional questions? [There were none.] Thank you, Assemblywoman Jauregui. I think everybody is on board in terms of your presentation. I do not think we have additional questions. At this time, I would like to invite those wishing to testify in support of Assembly Bill 249.

Vinson Guthreau, Deputy Director, Nevada Association of Counties:

With the amendment presented, the Nevada Association of Counties is supportive of A.B. 249. The Nevada Association of Counties specifically wants to thank Assemblywoman Jauregui for working with the local government stakeholders, understanding our perspective, and presenting this amendment that recognizes the importance of each community deciding, at the local level, what works best. Thank you, Mr. Chair, for allowing me to testify on A.B. 249.

Matthew Walker, representing Southern Nevada Home Builders Association:

I am pleased to be calling in support of Assembly Bill 249 on behalf of the Southern Nevada Home Builders Association this morning. As the sponsor mentioned, reasonable and predictable start times are important protections for workers' safety. This bill recognizes that there are several components to what constitutes the start times. We think that this is a great start to the conversation. We look forward to working with the sponsors in the continued conversations in the interim. In addition to what has already been placed on the record about worker safety, there are some tasks that cannot be performed, like concrete pours, air conditioning recharge, and coolant charge, in high-heat environments. Having that reasonable start time is not just super important for workers' safety, but also for achieving the tasks within the specifications as we need during the course of standard construction projects. Again, really positive conversation and I look forward to continuing the evolution of these proposals.

Jordan Krahenbuhl, Executive Director, Plumbing-Heating-Cooling Contractors Association of Nevada:

I am speaking in favor of A.B. 249. This bill and allowing earlier start times goes a long way to protect our workers. Many times, our workers are out in the exposed sunlight going underground, getting on roofs, and things like that. We are in favor of this bill and for the protection of our workers.

Alexis Motarex, Government Affairs Manager, Associated General Contractors of Nevada:

I am with the Nevada Chapter, Associated General Contractors, representing the commercial construction industry in northern Nevada. We are here in support of A.B. 249 as presented with the amendment. We would like to thank the sponsor for taking the time to meet with us and listening to our concerns. We look forward to participating in the ongoing conversation on the matter.

Chair Flores:

Thank you. Next caller wishing to testify in support of Assembly Bill 249. [There were no more callers.] At this time, I will invite those of you wishing to testify in opposition to Assembly Bill 249. [There were no callers.] At this time, I would like to invite those wishing to testify in the neutral position to Assembly Bill 249.

Darin Tedford, Deputy Director, Department of Transportation:

Thank you for the opportunity to testify in the neutral position on A.B. 249. Upon review of the current and proposed amendment language of A.B. 249, I offer the following comments on behalf the Department of Transportation (NDOT). The Department of Transportation delivers millions of dollars of transportation-related projects statewide every year. These projects include improvements to interstates, rural roads, and local city streets throughout communities. The Department of Transportation coordinates with local government, groups, and citizens to plan and construct these projects.

The Nevada contracting community prepares bids for these projects based on many variables, including allowed work zone lanes and allowed working hours. There may be cost impacts to NDOT projects by reducing allowed working hours. The time it takes to construct projects may be extended due to restricted working hours. Evening, nighttime, and early morning work also allows reduced traffic restrictions during the day, reducing delays for the traveling public. Most importantly, we believe and agree that safety for workers and the traveling public is increased during evening, nighttime, and early morning work while there are fewer drivers on the road.

That concludes my comments. Thank you, again, for the opportunity to testify and, as always, NDOT is available to answer questions and provide information that is requested.

Chair Flores:

Thank you. I do not think we have any questions at this time. Next caller wishing to testify in the neutral position. [There were no more callers.] Assemblywoman Jauregui, do you have any closing remarks?

Assemblywoman Jauregui:

Just brief ones, Chair Flores. Again, I just want to thank the Committee for hearing Assembly Bill 249. My intent, again, has always been safety for our construction workers who have to work during the extreme summer heat. Summer is often peak construction season, especially with it being the busiest time during the housing market. Sometimes, there is no choice but to continue working even on the hottest days. I think the amended A.B. 249 helps us target the two biggest dangers of working in summer: heat exhaustion and heat stroke. Thank you, members. I ask for your support on Assembly Bill 249.

Chair Flores:

Thank you, again, Assemblywoman Jauregui. At this time, we will go ahead and close out the hearing on Assembly Bill 249. We will go to our last item on the agenda, which is public comment. [There were no callers.]

Members, I appreciate the thoughtful dialogue today. We will continue with somewhat of a busy schedule for the remainder of the week. As I have indicated, we will have three, four, or five hearings per day. For tomorrow, we have Assembly Bill 313, Assembly Bill 336, and Assembly Bill 357. Please give yourself an opportunity to review those documents. Again, thank you for the thoughtful dialogue this morning. I will see you tomorrow. This meeting is adjourned [at 11:20 a.m.].

RESPECTFULLY SUBMITTED:

Kyla Beecher
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 340](#) dated March 30, 2021, submitted and presented by Assemblyman Andy Matthews, Assembly District No. 37.

[Exhibit D](#) is a written testimony dated March 30, 2021, submitted and presented by Marcos Lopez, Legislative Liaison, Americans for Prosperity-Nevada, regarding [Assembly Bill 340](#).

[Exhibit E](#) is an article published by the Mercatus Center, George Mason University, titled "A Snapshot of Nevada Regulation in 2019," dated August 2019, submitted by Marcos Lopez, Legislative Liaison, Americans for Prosperity-Nevada, regarding [Assembly Bill 340](#).

[Exhibit F](#) is a letter dated March 30, 2021, submitted and presented by Daniel Honchariw, Director of Legislative Affairs, Nevada Policy Research Institute, in support of [Assembly Bill 340](#).

[Exhibit G](#) is a letter dated March 30, 2021, submitted and presented by Janine Hansen, President, Nevada Families for Freedom, in support of [Assembly Bill 340](#).

[Exhibit H](#) is a proposed conceptual amendment to [Assembly Bill 378](#), submitted and presented by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit I](#) is written testimony submitted and presented by Jake Tibbitts, Natural Resources Manager, Eureka County, in opposition to [Assembly Bill 378](#).

[Exhibit J](#) is a letter dated March 30, 2021, submitted and presented by Lisa Ortega, Member, Legislative Committee, Sierra Club Toiyabe Chapter, in support of [Assembly Bill 378](#).

[Exhibit K](#) is written testimony dated March 30, 2021, submitted and presented by Janine Hansen, President, Nevada Families for Freedom, in opposition to [Assembly Bill 378](#).

[Exhibit L](#) is a proposed amendment to [Assembly Bill 249](#), submitted and presented by Assemblywoman Sandra Jauregui, Assembly District No. 41.

[Exhibit M](#) is written testimony dated March 29, 2021, signed, submitted, and presented by Victoria Carreón, Administrator, Division of Industrial Relations, Department of Business and Industry, regarding [Assembly Bill 249](#).