

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

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

The Committee on Government Affairs was called to order by Chair Edgar Flores at 8:10 a.m. on Thursday, April 8, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Lisa Krasner, Assembly District No. 26  
Assemblyman P.K. O'Neill, Assembly District No. 40  
Assemblyman Jason Frierson, Assembly District No. 8  
Assemblywoman Heidi Kasama, Assembly District No. 2

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Erin Sturdivant, Committee Counsel  
Judith Bishop, Committee Manager

Minutes ID: 817



Zachary Khan, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

John J. Piro, Deputy Public Defender, Clark County Public Defender's Office  
Annemarie Grant, Private Citizen, Quincy, Massachusetts  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
Edward Ableser, representing Nevada Police Union  
Nicholas Shepack, Policy and Program Associate, American Civil Liberties Union of Nevada  
Jeanne Llera, Private Citizen, Las Vegas, Nevada  
Nissa Tzun, Private Citizen, Las Vegas, Nevada  
Maria-Teresa Liebermann-Parraga, Private Citizen, Las Vegas, Nevada  
Jim Hoffman, representing Nevada Attorneys for Criminal Justice  
Leinati Hackley, Private Citizen, Las Vegas, Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Jason Jackson, Board Member, Nevada Police Union  
Michael Cathcart, Business Operations Manager, City of Henderson  
John Johnson, Private Citizen, Las Vegas, Nevada  
Nicholas Vassiliadis, Political Director, Nevada Resort Association

**Chair Flores:**

[Roll was called. Procedures were explained.] As you see, we have a very voluminous agenda this morning. I do not want to force Mr. McDonald to read every single word of the work session documents. I trust and understand that all of you have had an opportunity to review those bills ahead of time. I will ask that he only go through the amendments so that those are clear on the record, and then I will ask for a vote at that time. In terms of the bill presentations, right after the work session, we will have Speaker Frierson present his bill, Assembly Bill 409, followed by Assembly Bill 131, Assembly Bill 133, and Assembly Bill 408. I understand Assemblywoman Kasama is presenting in a different committee. We will put her at the very end to give her ample time to conclude her presentation in the other committee and make her way to us. For those of you who are going to speak during public comment, know that we will be doing that at the very end of today's meeting. Members, recall that we do have a floor session this morning at 11:30 a.m. I ask that you focus your questions and narrowly tailor them to a specific section of the bill and give an opportunity for everybody else to speak so that we can get through today's agenda and give you ample time to get down to the floor. Mr. McDonald, if we could start with the work session document and, at this time, go with Assembly Bill 100.

**Assembly Bill 100: Revises provisions relating to wildfires. (BDR 42-109)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 100 revises provisions related to wildfires [[Exhibit C](#)]. It was sponsored by this Committee on behalf of the Committee to Conduct an Interim Study Concerning Wildfires and heard on February 25, 2021. Assembly Bill 100 authorizes the state forester firewarden to enter into a cooperative agreement with federal, state, and local agencies for the purpose of creating a fire board of directors to ensure that agencies in this state work collaboratively on fire suppression activities. The bill also creates the Wildland Fire Protection Program in the Division of Forestry of the State Department of Conservation and Natural Resources, and authorizes the state forester firewarden to enter into cooperative agreements with fire protection districts and boards of county commissioners to participate in the Wildland Fire Protection Program. Finally, the bill authorizes the commissioner of insurance to create a program for insurers to provide incentives to promote and encourage property owners to take measures to mitigate the risk of property loss or damage caused by wildfire. We have no amendments for this bill.

**Chair Flores:**

Are there any questions? Seeing none, I will hear a motion to do pass Assembly Bill 100.

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO DO PASS  
ASSEMBLY BILL 100.

ASSEMBLYWOMAN BLACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Black will present the floor statement.

We will now hear Assembly Bill 143.

**Assembly Bill 143: Establishes provisions concerning victims of human trafficking. (BDR 16-856)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 143 establishes provisions concerning victims of human trafficking [[Exhibit D](#)]. This bill was sponsored by Assemblywoman Krasner and heard in your Committee on March 2, 2021. Assembly Bill 143 requires the Department of Health and Human Services (DHHS) to: (1) develop a statewide plan for the delivery of services to victims of human trafficking; and (2) form a statewide task force to assist DHHS in carrying out its duties. The bill also requires the director of DHHS to periodically review the plan and its implementation for compliance with the established requirements.

We have received an amendment from Assemblywoman Krasner, and that is contained in your packet [pages 2 and 3, [Exhibit D](#)]. This amendment would:

- Place the program in the Division of Child and Family Services of the Department of Health and Human Services;
- Replace the term "task force" with "coalition";
- Designate a human trafficking specialist within the Victims of Crime Program;
- Ensure an online directory of services for victims of human trafficking is publicly accessible;
- Require the coalition to provide assistance to maximize resources to local human trafficking task forces; and
- "May" instead of "must" provide resources for victims of human trafficking.

The amendment would also add Senator Pat Spearman and Senator James A. Settlemeyer as joint sponsors and Assemblywoman Clara Thomas as a cosponsor. That is all the amendments we have for that bill.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 143.

ASSEMBLYWOMAN THOMAS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 143.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Duran will present the floor statement.

We will now hear Assembly Bill 186.

**Assembly Bill 186: Establishes provisions relating to the issuance of citations and arrests by peace officers. (BDR 23-634)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 186 establishes provisions relating to the issuance of citations and arrests by peace officers [[Exhibit E](#)]. This bill was sponsored by Assemblywoman Rochelle T. Nguyen and others and was heard in this Committee on March 11, 2021. Assembly Bill 186 prohibits a law enforcement agency from requiring a peace officer to issue a certain number of traffic citations or to make a certain number of arrests. Additionally, the bill prohibits a law enforcement agency from considering the number of citations or arrests, or the amount of

finer or fees assessed from the citations or arrests made by a peace officer, in evaluating the performance of the peace officer.

We did receive an amendment from Assemblywoman Nguyen [page 2, [Exhibit E](#)] which proposed to amend the bill to remove the word "suggest" in section 1, subsection 1, thereby allowing a law enforcement agency to suggest to a peace officer that he or she "must issue a certain number of traffic citations or make a certain number of arrests." The amendment would also add some cosponsors, including Assemblywoman Natha C. Anderson, Assemblywoman Tracy Brown-May, Assemblywoman Venicia Considine, Assemblywoman Jill Dickman, Assemblywoman Beatrice (Bea) Duran, Assemblywoman Susan (Susie) Martinez, Assemblyman Andy Matthews, Assemblywoman Clara (Claire) Thomas, and Assemblywoman Selena Torres.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 186.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 186.

ASSEMBLYWOMAN BLACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Nguyen will present the floor statement.

We will very quickly go back to A. B. 143. We originally assigned the floor statement to Assemblywoman Duran. The floor statement will be delivered by Assemblywoman Krasner. Assemblywoman Krasner, thank you. I did not realize that you were visiting us via Zoom. We will make sure that you get to carry that floor statement. We will now hear Assembly Bill 196.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 196 requires courthouses to contain lactation rooms for use by members of the public under certain circumstances [[Exhibit F](#)]. This was sponsored by Assemblywoman Teresa Benitez-Thompson and heard on March 8, 2021. Assembly Bill 196 requires each courthouse to contain a lactation room that may be used by members of the public to express breast milk. The bill provides an exception to the requirement if the person who is responsible for the operation of the courthouse determines that:

- The courthouse does not contain a lactation room for employees;
- The courthouse does not have a room or other space that could be repurposed or privatized as a lactation room; or

- New construction would be required to provide the lactation room and the cost of the construction is unfeasible.

Finally, this bill defines “lactation room” as a hygienic place, other than a bathroom, that is shielded from view; is free from intrusion; and contains a chair, a working surface, and an electrical outlet.

We have one amendment proposed for this bill [page 2, [Exhibit F](#)]. This would add a \$500,000 appropriation to provide a matching grant to assist municipal and justice courts in creating lactation rooms.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 196.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 196.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Anderson will present the floor statement.

We will now hear Assembly Bill 268.

**Assembly Bill 268: Establishes provisions relating to peace officers. (BDR 23-234)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 268 establishes provisions relating to peace officers [[Exhibit G](#)]. This was sponsored by Assemblywoman Lisa Krasner and others and heard in this Committee on March 26, 2021. Assembly Bill 268 requires each law enforcement agency to adopt a written policy regarding the use of force, and it establishes certain requirements concerning the written policy, including, but not limited to:

- Peace officers must utilize de-escalation techniques, crisis intervention, and other alternatives to force when feasible;
- Peace officers must utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis; and
- Law enforcement agencies, when feasible, must send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements.

Finally, the bill prohibits a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.

We have one amendment on this bill, and that would require written policy regarding the use of force be posted on a website with the date of adoption if feasible. That is the only amendment we have for this bill.

**Assemblywoman Lisa Krasner, Assembly District No. 26:**

Pardon me, Chair Flores. I have a voice amendment if I may. The Department of Wildlife should be exempted from A. B. 268. They were never meant to be included. And I do also want to thank the Washoe County Sheriff, the Las Vegas Metropolitan Police Department, the National Association for the Advancement of Colored People, and the Office of the Attorney General for their help with this bill. [[Exhibit H](#) was submitted but not discussed.]

**Chair Flores:**

Are there any questions? [There were none.] Seeing none, I will entertain a motion to do pass Assembly Bill 268.

ASSEMBLYWOMAN THOMAS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 268.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

**Assemblywoman Black:**

I spoke with several law enforcement agencies, and I am totally in favor of these policies and procedures being written down somewhere, but this feels redundant to me. From what I understand, it is already being done. I am going to vote no here and reserve my right to change my vote on the floor.

**Chair Flores:**

Are there any additional comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN BLACK VOTED NO.)

Assemblywoman Lisa Krasner will present the floor statement.

We will now hear Assembly Bill 304.

**Assembly Bill 304: Revises provisions governing peace officers. (BDR 23-918)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 304 revises provisions governing peace officers [[Exhibit I](#)]. This was sponsored by Assemblyman Jason Frierson and heard in this Committee on April 2, 2021.

Assembly Bill 304 requires the Peace Officers' Standards and Training Commission to expand its regulations requiring all peace officers to annually complete not less than 12 hours of continuing education to address crisis intervention, as part of topics related to mental health. We have no amendments on this bill.

**Chair Flores:**

I will entertain a motion to do pass Assembly Bill 304.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 304.

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Thomas will present the floor statement.

We will now hear Assembly Bill 315.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 315 revises provisions relating to certain public employees [[Exhibit J](#)]. This was sponsored by Assemblyman P.K. O'Neill and others and heard in this Committee on March 25, 2021. Assembly Bill 315 requires an employer of a police officer or firefighter to make certain information available to the police officer or firefighter regarding mental health issues and treatment. While still employed, the employer must provide ongoing information relating to the awareness, prevention, mitigation, and treatment of mental health issues; including, but not limited to, post-traumatic stress disorder, depression, anxiety, and acute stress. Before a police officer or firefighter retires, the employer must provide up to two hours of counseling from a mental health professional to discuss the symptoms, prevention, mitigation, and treatment of mental health issues; including, without limitation, post-traumatic stress disorder, depression, anxiety, and acute stress.

As discussed at the hearing, Assemblyman O'Neill proposes to allow the counseling of police and firefighters to occur up to three months after retirement, and I believe Assemblyman O'Neill has a couple of other things he would like to propose.

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

In section 1, subsection 1, paragraph (b), it currently reads "Two hours of counseling from a mental health professional," [Assemblyman O'Neill read from page 2, [Exhibit J](#)]. I would like to change that to "with a mental health professional." It is changing the word "from" to "with," and then in section 1, subsection 2, I would like to add a paragraph (c) to include correctional officers. The definition of "correctional officers" I received from your



Committee counsel would mean "A public employee employed in a full-time position with a public body of the state or a political subdivision of the state, the principal duties of which require emotional stability and physical capacity in protecting the public and providing correctional services." I do not anticipate any fiscal note being added since during testimony various governmental agencies did respond how they support this, and they would not have any notes attached to this bill.

**Chair Flores:**

Thank you, Assemblyman O'Neill. I will entertain a motion to amend and do pass Assembly Bill 315.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 315.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

**Assemblyman Ellison:**

I think it is a good bill. I am going to vote yes, but I am going to reserve my rights because I want to make sure there is not going to be a fiscal note on the bill.

**Chair Flores:**

Any additional discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman O'Neill will present the floor statement.

We will now hear Assembly Bill 316.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 316 revises provisions relating to veterans' benefits [[Exhibit K](#)]. This is sponsored by Assemblyman P.K. O'Neill and others and was heard in this Committee on March 25, 2021. Assembly Bill 316 requires any person who advertises or promotes any event or other public gathering or services relating to benefits or entitlements for veterans, with certain exceptions, to disclose certain information, including that:

- The event or services provided are not associated with the United States Department of Veterans Affairs, the Department of Veterans Services, or certain organizations for veterans; and
- The veteran may qualify for benefits other than those discussed or advertised.

The bill also requires a person who provides services to obtain benefits or entitlements for veterans to provide a written disclosure before entering into an agreement with a client for the provision of those services.

Finally, this measure authorizes the attorney general to collect a civil penalty of not more than \$1,000 for each violation of the provisions of this bill, and it allows any person who is a victim of consumer fraud to bring a civil action against the entity that committed the violation.

We received two amendments. One from Assemblyman O'Neill [pages 2 and 3, [Exhibit K](#)] would:

- Clarify that any business entity other than a nonprofit 501(c)(3), or 501(c)(19) is subject to the provisions of the bill;
- Remove certain language in oral and written disclosures;
- Reduce the font size of a disclosure on written advertisements to one-third the size of the largest use of the term "veteran"; and
- Increase the civil penalty from \$1,000 to \$10,000.

Assemblyman O'Neill did send in another friendly amendment that was proposed by Mr. Nathan Lawrence, which proposes to amend the bill to create an exception in section 4 for attorneys and agents accredited by the United States Department of Veterans Affairs [page 1, [Exhibit K](#)].

**Chair Flores:**

Assemblyman O'Neill worked diligently with some members of the Committee to address some concerns.

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

I would like to make one more correction. Right now, it reads "one-third." After consultation and some extensive conversation, for ease and understanding, instead of one-third, it is ten-point font size.

**Chair Flores:**

Members, if you look at the work session document, you will see four other points underneath "amendments." If you read the third bullet point, it presently reads as "Reduce a font size of a disclosure on written advertisement to one-third of the size of the largest use of the term 'veteran'" [page 1, [Exhibit K](#)]. Assemblyman O'Neill has proposed to change that language to read "ten-point font." Members, are there any questions for Assemblyman O'Neill?

**Assemblywoman Considine:**

On bullet point number one it says "Clarify that any business entity other than a nonprofit 501(c)(3) or 501(c)(19) is subject to the provisions of the bill," but on the amendment that is attached I see that is only listed in section 1, subsection 2, but it was my understanding that it would be in section 1, subsection 2, and section 2, subsection 2. Is that a correct reading of this?

**Assemblyman O'Neill:**

She is absolutely right. I apologize for that.

**Assemblywoman Considine:**

No worries, that is why I wanted to clarify that, so that it would be in both.

**Erin Sturdivant, Committee Counsel:**

I wanted to clarify that we would probably add the language regarding the nonprofit to the exceptions to provide that a nonprofit is not subject to the provisions of the bill in section 1, subsection 4, with all the other exceptions.

**Chair Flores:**

With the legal clarification, Assemblyman O'Neill and Assemblywoman Considine, do we have any additional questions or anything else that you would like to clarify on the record?

**Assemblywoman Considine:**

No, that clarifies it for me.

**Chair Flores:**

Assemblyman O'Neill, is there anything else that you would like to get on the record?

**Assemblyman O'Neill:**

No, Chair Flores. I do appreciate clarifying that. I thought I had made a drastic error there.

**Chair Flores:**

Our [unintelligible] never makes mistakes, only us. With that, I will entertain a motion to amend and do pass Assembly Bill 316.

ASSEMBLYMAN MATTHEWS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 316.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman O'Neill will present the floor statement.

We will now hear Assembly Bill 147.

**Assembly Bill 147: Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-119)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 147 authorizes a board of county commissioners to create the office of county counsel [[Exhibit L](#)]. This was sponsored by Assemblywoman Rochelle T. Nguyen and was heard on March 4, 2021. Assembly Bill 147 authorizes a board of county commissioners to create the office of county counsel to perform many of the noncriminal duties otherwise assigned to the district attorney. The bill authorizes a county manager, with the confirmation of the board of county commissioners, to appoint a county counsel. The bill also sets forth the qualifications for appointment as county counsel, which are similar to the qualifications required for a candidate for the office of district attorney. We have no amendments on this bill.

**Chair Flores:**

Are there any questions? [There were none.] I will entertain a motion to do pass Assembly Bill 147.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 147.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

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

Assemblywoman Brown-May will present the floor statement.

We will now hear Assembly Bill 253.

**Assembly Bill 253: Revises provisions relating to governmental administration. (BDR 19-947)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 253 revises provisions relating to governmental administration [[Exhibit M](#)]. This was sponsored by Assemblywoman Considine and heard on March 18, 2021. Assembly Bill 253 makes various changes to the Open Meeting Law (OML), including but not limited to:

- Provides that a subcommittee or working group is subject to the requirements of the OML if a majority of the membership of the subcommittee or working group are members of the public body or staff and at least two members of the subcommittee or working group are members of the public body;

- Authorizes, under certain circumstances, a public body to conduct a meeting using a remote technology system and requires the notice of a public meeting that uses a remote technology system to include information about how a member of the public may hear, observe, and provide public comment at the meeting through the remote technology system;
- Requires that the public body post a copy of the notice at the principal office of the public body, instead of at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body; and
- Provides that, subject to a qualified privilege, a witness who is testifying before a public body may publish defamatory matter as part of a public hearing.

Finally, the bill requires the agency to post a copy of the notice of a public meeting and text on the Internet website of the agency, instead of at a public library, and requires that the agency provide, in print or in electronic format, a copy of the notice and text to any person who requests a copy from the agency.

We did receive an amendment [page 2, [Exhibit M](#)] that would:

- Provide that a public body may not hold a meeting entirely by virtual means unless the public body maintains an Internet website and posts its notice and supporting material on its own website and the official website of the state;
- Include the ability to participate in a meeting by telephonic means;
- Provide that a public body may allow public comment by means of prerecorded messages;
- Replace the term “teleconference or videoconference” with “a remote technology system”; and
- Delete section 4 of the bill.

**Chair Flores:**

Thank you, Assemblywoman Considine. I know she worked very diligently with many stakeholders to make this bill work. Thank you for the amount of work you put on this bill. I will entertain a motion to amend and do pass Assembly Bill 253.

ASSEMBLYWOMAN BROWN-MAY MOVED TO AMEND AND DO  
PASS ASSEMBLY BILL 253.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

**Assemblyman Ellison:**

Chair, I am going to vote no but I am going to reserve my rights. I want to meet with the sponsor of the bill.

**Chair Flores:**

Is there any additional discussion? [There was none.]

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

Assemblywoman Considine will present the floor statement.

We will now hear Assembly Bill 378.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 378 revises provisions relating to public lands [[Exhibit N](#)]. This bill was sponsored by the Assembly Committee on Natural Resources and heard here on March 30, 2021. Assembly Bill 378 revises the purpose of the State Land Office of the Division of State Lands for the State Department of Conservation and Natural Resources from selecting and disposing of certain lands granted by the United States to the State of Nevada to selecting and managing such lands. In addition to other provisions, the bill:

- Eliminates from the list of priorities of the State Land Use Planning Agency of the Division of State Lands: (1) activities relating to federal lands in this state; and (2) investigation and review of proposals for the designation of areas of critical environmental concern and the development of standards and plans therefor;
- Revises the duties of the administrator of the Division of State Lands, with respect to the State Land Use Planning Agency, to remove the requirement that the administrator provide assistance to counties in developing programs to increase the responsibility of local governments for the management of lands in the state that are under federal management;
- Revises the duties of the State Land Use Planning Agency concerning the purchase by the Federal Government of private land or the exchange of public land for private land to remove the requirement that the State Land Use Planning Agency include comments received from the governing body of an affected county or city in any written comments submitted by the State Land Use Planning Agency to the Federal Government; and
- Removes from the duties of the State Land Use Planning Agency the duty to: (1) prepare plans concerning the acquisition and use of lands in the state that are under federal management; and (2) identify lands that are suitable for acquisition.

Finally, the bill repeals various provisions relating to the managing, regulating, and acquisition of public lands.

We did receive one updated conceptual amendment from Assemblyman Howard Watts. If you take a look at the attached conceptual amendment, it adds another bullet which is the fifth bullet down [page 3, [Exhibit N](#)]. This amendment proposes to amend the bill to retain the language deleted in section 7 and change "shall" to "may" regarding the submission of comments to the federal government upon a realty action. That is the only amendment we have.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 378.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 378.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

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

Assemblywoman Martinez will present the floor statement.

That concludes our work session for today. Members, thank you for being prepared and reviewing those documents ahead of time. Thank you for your flexibility with both verbal amendments. I recognize that they were relatively simple, and we were able to address them on the spot.

Next, we will go to the bill presentations. I wanted to make a point of clarification. We will be doing Assembly Bill 409 first, presented by Assemblyman Frierson, and then we will do Assembly Bill 133, Assembly Bill 131, and Assembly Bill 408. With that, I would like to open up the hearing on Assembly Bill 409.

**Assembly Bill 409: Revises provisions relating to the recruitment and selection of peace officers. (BDR 23-1031)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

Good morning members of the hardworking Committee on Government Affairs. I am here to present Assembly Bill 409, which is an effort to modernize our hiring and recruitment practices for peace officers to better identify implicit bias. During the 80th Session, I sponsored Assembly Bill 478 of the 80th Session, and that required the Peace Officers' Standards and Training Commission to expressly require several minimum training standards. One of those standards was implicit bias. Many of the training requirements, including implicit bias, were already in practice by various law enforcement agencies. Assembly Bill 478 of the 80th Session was an effort to ensure that regardless of who changes

in local leadership, the intent of the Legislature and the State was evident. Let us be clear, I think that we all have implicit bias. Every single one of us has unconscious implicit bias and it can influence our behaviors. For law enforcement officers who are given a badge, a gun, authority, and discretion as to how to operate in situations that are uncertain and stressful, it is imperative that officers are making the best possible decisions with limited information. In 2017, the Office of Community Oriented Policing Services (COPS) under the United States Department of Justice issued a policy report that outlined hiring for the twenty-first century. This report notes that while the hiring process is and should be a method of recruiting and retaining candidates that embody the values of a particular agency, the agency's hiring process should also be used to identify potentially bad actors and those unfit to serve. While implicit bias training has become common in law enforcement agencies and should continue to be an important training requirement, A. B. 409 is an effort to ensure that we are hiring capable officers from the onset. I will now walk through the provisions of the bill.

Section 1 requires Peace Officer Standards and Training (P.O.S.T.) to establish minimum standards for selection of peace officers that include requirements for evaluations to be conducted during the recruitment and selection of peace officers that must identify implicit bias on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation, gender identity or expression. In 2015, President Obama established the White House Task Force on 21st Century Policing. Cochairs Laurie Robinson and Chuck Ramsey were asked which topic they wished their task force had more time to review, and both agreed that it was recruitment. Cochair Robinson recently wrote that American policing in the future will be shaped by the men and women now coming into police academies. Furthermore, in a recent article from *Police Chief Magazine*, it was stated that screening out potentially problematic personnel is not just good risk management, but also a cost-effective practice. I believe A. B. 409 is the appropriate next step to ensure that we are hiring the law enforcement officers our communities expect and deserve. This bill was a reflection of conversations that I had with the law enforcement community, with P.O.S.T., but also with officers on the front line. Nobody wants to have to deal with bad apples, and the officers who are risking their lives to protect our community are equally frustrated when bad apples slip through the cracks. This idea originated with some of those officers that more effort could be done on the front end when we are recruiting and hiring officers to identify problems and either screen it out or have it addressed at the hiring process. Assembly Bill 409 is a reflection of those conversations, and I appreciate the law enforcement community that worked with me to help develop this bill and welcome any questions that any members of the Committee may have.

**Chair Flores:**

Thank you, Speaker Frierson, for that presentation and walkthrough. Members, at this time we will open it up for questions on A. B. 409.

**Assemblyman Ellison:**

I have one question. Mr. Speaker, in section 1, subsection 1, paragraph (c), subparagraph (1) where it says "physical or mental disability," if they are going to P.O.S.T., they have to be



physically fit. They have to run and be able to carry so much weight and be in good, sound mental shape. Can you answer that one piece in there? It is on page 2, line 7.

**Assemblyman Frierson:**

Assemblyman Ellison, I think you are misunderstanding the language. This bill is suggesting that people who were applying to become officers be evaluated in ways that identify if they have bias against certain people. It has nothing to do with P.O.S.T. training and their physical fitness. This is people who are biased against individuals who have physical or mental disabilities. If there is a person applying for a job as a peace officer who has a bias against people who have physical or mental disabilities, they want to identify that at the hiring process.

**Assemblyman Ellison:**

I appreciate that. That is good for clarification. When I read through there quickly, I thought, Wow this is going to be the training. But if it is for the application, I totally, 100 percent agree. Thank you very much.

**Chair Flores:**

Any additional questions? [There were none.] At this time, I would like to invite those wishing to testify in support of A. B. 409.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

We would like to thank the Speaker for bringing this bill forward. I think the best way to cure some of these issues is prevention first, and this bill goes a long way towards making sure that we are working on prevention before we have to fix a problem before it is too late. I am grateful for this bill coming forward. I also agree with Speaker Frierson that we all have biases that need to be examined, and this moves us in the right direction. I urge the Committee's passage.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

I support the bill. Thank you.

**Chair Flores:**

Next caller please. [There was no one.] At this time, I would like to invite those wishing to testify in opposition to A. B. 409.

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

I apologize. I had pressed to join the support. Would it be possible to give support testimony?

**Chair Flores:**

Sorry ma'am, but we already talked to Mr. Piro. I am kidding, please.

**Kendra G. Bertschy:**

I will just ditto the statements from Mr. Piro regarding the need to ensure that our officers have what they need on the ground with their first interaction with our clients so that we can reform the criminal justice system.

**Chair Flores:**

Thank you. I understand that sometimes we have issues with technology. We have been dealing with it all session long. At this time, we will go to those wishing to testify in opposition to A. B. 409. [There was no one.] Speaker Frierson, any closing remarks you may have.

**Assemblyman Frierson:**

Thank you, Mr. Chair and members of the Committee. As usual, I endeavor to lighten your workload by keeping it straightforward, and I believe this bill represents simply a commonsense effort to help deal with some of the issues that I think our country and our state are finding with respect to engagements with law enforcement. This goes a long way with assisting with trust and furthering relationships between law enforcement and the community. I thank you all for your questions and for your time and attention. I look forward to further discussions about this policy.

**Chair Flores:**

Thank you, Speaker Frierson. Before I close out the hearing, Assemblywoman Dickman has reminded me that we skipped neutral. I do not see anybody, but not everybody can see that. For the sake of clarity, if we could please go to those wishing to testify in the neutral position for A. B. 409. [There was no one.] We have already heard the closing remarks from Speaker Frierson. In the interest of time, I do think that it may be wise to entertain a motion to do pass A. B. 409.

ASSEMBLYMAN ELLISON MADE A MOTION TO DO PASS  
ASSEMBLY BILL 409.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

**Assemblyman Ellison:**

I would like to make the recommendation that you make the floor statement.

THE MOTION PASSED UNANIMOUSLY.

**Chair Flores:**

Because I recognize that we are going to be doing a lot of amendments and we are going to have a little bit of a busy floor, if I may ask Assemblywoman Dickman, can you please help us with that floor statement? Assemblywoman Dickman will present the floor statement.

[The Committee recessed at 9:01 a.m. and reconvened at 9:07 a.m.]

**Chair Flores:**

At this time, I will hand over the virtual gavel to Vice Chair Torres so that I can present Assembly Bill 133.

**Vice Chair Torres:**

I will now open the hearing on Assembly Bill 133.

**Assembly Bill 133: Revises provisions relating to peace officers. (BDR 23-240)**

**Assemblyman Edgar Flores, Assembly District No. 28:**

Esteemed colleagues of the very hardworking Committee on Government Affairs, I am Assemblyman Edgar Flores proudly representing Assembly District 28. I am here today, along with Mr. Ableser, who will be copresenting and will bring a lot of the subject matter expertise, to speak on Assembly Bill 133. I wanted to make it abundantly clear for the record that we are going off of the mock-up that is now uploaded to the Nevada Electronic Legislative Information System (NELIS) [[Exhibit O](#)]. If you hit on the Exhibits tab, you will see it there. I apologize to the Committee for any confusion as to this particular mock-up. We will go through it line by line so that we give everybody an opportunity to understand exactly what we are doing here.

Before I hand the presentation over to Mr. Ableser, it is important to understand the genesis of this bill. I would like to first start off by simply thanking President Mathew Kaplan and the Nevada Police Union and their amazing team and all the folks who worked with me on arriving at this language and understanding some of the best practices around the country, the emerging discourse when it comes to training our women and men of law enforcement. In the past years, it is no secret that we have engaged in very deep philosophical conversations as a country on what it means to be a member of law enforcement, what the objectives are that we are trying to achieve, and what relationship the community has with our members of law enforcement. It is also no secret that it is an incredibly difficult, overwhelming job that they have. It is no secret that they have to be able to make decisions in split seconds.

I am firmly committed to the idea that most members of law enforcement join the force probably for the same reasons that a lot of us decided to become public servants and elected officials. We saw an issue and we saw a call to serve our community. In fact, members of law enforcement—I always like to do shoutouts to them and I talk to them—some are often friends of mine who are members of the force. I know they grew up in very rough neighborhoods here in the state of Nevada and they saw things they did not like when it came to community policing, and they joined the force for a very specific reason to change that relationship with the community and with a desire to do good. I say that because, obviously, we still have a lot of tension that sometimes occurs between the community and law enforcement, and I think the best we can do is really focus on training. Where we have well-intentioned, hardworking individuals who work in a very high stress environment, our responsibility is to say, What is the best possible way to ensure we have equipped them with all the necessary resources, mentally and physically, to be prepared to handle such a demanding job? With that came the opportunity to work with Mr. Ableser and really

understand some of the best practices around the nation on ensuring that our women and men of law enforcement are as prepared as possible. Mr. Ableser will walk you through the mock-up that is on NELIS now, but I will provide you with some additional background information to help put all this into context.

In California, the California Highway Patrol mandates that every officer go to the range every month. They consider it a liability if an officer does not have their monthly training with firearms. Most trainings are hands-on engagement and learning. There is case law establishing that failure to appropriately train an officer can create significant liability for the police department. Nevada participates in the initial National Certification Program, but after officers graduate from P.O.S.T., the ongoing training turns into an online PowerPoint presentation. In 1999, the Reno Police Department was awarded a United States Department of Justice grant to provide a new type of field training, problem-based learning; but since then, the development of skills for our officers has been minimal. The International Association of Chiefs of Police highlights as their core initiative that agencies must prioritize a robust, hands-on, professional development program for officers versus simply giving hands-off online learning. The Arc's National Center on Criminal Justice and Disability has partnered with the Office of Community Oriented Policing Services to draw more attention to the need for officers to be trained in interacting with individuals who have an intellectual or developmental disability.

I will take a brief pause to thank our very own Assemblywoman Brown-May, who worked with us on this particular notion and provided her expertise. We all know that she has worked with our community for a very long time, and she provided input. I wanted to make sure that I gave her credit for helping us with this particular language, as she was the original individual who came to me and said, I see the bill, I would love to add this, I think it is imperative that we do it and we do a better job of that. Thank you, Assemblywoman Brown-May, for suggesting this language and working with the stakeholders on achieving it.

Two additional points: the International Association of Chiefs of Police have highlighted that police training and skill to understand and interact with individuals who are LGBTQIA+ is essential training for all departments; the National Tactical Officers Association has emphasized, in our new day and age, a need for riot control crisis intervention as necessary skills development courses for all officers. Understandably, law enforcement has an incredibly difficult job. When they are on the streets in the middle of a protest or a particular situation that may be occurring, they are there to monitor and protect the citizens who may be expressing dismay and concern and frustration towards the very humans that are there to try and control the situation. You can understand how the dynamics can be so very different in that type of scenario. We are accustomed to protests or events that may be occurring in our streets where we may be protesting a particular law or situation, but imagine how difficult that situation is when the very specific purpose of that protest is against members of law enforcement who are there to try to keep the peace and do their jobs. It is a very complex dynamic. It is a very difficult situation they find themselves in. That is why it is so incredibly important that we use this session as a call to action, to say, What can we do to ensure our women and men in uniform are as prepared as they can be to handle the

challenges of the emerging conversations that we are having day to day here in this country of ours?

With that, I will hand over the presentation to Mr. Ableser so that we may have a walkthrough of the bill, an explanation of each section, what the genesis is, and how we believe we can achieve it. Before I do that, I wanted to say thank you to law enforcement. I had an opportunity to speak with Mr. Spratley and Mr. Callaway. They expressed that while they were sympathetic to the additional training, they had concerns over what this means in terms of the financial obligation, and they believe this may be something they might not possibly be able to do now. I wanted to publicly say that, and I appreciate the conversations that we had. You will have an opportunity to hear them later, but I wanted to say thank you to them for reaching back out and engaging in that conversation.

**Edward Ableser, representing Nevada Police Union:**

We are the collective bargaining unit for all statewide Category I peace officers throughout Nevada. I would like to thank you all this morning for considering this important piece of legislation, and I want to thank Assemblyman Edgar Flores and Assemblywoman Tracy Brown-May for their leadership in guiding this bill and putting forth reasonable reforms for public safety departments. This morning I am going to be walking through the bill mock-up in order to talk about the changes that we are offering. Assembly Bill 133, as amended in the first section, redefines the role of what used to be provided by P.O.S.T. as continuing education and now becomes more magnified and useful as professional development and training. As you heard from the International Association of Chiefs of Police, it is highly important to the profession of public safety that agencies must reimagine the method and delivery in which they invest in their officers. This bill places a more impactful emphasis on the skill and craft development and their field training and giving officers hands-on scenarios versus the current status quo, which amounts to simply online PowerPoint presentations that are generally repetitive from year to year. Then, when you take a quiz, they can easily be answered with basic deducting skills.

To that point, I want to address Speaker Frierson's bill that was just heard and give an analogy of how this current situation affects the work that he is doing on implicit bias evaluation. Currently, P.O.S.T. mandates implicit bias and racial profiling as mandatory trainings for our law enforcement officers. The reason why we need this bill is because currently, an officer gets a PowerPoint presentation once a year—it has been the same since the past couple of years—they have combined both racial profiling and implicit bias together. It is done online, self-paced, and an officer could easily skip ahead with this type of continuing education and answer the quiz with basic deduction skills. It does very little for skill and craft development. I think the reason that we are bringing A. B. 133 forward, and the core purpose of continuing education being removed, moving towards professional development and training, is in a situation just like that.

Next in the bill, there are mandates that there are no fewer than six hours a year of hands-on firearm training that is provided to officers. This is really important. We have officers throughout the state and various law enforcement agencies that do not get training in

firearms. For some agencies, this is going to be a minimum standard for them. But many agencies like the state and the Nevada Police Union, which represents four different departments, do not get to the twelve hours a year, once-a-month training. This is six times the amount that our officers are currently getting. Right now, they are getting zero training provided by the state and hands-on firearms training. They have to pay for it themselves—go to the range themselves. They get tested twice a year, but the testing is not training. We believe it is important to add six hours a year of hands-on firearm training for all officers throughout the state. Furthermore, the bill highlights that no less than four hours of professional development and training are delivered to officers monthly. This bill stipulates that at least half of those hours must be delivered in-person and the other trainings can be offered either online or in-person. This requirement will reap substantial benefits to all police forces and the fidelity of the training they are being delivered. We believe that hands-on, in-person training is essential, and that officers should get at least four hours a month in training in the variety of categories that is being offered within P.O.S.T. for the professional development in an ongoing way. Assembly Bill 133 adds six new categories to the current mandatory categories that P.O.S.T. has for what was then continuing education, but what we would like to be professional development. These new trainings must be offered as professional development courses for our officers and they include individuals with intellectual or developmental disability, issues relating to LGBTQ persons, domestic terrorism, emergency vehicle operations, crisis intervention, and riot control. These six new trainings and professional development fields have been identified by leaders on public safety, such as International Association of Chiefs of Police, the Office of Community Oriented Policing Services (COPS), and the United Nations as essential course material that all officers should be taking to grow their skills into an up-to-date professional peace officers position.

Finally, in A. B. 133, it states that these new standards must be taken into account for any promotion and performance evaluation of a peace officer. We believe that in investing in these officers, their work and their performance in these hands-on training experiences must be taken into account for future promotion and their performance evaluations. This is also the carrot that gets officers excited about enhancing their skills and embracing new ways of learning for their own development and progress within their police force. The Nevada Police Union stands firmly behind all aspects of this bill, and frankly, in this day and age, inattention to the behaviors of our peace officers who spend each day working to protect the public, these new standards for training and development are essential in establishing a fully skilled and equipped police force, ready for all situations and skilled in working with underrepresented and disenfranchised communities. Is Nevada ready to move law enforcement into the age of community engagement by professionalizing our peace officers so that all our training is with skills that follow research and best practices? Nevada Police Union believes it is time to end the check-the-box type of continuing education that currently exists. Let us invest in all of our officers, equip them with the best training and professional development so that all communities know that the state values them and is working towards the most optimal outcomes. Thank you, and I am available for any questions.

**Vice Chair Torres:**

Thank you for your testimony. Assemblyman Flores, do you have any other additional remarks?

**Assemblyman Flores:**

I know one of the questions that I got previously in some of the conversations that I had with some of you was as to the original language of the bill. I wanted to speak briefly to that. When I originally presented this bill, I had the opportunity to work very closely with members of the community who expressed tremendous frustration over how law enforcement interacted with individuals who openly carried. I realized that there is a responsibility to members of the community to ensure that, in a state like Nevada where folks openly carry and it is lawful for them to do so, we entertain and engage in a very important conversation to ensure that law enforcement is adequately trained and prepared to address those types of scenarios.

As many of you are aware and have heard about before this Committee of a young man who was involved in and killed during a Black Lives Matter protest. I make that point only to make it clear that that is where this bill originated with me. After having had the opportunity to sit down and speak with stakeholders, I recognized that there was an opportunity to take that original language beyond its original intention and make it much wider, cast a much larger net, and not only ensure that officers have the adequate training and are prepared for scenarios where there may be protests or a riot where folks are exercising their right to open carry in this state, but that we take it beyond that and help ensure that law enforcement is better prepared to interact and engage with the much larger scope of community members. I wanted to make that clear because I did have an opportunity to speak with many of you, and we engaged in a conversation regarding the young man, Jorge Gomez, and that is where we started with the language and that is why we have that original bill. Now, we have an opportunity to cast a much wider net and ensure that we are preparing our folks to interact with all Nevadans. With that, Madam Vice Chair, any questions, please.

**Vice Chair Torres:**

Thank you for the very thorough presentation. Are there any questions from this Committee?

**Assemblyman Ellison:**

There have probably been 30 training bills out there this year from both houses. How are you going to combine all these? We are kind of overlapping. It is going to be a disaster for the agencies to try to put all these programs together. Do you have any idea how they are going to handle this? Every bill has the same thing, yet there is some stuff in there that is a little more. As far as police training goes, they do a lot of this already. They do the qualifying once a month or every other month at the range. They spend quite a bit of time out there.

**Assemblyman Flores:**

It is not uncommon in the legislative process for us to have multiple bills that address a particular issue and/or fall within a particular section of the *Nevada Revised Statutes* (NRS).

There are numerous bills that do that this session, numerous bills that did that in the previous sessions. The Legislative Counsel Bureau will often condense them, and they will figure out where there is identical language, that language does not cross each other out, that language gets added to the NRS, and where there are additional requirements, that those requirements get included. I point to that because this is not uncommon to the legislative process.

I do recognize there is a lot of conversation around this, and I would say that is a testament to the acknowledgement that a lot of the members of this Committee, but more importantly broadly in this building, recognize we have a responsibility to interact and engage in this particular arena and have this conversation, because we see a need. Law enforcement will have an opportunity to come up and provide some additional remarks as to their concerns with implementation that you are now mentioning. It is my position that this is normal. This is the legislative process. We often have numerous bills pass that address a particular issue, and the Legislative Counsel Bureau always finds a way to ensure that becomes clear for the record and that it works.

**Edward Ableser:**

Assemblyman Ellison, to a couple of your points: one, it is important to recognize that P.O.S.T. is responsible to carry out these trainings, so agencies work with P.O.S.T.; they help develop a lot of these trainings. That is how the current continuing education program has been put in place for new recruits and cadets that go through the academy. There is robust training and hands-on engagement after those recruits become officers and are in the field, then it is the continuing education piece that agencies work to develop across the state. Nevada is one of the two states that has the National Certification Program through their P.O.S.T. office, and they should get a lot of credit for that. Peace Officers Standards and Training does a phenomenal job. I know that some of the other departments have asked, How do they pay for it? Currently, P.O.S.T. is being cost-allocated by departments. That is something that our departments should assume in their costs and ensure that they can budget accordingly to fully train their officers. The cost-allocation piece is something that is already happening and should not be a burden to our departments and should help P.O.S.T. with building up these trainings.

You talked about monthly qualifying. For your edification, at the state level our officers have to qualify once every six months. Essentially, the state pays for one bullet to go and hit the target to qualify and then they are good. Any additional training is on their own dime. Effectively, we believe, as other states do it, to invest in those firearm trainings, giving them at least six a month.

**Assemblyman Ellison:**

I have been to a lot of training programs with police departments, and we never hit one bullet. We hit stacks, and we spent a lot of time out there every time that we went out. Maybe we went a little bit overboard, but I have never seen them hand one bullet and say, Take it out of your shirt pocket, Mr. Fife, and make the shot. I have never heard of that before.



**Edward Ableser:**

I appreciate that. This is not the norm. There are law enforcement agencies across the state that do robust training in firearms. I am speaking from the position of the Nevada Police Union. Our officers within the Department of Public Safety, within University Police Services, within State Parks, and with our game wardens, that is their bare minimum requirement. There is not an ongoing firearm training that they get to participate in that is offered by the state. We believe that many other states do that. Other local law enforcement agencies do that as well. What this bill is attempting to do is bring parity with all law enforcement agencies throughout the state to get the level that you are talking about, Assemblyman Ellison.

**Vice Chair Torres:**

Are there any other questions? [There were none.] We will go ahead and start with our testimony in support of A. B. 133.

**Nicholas Shepack, Policy and Program Associate, American Civil Liberties Union of Nevada:**

We want to thank Assemblyman Flores for bringing forth this important bill and for the very robust amendment that we are pleased to see today. As you heard in the presentation, the training can improve for law officers in Nevada. The idea that there are PowerPoints floating around that are recycled year after year is very troublesome. This body works hard to ensure that our law enforcement officers get the best training in the country. We passed laws requiring racial bias training, dealing with different populations, and to find out that, for some officers, it is simply a PowerPoint they can skip through on their own time is concerning. Hands-on training should be the goal of the state. It should be the policy of the state. It is clearly what the law enforcement officers want themselves, and it is something that we should strive to provide. When law officers are not properly trained, people get hurt. Both the law officers themselves can be in danger and community members who they are untrained to work with can face the brunt of the lack of training. This bill is a good step and a robust step in that direction. We may hear from other law organizations that this is going to cost too much, that they may not be able to do it. I will remind you that the Las Vegas Metropolitan Police Department's budget is \$650 million. That is over half a billion dollars a year. We strongly believe they can find the money in that budget to ensure hands-on training for all of their officers in all of these areas and ensure that we have the most well-trained law officers in the country and our public is safe and protected by those officers. We strongly encourage you to support this piece of legislation.

**Jeanne Llera, Private Citizen, Las Vegas, Nevada:**

I am the proud mother of Jorge Antonio Gomez, who was killed by the Las Vegas Metropolitan Police Department on June 1, 2020, during a Black Lives Matter rally. He was walking on a public sidewalk back to his vehicle in front of the Lloyd D. George Federal Building, as his vehicle was parked adjacent to that area. My son was legally exercising our First and Second Amendment rights as he was protesting for George Floyd and our brothers and sisters against police brutality and violence. Officer John Squeo said he believed my son had a bat and chose to shoot five less-than-lethal rounds at him as my son was standing in the

crosswalk waiting for the light to change so that he could get back to his vehicle. He then stated that he saw my son had a rifle strung behind his back and he yelled, Gun. There were four officers across the street standing for over a minute that shot him 19 times with no warning. My son was legally openly carrying, as he had been doing from a previous protest. We are a Second Amendment family. His dad is a K-9 officer with a major casino, his sister went to the United States Military Academy at West Point, and my partner manages the United States Department of Homeland Security. Please bear in mind, we are not anti-cop, we are anti-corruption, and we believe in training. It is legal in Nevada to open carry, yet officers get zero training on interacting with the public that can legally open carry. Why? If Officer John Squeo had been properly trained on interacting with citizens legally openly carrying, would my son still be alive today? He was the catalyst that shot my son with five non-lethal rounds, then yelled gun, and then four officers, Daniel Emerton, Andrew Locher, Vernon Ferguson, and Ryan Fryman, were standing across the street, fired 19 times, killing my son without warning. My son never even looked or went in their direction. He never knew why he was shot in the back and killed. You can see this on newly released videos. We need A. B. 133 to train officers who are interacting with citizens that are legally openly carrying so this does not happen again. Police officers should be held to higher standards and should be fired, arrested, charged, and convicted of the murder of my son. Justice for Jorge Gomez.

**Vice Chair Torres:**

Thank you, ma'am for coming to share your story with the Committee. We express our condolences for your loss as well.

**Nissa Tzun, Private Citizen, Las Vegas, Nevada:**

I am calling in support of A. B. 133. I am also here to represent Mass Liberation Project and Force Trajectory Project. We have a clear policing problem here in Nevada and most definitely an issue with police officers when they see someone practicing their First and Second Amendment rights, just as in the case of Jorge Gomez. We also have an issue with officers not wearing body cameras when they are in uniform. This is a very important bill and should pass, along with additional policing reform bills.

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

In the interest of time, I want to echo the statements made before me regarding the importance of this public safety issue to ensure that our officers have the training necessary to interact safely with our community members.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

We are in support and echo the comments of everybody that came before us.

**Maria-Teresa Liebermann-Parraga, Private Citizen, Las Vegas, Nevada:**

We are in strong support of this bill and really thank Assemblyman Flores for bringing this forward, especially in the case of Jorge Gomez who, as his mother said, was peacefully exercising his First and Second Amendment rights, and we honestly hope folks who are

fellow gun owners like me that want to practice their Second Amendment rights in a peaceful way really understand the importance of this bill so that our police officers can interact with those people that are peacefully doing so. Please support this bill.

**Jim Hoffman, representing Nevada Attorneys for Criminal Justice:**

In the interest of time, I will say ditto to what everyone has said before me. We support this bill.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

I am the sister of Thomas Purdy, 38 years old, who was killed by Reno Police and Washoe County Sheriff's Office during a mental health crisis. I am calling in to support A. B. 133. Offering any additional training can never be bad. Please support this bill.

**Leinati Hackley, Private Citizen, Las Vegas, Nevada:**

We are in support of this bill and also the family of Jorge Gomez. The lack of training and negligence on behalf of the Las Vegas Metropolitan Police Department is disgusting. To know that prior to this bill, officers were not trained properly on how to deal with individuals who are openly carrying is alarming. It took the murder of an innocent man to pay attention to this. The most alarming fact is that the Las Vegas Metropolitan Police Department killed unarmed and armed innocent people. They need training for everything. This is an open-carry state, and this training should have been implemented. Nobody should have to be killed for bills to be signed when passed. A mother should not have to mourn her dead son for action to be taken. Actions should have been taken before the life of Jorge Gomez was stolen, but we support any bill that can prevent the murder of more Black and Brown people because, unfortunately, this is something that we are facing on a regular basis.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

I am here in support of A. B. 133. I want to echo the testimony of those who spoke before me and add our support.

**Vice Chair Torres:**

If we could please go to the next caller in support of A. B. 133. [There was no one.] If we could now hear testimony in opposition of A. B. 133.

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

This association firmly believes in and supports ongoing, relevant, and evolving training for their personnel. We oppose A. B. 133 as it does not consider the ability for Nevada law enforcement agencies to train their personnel in the manner which is appropriate with their jurisdiction and yet is still in line with the standards set by Nevada P.O.S.T. The remote, rural, and frontier jurisdictions in Nevada have a significantly different training requirement than the Las Vegas Metropolitan Police Department. While the core competencies are exactly the same, the rural jurisdictions do not have all the luxuries of a large metropolitan department, and this bill and the amendment are detrimental to their operations. Why does a rural law enforcement agency need to spend time and money on riot control? Our larger law enforcement agencies will come out to McGill, Nevada, if the White Pine County Sheriff's

Office needs assistance with a riot out there. However, White Pine County Sheriff's Office can use additional training for domestic violence, human trafficking, opioid addiction, and a host of other real-life and victim-centered training. Mandating riot control for all Nevada agencies is just not sensible. Finally, the fiscal impact to our law enforcement agencies, and ultimately your constituents as taxpayers, will be tremendous in trying to implement this proposed, check-the-box type of statutorily specified training. It is nice that the American Civil Liberties Union of Nevada knows and cites the Las Vegas Metropolitan Police Department budget, but does he know the very limited operational budget of the other 16 sheriffs' offices, the 40 police departments, and how this will affect the local jurisdictions and their ability to provide other services to the community, or instead trying to fund all this additional training. When will our officers be on the streets serving the public versus sitting in yet another class? When will an officer finally arrive to your call for help if they are committed to so much mandatory training? For those concerns, we oppose the bill.

**Vice Chair Torres:**

I will remind the opposition to not make personal remarks towards any of the testifiers on the legislation.

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

Like the previous caller, we are not opposed to training. In fact, we supported Speaker Frierson's bill last legislative session which put much of the existing language in the statute that you see in this amendment. However, we are opposed to this version of the bill for many of the same reasons that were stated, but this bill adds an additional four hours per month, and we believe the training should be conducted on an annual not a monthly basis. To put this in perspective, you could have an officer that takes vacation or is on leave and misses his four hours of monthly training which then causes him to lose P.O.S.T. certification and then could not be put out on the street to handle calls for service until he is recertified. We believe that training should be annual and not monthly. We also share the same concerns about a ton of additional training being put on officers and when we will be able to actually use them to get out and reduce crime and engage in community policing and other things that are very important. Our officers receive a tremendous amount of training in the academy, in-field training. They also receive annual P.O.S.T. training, specialized training, and training that they can take on their own that is not mandatory. We have four firearms qualifications per year. And contrary to some of the comments by proponents of the bill, all of our officers receive constitutional policing, which deals with how to interact with people who are openly carrying. Our officers do receive that training, and we do have an integrity protocol so that if an officer does some of our training which is virtual, we track the time that they spent on that training and there is an integrity component to ensure that the training is actually being conducted and not just breezed through in a box marked, or as one of the speakers said, a test taken, that the officer can just guess the questions and pass. For the reasons I stated, we are in opposition.

**Vice Chair Torres:**

Thank you, Mr. Callaway. We will go to the next caller in opposition to A. B. 133. [There was no one.] We will now hear testimony in neutral to A. B. 133. [There was no one.]

**Assemblyman Flores:**

Thank you to all those of you who called in support and opposition for engaging in a thoughtful dialogue this morning. I understand training is difficult. I know that it is time-consuming. And I recognize at times it may seem that it could be expensive, but I just want to remind folks of the responsibility and obligation that we have during this very critical moment in our history where we have constituents from every corner of this state and Americans in general demanding that we hear their voices. As I said, and I will say this publicly and I will say this every day, all day, I genuinely believe our men and women in uniform got into the force for all the reasons that folks get into public service. They wanted to serve and protect their communities. Unfortunately, it is my position that at times we do not prepare them adequately with the training and we create certain systemic approaches to different conversations, to different communities, to how we handle things, and we create this de facto approach that has been systemically flawed and problematic. It is my intent through a bill like this that we go to the core of what we are putting in the pockets and what resources we are putting in the hands of our women and men in law enforcement so that they can do better when it comes to community policing. They can be better prepared to protect themselves and protect those around themselves. This is a benefit for everybody, and I am incredibly grateful to those of you who have worked with me. Particularly I wanted to say thank you to the Gomez family and so many folks around them because they have diligently been on the phone with me nonstop, working alongside me to try to utilize the very tragic event they went through as a catapult that will help change and create reforms so that in the future we have officers, who are maybe well intentioned, with the adequate resources and training to better handle different situations.

**Edward Ableser:**

I would just like to add to the Committee members, and I want to thank you all for the tremendous testimony that was provided and members on both sides that called in. As the Nevada Police Union, we are representatives of on-the-ground, line-level law enforcement. When we sat down to design and ask what kind of trainings would really help, what kind of professional development would enhance the field to professionalize peace officer service in the state of Nevada, we looked at the current list and we thought that the list was fantastic. These are standards at a minimum. We believe these standards must be fully enacted and fully trained to the nth degree so that our officers have those skills to grow in not only their skill and their work in their community but also in their promotion in their agency. We looked at gaps, and that is what is offered in this bill. Those are gaps that we have seen nationally, that we have seen locally, that are not being delivered and again, it is a minimum standard. To some of the comments that were made, I would encourage other law enforcement offices to look at this as the minimum standard. Absolutely, we want training in domestic violence so our officers know how to handle the situations, but this is, as a base minimum, giving officers the tools and skills at the line level. That they are out in the community. So they are fully equipped and fully trained, and they feel well-versed and ready

to help protect this community. I appreciate everyone's thoughtful comments and questions, and I ask on behalf of the Nevada Police Union that you pass A. B. 133.

**Vice Chair Torres:**

Thank you, Assemblyman Flores and Mr. Ableser. At this time, I will now close the hearing on A. B. 133.

**Assemblywoman Anderson:**

Based upon our timeline, would it make sense to amend and do pass at this time, if we may?

**Jered McDonald, Committee Policy Analyst:**

Typically, the Chair would make a motion. I think it is okay, if the Chair consents, to allow the Vice Chair to take the motion, but typically the Chair would take the motion.

**Assemblyman Flores:**

Thank you, Mr. McDonald, and thank you, Assemblywoman Anderson, for your willingness to want to move this. At this time, Madam Vice Chair, if you are comfortable handling the motion, I ask that you do a roll call vote.

**Vice Chair Torres:**

Given the remarks made by Assemblyman Flores, I will go ahead and hear the motion made by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 133.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

**Vice Chair Torres:**

Is there any discussion?

**Assemblywoman Dickman:**

We need to be allowing police officers to decide what training they need. They are the people who are already highly trained. Legislators do not know what they need to be doing. It is different in the rurals, it is different in Washoe County than it is in Clark County. And I also do not like this rushed process where we do not even get to think about it. I have to be a no. Sorry.

**Assemblyman Matthews:**

I certainly appreciate the intentions behind this bill. I do share some of the concerns expressed by our local law enforcement leaders. Particularly, those voiced by Assemblywoman Dickman regarding trying to put this in place across a wide array of diverse communities and in cases that may not apply. I want to continue to have these conversations. I am going to be a no today, but I will reserve my right for the floor as I continue to examine this. Thank you.

**Assemblyman Ellison:**

I follow along with my colleagues. I am going to reserve my rights. One of the questions I do have is that I would like to talk to the Nevada Sheriffs' and Chiefs' Association and also the chief and the sheriff in my community because I think this is broader than what is expected. The other thing is, I think the two police forces, Mr. Callaway and Mr. Spratley, did a very good job about the training and what they do. I will be a no and will reserve my rights.

**Assemblywoman Black:**

I want to echo what Assemblywoman Dickman said, and I also need to talk to my local police chief in Mesquite and see how this will affect our department. I am really troubled at the way these bills are getting rushed through. I think there is a process for a reason, and I would like to see it followed.

**Vice Chair Torres:**

I do want to remind the Committee that this is completely within the realm of what the Committee is able to do. We did suspend the 24-hour rule, so there is nothing in this Committee that is violating the current process or rules in place [*Assembly Standing Rule 57.4*]. I want to make that abundantly clear. The Committee is completely able and empowered to move legislation on the same day—seeing as we have a deadline in a day. I did hear a motion from Assemblywoman Anderson and a second from Assemblywoman Considine. Seeing no additional comments, Mr. Secretary, please do a roll call vote.

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

Assemblyman Flores will present the floor statement.

**Vice Chair Torres:**

I will now close the hearing on A. B. 133 and open the hearing on Assembly Bill 131.

**Assembly Bill 131: Revises provisions relating to the use of portable event recording devices by peace officers. (BDR 23-241)**

**Assemblyman Edgar Flores, Assembly District No. 28:**

I want to take a personal point of privilege to thank President Matthew Kaplan, the Nevada Police Union, and On The Line. Joining us here today is Jason Jackson. He is a board member of the Nevada Police Union. I want to express my gratitude to them for working with me and preemptively bringing forth the importance of body cameras. We are working off of a mock-up [[Exhibit P](#)]. It does not delete any real language from my original intent. However, we are adding additional language and will walk through that in detail. If I could provide some overarching remarks to the importance of this particular bill. During the interim, I had the opportunity to work very closely specifically with the Gomez family, but through them I had the opportunity to interact with various other community stakeholders who are very passionate and committed to transparency, safety, and more importantly,

engaging in very open and transparent conversation about what we are doing presently when it comes to community policing and what is the relationship between the community and law enforcement when it comes to engaging with sharing information and providing the very powerful safeguard that comes with a body camera, and where there were issues with identifying the *Nevada Revised Statutes* (NRS) and how it is presently written.

Mainly, the way the NRS is now written, one of the concerns is that a peace officer needs to carry a body camera, pursuant to NRS 289.830 as presently written, when they "routinely interact with the public." That definition is, in essence, what created some of the concerns because, understandably, we have a lot of members of law enforcement who do not routinely interact with members of the public. They perhaps have numerous other duties, and at times are required to come into the public space and interact with the community, but that may not be what they typically do. If I could paint a hypothetical, maybe I am a training officer who primarily works in an office or works and engages with other members of law enforcement, and I do not typically have that routine interaction with the public. Those individuals may not have a body camera pursuant to how the NRS now reads. Because of that, there may be scenarios where there may be an emergency, there may be a large event, there may be a requirement where a lot of members of law enforcement are asked and designated to a specific area of town and there is another incident happening in another area of town. Some of these members of law enforcement who do not routinely interact with the public are asked and requested on short notice to help alleviate some of those immediate concerns that are happening in our community.

In those particular scenarios, those individuals who are not interacting consistently with the public will go out to these different calls and unfortunately do not have a body camera. A body camera serves a very important safeguard for the public as well as for the member of law enforcement. It goes both ways. It is not just the public, but rather, you will find out, a lot of members of law enforcement with body cameras will demonstrate, Wait a minute, somebody filed a complaint against a particular officer and said that member of law enforcement aggressively tackled or unnecessarily used force. After reviewing the camera, it becomes abundantly clear that the opposite is true, that everything was necessary, and that maybe the member of law enforcement went above and beyond to show restraint or to try to deescalate the situation. You will hear this from other folks who will probably call in. You will learn that in a lot of these scenarios, when complaints are filed against officers and that particular member of the community is told, Look, we have body camera footage that we are going to utilize to demonstrate the opposite, sometimes those complaints magically disappear—never mind, I withdraw that—or they do not follow through because that body camera serves as such essential evidence to show exactly how an interaction went down. Our concern and the objective are to ensure that all folks who interact with members of the public have to have access to a body camera.

Right now, for law enforcement, for those officers who are typically interacting with the public, they have their body cameras on their person. There is obviously a small surplus. Sometimes the equipment fails, so they have to have some additional cameras that they can substitute while one is being repaired or any small scenarios like that. They have a small



surplus. Understandably, if we say every single member of law enforcement has to have one on their person, the argument is going to be, Well, that is going to be overly burdensome because it is too expensive. The better approach is to say that you just have to have them available because, as I have indicated, not every single member of law enforcement is going to be called at the same exact time every time. We can have a real conversation and say, Look, we should have a larger surplus so that in a scenario where something like a big event, like a riot, like a protest, or where we have too many officers in one location and we need other officers to immediately respond, we have a surplus ready for those types of scenarios.

I also want to encourage the Committee that I understand there is going to be a fiscal conversation, and I am prepared to have that once we get to the Committee on Revenue, but the question that I implore you to answer today is, Are members of law enforcement and as a community better off with a policy that says every officer in uniform who interacts with the public or at a time of interacting with the public should have a camera on her or his person? That is the ultimate policy question that I am posing to you today. I did have an opportunity to speak with law enforcement. They expressed concerns very much rooted in how expensive this could potentially be. I am grateful for that conversation with them. I am sure that they will present their opposition and concerns. I also had an opportunity to speak with some of the local jurisdictions who expressed similar concerns of a fiscal nature. But again, I implore the Committee to engage in the policy conversation today, not in the money conversation. Before I hand it over to Mr. Jason Jackson, I will quickly say that the mock-up wanted to ensure that this bill expands the type of peace officers who are currently required to wear a portable electronic device to include peace officers who are in uniform and on duty that may involve interaction with a member of the public and who are employed in the Department of Public Safety, the Division of State Parks, the Department of Conservation and Natural Resources, the Department of Wildlife, and the Nevada System of Higher Education. Understandably, we have a lot of different interactions that are not just happening on our streets but are happening in all corners of our state, including our schools, including for those who are out there exercising and taking care of our beautiful natural resources that we have. For all of these interactions, having a body camera present is better for the safety of the officer and the safety of the community.

**Jason Jackson, Board Member, Nevada Police Union:**

I am pleased to be here in support of Assembly Bill 131. I would like to thank the Nevada Assembly for bringing this important bill forward. It is our belief that body cameras are an important element of public safety and a key element of modern day policing that have been shown to reduce complaints against officers as well as provide some transparency to not only the agency but the officer by providing a recorded action and based on their tactics and techniques utilized by officers while they are on duty. Body-worn recording devices have the potential to provide a recorded event to be used not only as a future training tool, but also to keep officers and the public safer. They can also provide transparency to all agencies and law enforcement officers working.

I can recall one such instance when I would have appreciated a recording device. I happened to be in a location where I had no cellphone coverage, no radio coverage, and I observed

three individuals shooting from a vehicle and also littering at the time. Upon contacting the individuals, they were intoxicated, as I said, and one of the subjects was refusing to sign a citation and the situation got pretty tense, in the middle of nowhere with no radio and no cell coverage, no way to portray to anyone else the situation as it went down. The one subject in particular refused to sign a citation and ultimately, he was convinced by his friends and me to sign the citation and save himself a trip to jail. I could say in that certain circumstance, in that instance, I personally would have appreciated a recording device to not only show it to officers that I may train in the future but my supervisors and let them know what exactly went down when I had to write up a statement as to what occurred.

Moving forward, here are a few of the simple reasons why the Nevada Police Union would be in support of this bill and this legislation: Self-protection for officers against complaints, unbiased review of conduct during potentially violent or aggressive contacts, potential review of standard policy and protocol as needed or if needed by agency command, breakdown reviews of tense situations that may provide the officer with multiple ways to better prepare himself for future situations that could happen again not only to him but to other officers. It would ensure accountability of officers who may not be performing their duties as professionals. It could potentially provide a review process to ensure training tactics and techniques are being adhered to during interactions. It also could provide documentation to agencies as to how often and when subjects intentionally attempt to deceive officers by lying to us or hindering our investigations during some of these contacts.

Some of our officers and agencies in the state have been provided the capability to have on their body these body-worn cameras with documented success. I appreciate that past legislation. In some of those past bills, a few agencies were omitted from that. This bill would encompass all or provide the availability to all other current state law enforcement agencies that are not provided with them at this moment. In closing, I appreciate your time, and I think the benefits to having body-worn cameras far outweigh the disadvantages of having them. I am willing to answer any questions you may have.

**Vice Chair Torres:**

Thank you for your testimony, Mr. Jackson and Assemblyman Flores. Are there any questions from the Committee?

**Assemblywoman Dickman:**

As I suggested in many of my questions before, would it not be better to let individual departments decide who needs to wear the body cameras, rather than forcing them on officers who will never activate them. Why would we have executive officers and captains who do come into contact with the public but may not routinely wear a uniform where I would suspect they rarely come in contact with a suspect. What if we used the language "routinely come into contact?"

**Assemblyman Flores:**

I am open to amendments, and in fact I will candidly say that I have had the opportunity to have numerous conversations with local jurisdictions on trying to narrowly tailor the

language to more adequately capture the intent. But the intent is that if you are a member of law enforcement and you are going to interact with members of the public, that at the time of the interaction you have access to a body camera. I agree with the sentiment that you may be an officer who can go a whole year without interacting and engaging in the community, that because you are wearing a uniform does not mean that you need a body camera. I agree with that 100 percent. If you are sitting behind a desk and doing administrative duties mostly throughout the year, but you still wear a uniform, I agree there is no need for you to have to wear a body camera in that scenario. I am talking about ensuring that our agencies have a surplus of cameras available so in the scenario where somebody who spends the whole year behind a desk gets called for a few days or hours, then a camera would be readily available so that he could utilize it.

The reason I am resistant to simply allowing law enforcement to do it themselves is because, unfortunately and understandably, law enforcement, depending on who is in charge—whether it be a specific county that controls the funding or whoever that may be—will have to look at what the priorities are and how they are going to utilize money. It is my position, and that of many of the folks whom I have worked with, that this is absolutely essential and necessary, and we may have some disagreement on that. They may think it is not their number one focus and utilize the services differently. It is the job of the Legislature to interject in scenarios like that.

It is not just the folks out there doing street patrol that this benefits. There are so many other different departments—like the scenario Mr. Jackson reported, where it could have protected him or served for training. This is really important, and I do not think I overemphasized that in the beginning: that body camera footage, utilized as a tool, is so instrumental for how law enforcement learns and interacts and modifies training, because there is nothing like real life interactions to serve as the instrument to help us be better prepared for different scenarios, to dissect what we could have done better in this situation. Where did this escalate? Or more importantly, show good habits, good practices: how did this officer manage to deescalate this particular scenario? The camera serves a very meaningful and purposeful value that goes beyond protecting the members of the community and the police in a particular situation. It helps us improve when utilized as a tool for training. There is so much incredible value to it. I agree with you, and I am open to other suggestions in amending this language, but I do think if you are going to interact with the public, there has to be a camera readily available for you to use.

**Assemblywoman Dickman:**

I agree with you, and I agree with you on the body cameras. They have been a help to our officers and, as you said, for training and proving them innocent on false charges. It has worked well for the public and the officer, I totally agree on that. Putting this mandate on every little department that has different nuances could be an issue. I would appreciate if we could maybe adjust that a little bit.

**Assemblyman Flores:**

You have my word that I will continue to work on it.

**Assemblyman Ellison:**

You and I were involved when the Attorney General put in the first bill for body cameras, and that was a long discussion on putting it on phone bills and stuff like this. Through the time period that has passed, it has created a lot of problems with trying to give funding back through the 911 systems. That created a big problem in trying to finance it. Being that they took the money from the phones on the camera, then they were denied funding for the 911 systems, and mostly the enhanced 911 system.

Where I am at right now: I agree with my colleague, they should have these cameras, but the problem is a department should require it and figure out how they are going to do this individually. I know most of the people that are on this list are already using body cameras. I know the school police in our district, being small, still have body cameras. A lot of these agencies have them, they just might not be using them. The problem is, we cannot put any more burden back on the police departments unless we find a way to fund it. I think it is already there. We need to say it should be enabling and if they want to do it, we encourage them to do it.

I would like Assemblyman Flores to respond because we were both involved when this was originally implemented, and it worked out great for the public and the police officers. But the process we went to was pretty broad and widened, and I know that the Las Vegas Metropolitan Police Department did not use their money for that. They used that for the 911 system, I think. But the little communities could not, and that created problems. Maybe you could address some of these issues that I have, Assemblyman Flores.

**Assemblyman Flores:**

I do recall this conversation with then-Senator, now Attorney General Ford. I am incredibly appreciative to work with law enforcement to get to the position where we are now. Understandably at that time, there were unforeseen consequences and circumstances they did not necessarily take into account in that conversation and/or fiscal concerns drafted the language in a very specific way.

The reality is today, as the law sits, there are scenarios where there are police interactions with members of the public and there is no footage available. The reason for that is they were not wearing body cameras. It is not that they forgot to turn it on, it is not because they forgot to wear it that day, it is that, per the NRS as written now, they were not required to do so. That is really the heart of this bill. As the NRS is written now, because the members of law enforcement who have engaged in these particular interactions were not wearing body cameras because they did not routinely interact with the public, we are continuing to have scenarios where tragedies occur. Whether it was the community member at fault or the member of law enforcement, both sides are left pointing the finger at one another because of the absence of the camera. Fortunately, there have been scenarios where horrific acts have occurred and there were other cameras, either from other individuals recording or from a particular business or whatever it may be, that have helped piece the story together. What happens in the scenarios where we do not have that readily available? That is at the core of this particular bill, which is why I think it is absolutely essential. There are stories after

stories of officer-involved shootings or officers being engaged by individuals, and we do not have body cameras available because they did not have to wear it. That is at the essence of what we are trying to do now.

**Vice Chair Torres:**

Are there any other questions? [There were none.] We will go to testimony in support of A. B. 131.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

I am calling in support of this bill. I can attest that it needs to be mandated that when they are interacting with members of the public, they should have their body cameras on. I was at the Washoe County Jail last summer. We fly out there every summer to protest for my brother who was killed and asphyxiated at the jail. It was me, my 19-year-old son, my older brother Dan, and my 12-year-old nephew. Six deputies came out, surrounded us, one kept his hand on the gun the entire time. We were literally just standing there holding a sign and they used these intimidation tactics to try to get us to move over to the so-called "First Amendment area." They went back inside and two came out with body cameras on. I put in a request for the footage and there were cameras outside of the jail, but the video there has already rolled so I only have the interaction afterwards when the two came out alone. Luckily, I did have my own camera recording when the six came and surrounded us. But I fully support this bill.

**Leinati Hackley, Private Citizen, Las Vegas, Nevada:**

I would first like to define the verbiage "riot" by the NRS. "If two or more persons shall actually do an unlawful act of violence, either with or without a common cause of quarrel or even do a lawful act, in a violent, tumultuous or illegal manner, they commit a riot," [NRS 203.070]. We are not discussing those who are committing unlawful acts of violence. We are discussing the peaceful assemblies. When we discuss this bill, it is imperative that we utilize the correct legal verbiage, so no one is interpreting the bill incorrectly and what we are supporting. With this particular bill being proposed today, it is adding a few words to an already existing bill which is called "provisions," provisions that should never have to be added or clarified. Body cameras should be implemented regardless. There should be no exceptions. Body cameras should be worn on duty and should never be turned off. As we have seen in cases such as Byron Williams, where they turned the body camera off for fifteen minutes while he was in custody. As we have also seen in the case of Jorge Gomez who was shot down and surrounded by 16-plus additional police officers with no body cameras worn at all. Every time that we go out to protest, an officer does not have a body camera on, or it is not even turned on if they are wearing one. We livestream for our own safety so that we can make sure that we are not the next Byron Williams or the next Jorge Gomez. We cannot trust that our own police department will do the right thing. Will this bill push for body cameras to be worn? The preexisting bill did not, so I guess our question is, Will this one? If so, we are in support of this bill. We are in support of any bill that pushes for more transparency and accountability. If body cameras can catch excessive force and murder done by those sworn to protect us, then we support it. Justice for Jorge Gomez.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

Body cameras have greatly increased transparency. However, we have noticed that there is a disturbing trend of officers turning their body cameras off in the middle of an investigation. Several attorneys from the office have witnessed this firsthand while we are reviewing our cases. Body cameras are both a great tool but something that does need to be looked at by this legislative body because the departments enacting their own policy do not always get it right, nor do their officers practice it right. It is important for this body to work on body camera reform with things such as this bill. We are grateful to Chair Flores for bringing it forward, thankful for the police officers that do support body cameras and reform, and urge the Committee to support this bill.

**Nicholas Shepack, Policy and Program Associate, American Civil Liberties Union of Nevada:**

We wish to echo the sentiments of the callers before us. We are very sensitive to the fiscal restraints of some of our smaller police departments and believe that this body needs to find the proper funding to ensure that body cameras are available to all law enforcement officers who interact with the public. That is money well spent both for law enforcement officers and for the public. The fact that Jorge Gomez's murder was not caught on camera is a travesty. It is the reason, along with many other incidents, we need this law. It should be the policy of the state to ensure that we know what happens when things go tragic between law officers and community members. This bill is a huge step in that direction. We urge you to support it.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

The global pandemic and the rise of the Black Lives Matter movement has created a watershed moment for change—2020 was a year of reckoning like none before, where hundreds of thousands of people across the nation took to the streets to demand actions to address police violence after the murders of George Floyd and Breonna Taylor. At these protests, we have felt law enforcement violence towards community members, arrests of hundreds, including legal observers and, as you heard earlier, the murder of Jorge Gomez without body cameras. Requiring all officers engaging with the community to wear body cameras is key to developing greater transparency and accountability from our law enforcement systems. We urge your support of this legislation.

**Jeanne Llera, Private Citizen, Las Vegas, Nevada:**

I am the proud mother of Jorge Antonio Gomez, who was killed by the Las Vegas Metropolitan Police Department on June 1, 2020, during a Black Lives Matter rally. As you know, he was walking on a public sidewalk back to his vehicle in front of the Lloyd D. George Federal Building, as his vehicle was parked adjacent to this area. My son was legally exercising our First and Second Amendment rights as he was peacefully protesting for George Floyd and our brothers and sisters against police brutality and violence. Videos have recently been released that contradict the police narrative, as is typical with the Las Vegas Metropolitan Police Department. In my son's case, we had to file a lawsuit and request assistance from the Office of the Attorney General just to get surveillance footage from the surrounding buildings. Based on the 72-hour briefing given by Sheriff Joseph Lombardo,

there were 16 officers in the immediate area. Fifteen had no body cameras; one did not have his body camera activated. In addition, of the four officers that killed my son, Daniel Emerton, Andrew Locher, Vernon Ferguson, and Ryan Fryman, none had body cameras. We have requested body camera footage from Officer John Squeo, who was the first officer to interact with my son and shoot the 5 low-lethal rounds as he was waiting at the crosswalk, along with those officers who were on top of the stairs, but it is still unknown if they have any body cameras. There were more than 30 officers in that area.

The purpose of this bill is to hold officers accountable for their actions, good or bad, by requiring them to have working, turned on body cameras. It amazes me how the police narrative in the beginning was that my son "shot officers," then changed to "pointed his gun," then went to "reached for his weapon." Now seeing the video, all you see is the weapon behind his back as my son is running away. We need A. B. 131 to require all officers to wear body cameras, regardless of their department position or title. If you are interacting with the public—even if you typically do not—when you do, you need a working body camera, period. The lack of transparency, accountability, and frankly lying are the reasons the community does not trust the police department. They should be held to a higher standard. They should be fired, arrested, charged, and convicted of the murder of my son. Justice for Jorge Gomez.

**Vice Chair Torres:**

Thank you, ma'am, for continuing to share your story with the Committee. We are honored and we appreciate your using your platform to share the policy changes we can make to empower our community.

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

I want to thank Assemblyman Flores for bringing forward this extremely crucial bill. As you have heard from the testimony from those before me, there is a significant need in Nevada to ensure that all officers have body cameras. Unfortunately, it is not the case and I cannot even count on my hands how many times I have been attempting to review body camera footage to find out that officer did not have one that day or that officer is a detective and did not have to have one, or that officer is part of a special task force so they do not have to wear one, even though they were sent up to specifically interact and investigate a crime, they did not have to wear one. I appreciate that Assemblyman Flores heard the calls of the community during the special session demanding police reform and accountability and transparency. I appreciate that several members of this body have been working towards ensuring that we have what we need to rely on our police officers when they are in the field. I would note that there have been several instances where they decide not to press record to record some witnesses but record for other witnesses. Although this bill does not touch it, I hope in the future we will consider implementing change that will actually hold those officers accountable when they choose not to provide and press play to record their interactions. We appreciate this bill and urge your support.

**Jim Hoffman, representing Nevada Attorneys for Criminal Justice:**

In the interest of brevity, I will just say that we agree with everyone before us, and we support the bill.

**Vice Chair Torres:**

If we could please go to the next caller in support. [There was no one.] We will now hear testimony in opposition to A. B. 131.

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

Unfortunately, I am coming in opposed to a bill once again, A. B. 131. We worked in 2013 with Majority Leader at the time, Aaron Ford, on his original body camera bill, which established the language that is in the current statute. Many stakeholders were involved in that, and the intent was to require officers that wear a uniform and interact on a daily basis with the public to be required to wear a body camera. The way this bill is written, it is way too broad. As was mentioned, there were comments made about an officer that sits in an office all day in a uniform, and the Chair even said he understands that officer would probably not need a body camera, but the fact is an officer is on duty 24/7. If that officer goes to lunch and something happens or that officer is on his way home and something happens, the same argument can be made, Why was his body camera not on? We currently have 3,300 police officers in our department. If every single officer had to be equipped with a body camera, this is a cost of well over a million dollars a year. Right now we have about 1,700 officers that work the street in a uniform, which includes patrol and traffic, and we even have specialized units that are not necessarily in a uniform that wear a camera, and of course a SWAT team that wears a camera. But if you do the math, this would mean that we would have about 1,600 cameras sitting on a shelf for 99 percent of the time for those one or two occasions that may occur in a year where an officer might have to put a uniform on. In fact, if this bill were to pass, I myself would have to wear a body camera when I go to the police memorial once a year in my uniform and on September 11 when I put a uniform on.

On October 1, 2017, when that horrible incident occurred, as soon as I got a call that there was an active shooter on the Strip, I put my uniform on and responded, and I was not wearing a body camera. This bill would have required me to go to an area command, to find a camera because the cameras have to be docked and they have to be charged and the data on them have to be downloaded—officers do not take cameras home, they are at stations where they are docked to a docking unit—I would have had to respond to a specific area command and get a camera and put it on before I could respond to the scene. I also think it is interesting that the unions are supporting this change in the law because initially, when we implemented body cameras in 2013, we had pushback from the unions that did not want to wear cameras and said it was a collective bargaining issue. The current statute, the way it reads today, would apply to the story that was told by one of the presenters about not having a body camera when the people were littering and shooting guns from the car. We also have a system in place to track compliancy on body cameras currently, and we have a strict policy in place for turning off cameras or not complying with the policy, and discipline can come from that when we determine an officer is not following the policy.



To wrap up my testimony so that others have a chance to speak, I think that this bill is going to cost the taxpayers a lot of money and it is going to only apply in those rare cases where we have a civil unrest situation or we have an emergency where an officer that normally does not wear a uniform has to put one on and respond.

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

We oppose A. B. 131 as it significantly broadens the number of law enforcement personnel who would be required to wear a body-worn camera. We understand the intent as presented. It can apply to a very large number of unintended peace officers in Nevada, whether or not they wear what you would consider to be a traditional police uniform. There has been a state of Nevada opinion that may apply that claims the "uniform" is the actual uniform that you recognize and includes the accoutrement of it to include a badge and a gun. This language may greatly broaden the body-worn camera requirement to include officers not wearing the actual agency uniforms—undercover officers, training personnel, special assignments, et cetera—and may even carry over to off-duty situations wherein an officer engages in an emergency situation that is lifesaving or otherwise. An off-duty officer that makes the choice to engage in a police or lifesaving matter places themselves on duty, so this bill would apply. This language is not just cumbersome or not well thought out, the current language of NRS 289.830 adequately captures what was extensively worked on and approved in prior sessions by this body. We ask that you join us in opposing this change.

**Michael Cathcart, Business Operations Manager, City of Henderson:**

The benefits of body-worn cameras are extensive and the city believes firmly in the great asset that body cameras are for our law enforcement. The City of Henderson currently deploys both body-worn cameras and dash cameras in all of our police vehicles. However, the city is opposed to A. B. 131 because we feel the current law governing body-worn cameras by our police officers is working well in our agency and for our community. To answer the Vice Chair's question, I would be happy to get that information on the consequences of turning off the body camera.

**Vice Chair Torres:**

Thank you, Mr. Cathcart, I appreciate that. We can now go to the next caller in opposition to A. B. 131. [There was no one.] Is there anyone wishing to testify who is neutral on this bill? [There was no one.] Chair Flores, are there any closing remarks?

**Assemblyman Flores:**

I wanted to first thank Mr. Jackson from the Nevada Police Union and President Kaplan for working alongside me on this particular bill, for seeing the importance of how necessary it is to ensure that we protect the community as well as members of law enforcement. I wanted to address some of the opposition's points.

First, one of the concerns that I heard was that this is expensive. My sentiment and response to that is education is expensive, health care is expensive, everything we do is incredibly expensive, but we as a community and we in this building make a conscious decision to ask, Does the cost mean more to us as a society than the public benefit? It is my sentiment that

the public benefit is ensuring members of law enforcement have access to a body camera so they can be protected in scenarios where they are put in danger or where they are accused or falsely accused or whatever it may be, and ensuring the other side, community members, feel there is transparency and they understand that if there was ever an interaction that they felt was wrong or something was done in violation of the law, they have that body camera there. That is really what we are weighing here. It says a lot for us to have the police union present and testify and provide specific examples of when a body camera could have been so incredibly beneficial to that particular member of law enforcement.

We have opposition that talks about everything working, which is another point that I wanted to address. If the bill as originally drafted was working, we would not be here having this conversation. We would not have families talking about how there are incidents that were not documented by body cameras. We would not be engaging in this conversation about how there are particular scenarios that happen where members of law enforcement will interact with the community and do not have a body camera.

We consistently work on legislation. I see the NRS as a living, breathing document that we will come back and consistently improve on. The fact that we worked on a bill in 2013 and we worked very diligently on it does not mean that somehow, magically, every problem revolving around body cameras was fixed. We have a responsibility to continue to improve where our community demands that. This is not a one-sided issue. Members of law enforcement, along with the community, recognize the importance of addressing this very huge loophole and void. Unfortunately, there are many examples throughout the year where nothing was caught on camera.

I want to close my remarks in gratitude to the Gomez family, whom I had an opportunity to work with, and so many others who, after experiencing a very tragic loss, took it upon themselves to become advocates for other mothers and other family members and other siblings so that they never have to engage in a situation where they are asking questions about transparency and they cannot get an answer because there was not a camera present. This is for them. I very much appreciate their work. I am committed to working with all those who called in opposition to continue this dialogue, but I simply do not agree with the notion that the law as written is working. There are too many examples of situations where there was no body camera present.

**Vice Chair Torres:**

Thank you, Assemblyman Flores. I will now close the hearing on A. B. 131, and at this time I will give the virtual gavel back over to Chair Flores.

**Chair Flores:**

Madam Vice Chair, do you want to do one of those TikTok things where you hand over the gavel to me and I grab it?

**Assemblywoman Torres:**

I think I am going to have to make a TikTok video now where there is a gavel moving back and forth. Assemblyman McArthur is going to be the star of said TikTok video.

**Chair Flores:**

Thank you, Assemblywoman Torres, and thank you, Assemblyman McArthur, for volunteering—or better said being "volun-told"—to be the star of the next TikTok video.

Members, this takes us to our very last bill presentation. I want to thank Assemblywoman Kasama for her patience. I know she presented a bill this morning and she is going back to back. Understandably, that is heavy. I can imagine last night was a very long night for you. Thank you, Assemblywoman Kasama, for your work. I understand you have a copresenter, Mr. John Johnson. Welcome to the hardworking Committee on Government Affairs. At this time, we will open up the hearing on Assembly Bill 408.

**Assembly Bill 408: Revises provisions governing taxes on transient lodging.  
(BDR 20-673)**

**Assemblywoman Heidi Kasama, Assembly District No. 2:**

Thank you, Chair, and thank you Committee on Government Affairs. I know we are all working very hard, and it is just that time of year. I am here. I am going to wrap up the morning meeting for you. I am here today to present Assembly Bill 408. I want to start by clarifying, this is not a change to the hotel room tax. I have had some people ask me, Is there a change regarding that? There is no change. This has to do with the collection of the hotel room tax; no change in rates. It is simply the collection of the room tax. This was brought to my attention by John Johnson who has been in the hotel industry, and I will let him introduce himself very shortly, but he has become an agent in my brokerage. We spoke about this several years ago. Now, fast-forward, I am an Assemblywoman, he came to me again because now we have more of an urgency in our conversation. What we are looking at is the online travel agencies and how they are collecting the room tax and how they are remitting it to the State. That is really what this entire bill is about. I would also like to make sure that you view the exhibits that are on the Nevada Electronic Legislative Information System (NELIS). There is an amendment. This is an important topic [[Exhibit Q](#)]. I have the bill that I presented. My amendment is to turn this into a study and a work group. Please keep that in mind that I would like to get everyone's support to have this go into a study. There is also an article regarding a similar situation in the state of Pennsylvania and how the Assembly dealt with it there [[Exhibit R](#)], and then there is a graphic of how hotel room taxes are collected [[Exhibit S](#)]. With that, I would like to introduce my friend, John Johnson, and have him present to you now.

**John Johnson, Private Citizen, Las Vegas, Nevada:**

I am a proud Nevadan. I graduated from high school here in Clark County, and I am an alumnus from the University of Nevada, Reno. I would like to give you my introduction on how an outdated law has cost us tens of millions of dollars throughout the years. In fact, when I looked into it, I found that in 2019 it probably cost us around \$57 million, and it is

due to a tax law and the invention of the Internet and the online travel agencies that happened in the 1990s. If you could look at the handout that you have, which would be how taxes are collected. When the guest pays directly to the hotel, they will collect the tax, the tax goes directly to the State of Nevada. When the online travel agency does it, they collect the full amount, however they only pay on the amount that they buy the room for. The traditional way when this law was written was taken like this: when a travel agent booked a room through the hotel, the hotel collected the full amount, which in this case let us say was \$10, and they paid it all the way to the State. Then, they turned around and paid the rest of the commission source to the online travel agents.

What happened was, in the 1990s when the online travel agencies came around, we had a change in policy, but the tax code remained the same. Now, the online travel agency would sell the room, but they would buy the room at a discounted rate. As that happened, they would take the portion that would be paid to the State that the guest paid, whatever the percentage was, and keep it, retain it, and not pay it to the State. I found out about this in 2012, and these dates are important to remember how long ago I found out about it. When I found out about it, I found out because I was working in Lake Tahoe, I was in charge of the rooms division, and I worked directly with the online travel agents. When I worked directly with them, we increased the tax rate from 10 percent to 13 percent. Once that happened, the online travel agencies were calling me directly and wanting to get the paperwork as fast as they could. I stepped back; I could not believe anybody was so excited about collected taxes. But what I found out was exactly what I explained to you. When we increased the tax, we gave them more money.

When they came to me like they did every other year or so, or biennially, I spoke to them about this. I said, Hey, when I look at your rates, you have a line item that says taxes and fees, but when I look at it, it is the same amount of taxes that when our guests book directly through us, they pay. What is this fee? And they explained to me, Hey, we only pay on the amount that you charge us for the hotel. I questioned that. I said, Hey, you are not the guest, and you do not buy the rooms until you sell the rooms. Anything that I give you in a block, you give back to me. How is this fair? They looked at each other and moved on. For years I was thinking I was the only person who knew about this, but this question came up in 2009, and again an important day, but it was suppressed because we had the recession.

We had the recession, and we thought the online travel agency would be a great partner with us to help promote the state of Nevada. What happened in that time was this: as the recession went on, the online travel agencies were able to consume more of their competitors. Now, basically what we have is a duopoly. We have properties that are under Expedia, which would be Orbitz, Travelocity, Room.com; and we have another one under Bookings.com, which are Priceline and Kayak. As the duopoly became stronger, they were able to put more pressure on the hotels. The hotels need to be on the first page when people look for them. If you are on the first page, you have a ten times better chance of getting your room booked. To do this, they either had to advertise with the online travel agent or they had to give up the bigger percentage. Why this is important is as we used to pay a travel agent 15 percent, now it came to 20 percent and even 30 percent. If you take that same room, and

now you are giving away 30 percent so they can sell the room so you can be on the first page, that 30 percent of the tax revenues, that we are trying to collect as a state is going away to the online travel agencies. Again, if we go back and change the law to what it was meant to be in the first place, to collect the tax that gets paid, we can resolve this.

There was another phenomenon that happened during this time, and that is, as most of you know, a resort fee. Resort fees basically came about because hotels needed to recover the amount of loss that they were giving up from their room revenue, so they created the resort fee. The good thing for the state of Nevada is that the resort fee is taxed, and it is paid fully to the state. The bad thing about this, and this is looking ahead and why we need to change the law, is that there are consumer groups out there that are trying to get rid of the resort fee and put it back into the full rate of the room—to disclose that. If that happens, then that percentage of the tax that we get, and again my example was \$57 million, would go over to the online travel agency. The other thing to remember on this is Booking.com, which is part of the duopoly, started the institute last year that they wanted the full commission based on the resort fee. If they accomplish this, they then will take that percentage that we are getting now away from the state of Nevada. That is where we are.

I cannot stress enough that I found out about this in 2012. Fortunately, I met Assemblywoman Kasama, and she listened to me, and it is presented to you now. There are a couple of different arguments that you are going to hear. One of the arguments is going to be that we need them to promote. Originally, when this tax came about, the purpose of it was to promote Nevada through our convention authority, and other things have been tacked onto it. Three percent down here in Clark County comes to our school system. Another one comes into our infrastructure. I am proud to let you know that *US News & World Report* considers us number one in infrastructure because we took care of things. We also build great convention facilities, easy access in and out of the airport, and you can get through our conventions. The other part is with the schools and things like that. There is going to be another argument of why people come here. I am here to let you know as a proud Nevadan, people come to our state because we have innovators that created a great experience for all. That goes anywhere from the Bellagio Fountains to the Caesar's Palace Forum, they come here for that. They also come for what our former Nevadans did, like built Hoover Dam or Virginia City, and they come because we design events that they like to come back to. That would be the National Cowboy Poetry Festival. It is also Hot August Nights as well as Street Vibrations, which many Nevadans work on and design. Finally, they have come to see us because of our great natural resources, Great Basin National Park, beautiful Lake Tahoe, Red Rock Canyon, and Valley of Fire. But they are going to come back because they had a great experience. If we recover all this money, we will put it to good use. Again, it goes to our school systems, our infrastructure, as well as to the State of Nevada, and we can build our resources. They will come back because they can get in and out of the airport safely, they feel safe, and they are served by Nevadans who have been well-educated. I am open for questions, and I am willing to talk to anybody who opposes.

**Chair Flores:**

Assemblywoman Kasama, are there any additional remarks?

**Assemblywoman Kasama:**

The only thing I wanted to clarify is that I know Mr. Johnson mentioned the room taxes go to the State. I just wanted to clarify that we understand it goes to the municipalities.

**Chair Flores:**

Members, at this time we will open it up for questions.

**Assemblyman Ellison:**

The question I have is when I am looking at the bill, it looks like this brings money back to the State and does not take it away. Am I looking at this wrong? Because it looks like an income not an outgo, but it still shows that it has a fiscal note. It is not a fiscal note, it says a two-thirds vote. I do not understand why it is doing that.

**Assemblywoman Kasama:**

That is correct. It would be money coming in.

**Assemblyman Ellison:**

That is the way I read it. It would be an income, not an outgo.

**Assemblywoman Kasama:**

I know that is a surprise in a bill.

**Assemblywoman Martinez:**

Is this a study?

**Assemblywoman Kasama:**

Yes. I had the bill, but I had so many people reach out to me, stakeholders wanting us to have more information. I have had counties reach out to me. I have had a lot of people reach out to me regarding wanting to have more input in this process. It has gone from a bill to a study and that is the amendment that is posted on NELIS, that this will go to a study. We wanted all of you to be aware of what the issues were for this study and ask for your approval for the study.

**Assemblywoman Martinez:**

Why would we need a full study on this?

**Assemblywoman Kasama:**

Based on the presentation you heard, the issue here is how the room taxes are collected. Are there room taxes being collected that are being charged to the consumer when they go into the brick-and-mortar hotel that are possibly not being remitted to the local municipality? What is the flow of how that is being done? Is there a loss of revenue? Are there issues there? Should the language and statute be cleaned up? It is an entire study to look at what is the collection of room taxes and how do the online travel companies fit into that picture as well.

**Assemblywoman Anderson:**

Thank you for bringing forward the bill, Assemblywoman Kasama. I really liked the initial bill. I am not going to lie; I wish it was still that. My question now has to do with the conceptual amendment. Will there also be individuals from the industry who might be appointed to it as nonvoting members for their expertise to be brought in and/or is there a way to also consider, if this study is adopted, ways to increase revenue based upon this item so that it is not just dealing with this one issue?

**Assemblywoman Kasama:**

I would certainly like to have all the stakeholders be a part of it—the Nevada Resort Association, the online travel companies, managers, how they handle it in their various resorts, the counties. I would like to have as many stakeholders as possible. I think that is the only way we end up with good legislation, having everybody involved.

**Assemblywoman Anderson:**

And the other part of the question? I realize we have to get going soon.

**Assemblywoman Kasama:**

That is what the study would be for. Hopefully that study has a great outcome.

**Chair Flores:**

Members, it is 11:21 a.m. and we have to be on the floor pretty soon. But if there are any pressing questions that you need on the record, please unmute yourself at this time. [There were none.] Seeing none, at this time we will open up the hearing for those wishing to testify in support of A. B. 408.

**Nicholas Vassiliadis, Political Director, Nevada Resort Association:**

We are here to testify in support of the bill as amended. We would like to thank the sponsor for recognizing the complexity of this issue and understanding that a better grasp of the role that online travel companies play in Nevada and looking at this and getting all the stakeholders involved is probably the best way to move forward to craft a good policy on this front. The Nevada Resort Association enjoys a great working relationship with the online travel companies and they do spend anywhere in any given year almost \$100 million if not over \$100 million in destination marketing. Because of that great relationship that we enjoy with them, we would like to see this go to a study and get all the stakeholders involved to craft good policy moving forward.

**Chair Flores:**

Next caller in support of A. B. 408. [There was no one.] At this time, we will go to those wishing to testify in opposition to A. B. 408. [There was no one.] At this time, we will invite those wishing to testify in the neutral position to A. B. 408. [There was no one.] Assemblywoman Kasama, do you have any closing remarks?

**Assemblywoman Kasama:**

Yes. Nevada's travel sector has been heavily impacted by the COVID-19 pandemic, and the travel sector is an integral part of the Nevada economy, and recovery in the travel sector will be an integral part of the state's overall recovery. In calendar year 2018, the 56 million people who visited Nevada collectively spent \$65.5 billion here, up from \$63.7 billion the year before. The growth of online travel planning tools has most definitely played a role in increasing the convenience and ease for travelers. By looking at how those tools are used, we as lawmakers can make more and better-informed decisions regarding the funding and prioritization of the sector's development. I want to thank the various stakeholders. This is a complicated issue. There are many people involved, and I want to thank everybody who has been working on this with me. We have a great opportunity to find commonsense solutions to continue to support Nevada businesses, Nevada citizens, to help maintain our beautiful state, and to help continue to attract tourists to come here because we are this great state. I thank everybody for their input and for listening to us. I urge your support for A. B. 408 for us to conduct this study this year.

**Chair Flores:**

Thank you, Assemblywoman Kasama. At this time, we will go ahead and close out the hearing on A. B. 408, and the last item on our agenda is public comment. [Rules and procedures of public comment are explained.]

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

I am the sister of Thomas Purdy who was killed October 8, 2015 during a mental health crisis by Reno Police and Washoe County Sheriff's Office; unarmed, hogtied, and asphyxiated to death. Today I would like to talk briefly about 77-year-old Kathleen D. Guy. This is the four-year anniversary of Kathleen's death. People often forget that law enforcement do not just shoot, torture, hogtie, asphyxiate. They have other methods that involve their negligence and recklessness. Kathleen D. Guy died from blunt force injury, and the manner was ruled an accident. According to police, Kathleen Guy was walking on the 5100 block of Boulder Highway when she was struck by a Las Vegas Metropolitan Police cruiser. Please support bills that promote transparency and accountability such as Assembly Bill 396, should that ever come before this Committee. Please support bills that promote transparency and accountability for families like mine, Jorge Gomez, so many others.

**Chair Flores:**

Thank you, ma'am, again for sharing your story as you have been doing throughout the session. That is admirable for you to be so persistent to ensure that folks know the story of your brother. We will continue with those wishing to join us for public comment. [There was no one.]

Members, as you see it has been quite a week, and it is going to continue. I appreciate everybody powering through. I know that all of you have numerous bills that you are presenting, you are working your bills, you are trying to figure out what is happening. I wanted to say thank you, I appreciate the work you are doing on behalf of your constituents.



We have one more day of this craziness, so let us power through and hopefully enjoy ourselves some relaxing time over the weekend. But for now, we work hard.

Tomorrow we are going to meet again at 8 a.m. We have on the agenda Assembly Bill 338, Assembly Bill 362, and Assembly Bill 397 for hearings and then we have a voluminous work session. Make sure you give yourselves an opportunity to review that. That agenda in general is going to change. Obviously, we have had bills today that we will be adding. Know that that work session document is going to change. Please give yourself an opportunity to look at the agenda one more time tonight as we are adding documents to it, so you are not caught off guard and you realize later that, Wait a minute, I did not realize that was on the agenda. Please, members, I implore you to, one more time at 6 p.m. tonight, look at that work session document and look at the items on the agenda, because I am confident that we will either be removing or adding things and I want to make sure we do not catch any of you off guard. That is not purposefully done, it is just the nature of how this week works. Again, thank you all for your hard work.

I would like to adjourn today's meeting in honor and pay my respect to the very hardworking community members, particularly the Gomez family, who have been absolutely amazing in the work and advocacy that they are doing. This meeting is adjourned [at 11:30 a.m.].

RESPECTFULLY SUBMITTED:

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Zachary Khan  
Committee Secretary

APPROVED BY:

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Assemblyman Edgar Flores, Chair

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 100](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 143](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 186](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 196](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 268](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is a letter dated April 8, 2021, submitted by Bonnie Long, Deputy Director, Nevada Department of Wildlife, regarding a voice amendment to [Assembly Bill 268](#).

[Exhibit I](#) is the Work Session Document for [Assembly Bill 304](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 315](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 316](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 147](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 253](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 378](#), dated April 8, 2021, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is a proposed amendment to [Assembly Bill 133](#), dated April 1, 2021, presented and submitted by Assemblyman Edgar Flores, Assembly District No. 28.

[Exhibit P](#) is a proposed amendment to [Assembly Bill 131](#), dated April 7, 2021, presented and submitted by Assemblyman Edgar Flores, Assembly District No. 28.

[Exhibit Q](#) is a proposed conceptual amendment to [Assembly Bill 408](#) titled, "Assembly Bill 408 Conceptual Amendment," presented and submitted by Assemblywoman Heidi Kasama, Assembly District No. 2.

[Exhibit R](#) is a copy of an article from *The Herald* titled, "State closes travel company tax loophole," dated November 2, 2018, submitted by Assemblywoman Heidi Kasama, Assembly District No. 2.

[Exhibit S](#) is a graphic regarding hotel booking, dated April 8, 2021, submitted by Assemblywoman Heidi Kasama, Assembly District No. 2.