

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

**Eighty-First Session  
April 9, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 8:17 a.m. on Friday, April 9, 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:**

Assemblyman David Orentlicher, Assembly District No. 20  
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

**STAFF MEMBERS PRESENT:**

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



**OTHERS PRESENT:**

Zach Conine, State Treasurer  
Lynn Goya, County Clerk, Clark County  
Jan Galassini, County Clerk, Washoe County  
Jamie Rodriguez, Government Affairs Manager, Office of the County Manager,  
Washoe County  
Gail J. Anderson, Deputy Secretary of State for Southern Nevada, Office of the  
Secretary of State  
Matthew Walker, representing Southern Nevada Home Builders Association

**Chair Flores:**

[Roll was called. Committee rules and protocol were explained.] I first want to start off the morning by understanding everyone's time limitations. Is there anyone who will, at some point before 11:30 a.m., have to log off to present a bill elsewhere? [There was no one.] That will make it a lot easier for us to be able to conduct business this morning, since all of us are available to vote during the work session. We will take the agenda in order by hearing the first three bills, followed by a work session. In the work session we will inevitably have to be jumping around and going back and forth. There will be no particular order in the work session. I will close the meeting with public comment. For those of you who may be joining us for public comment, know we will have a lengthy meeting this morning, so public comment will not be for a few hours.

Members, I know the agenda with updated bills was posted this morning. We apologize for that, and it was not intentional. It is just the nature of how this week works. If you have any concerns, please reach out to me. I have received concerns on several bills, and I appreciate those who have contacted me. Thank you, Assemblywoman Dickman, for your help. If, for whatever reason, you realize that originally you thought you were in support of a bill but then realized you no longer support it, please notify me. The purpose of doing that is to avoid embarrassment by putting up a bill for work session only for it to die. There is no need for us to do that. If it does not have the votes, it does not have the votes. I have no intention of humiliating anyone in that manner.

I know we have Assemblyman Orentlicher here this morning. I believe this is the third attempt to pass a similar bill, but my understanding is you have the magic touch and believe we are going to be able to make this work. I appreciate your joining us this morning. I will open the hearing for Assembly Bill 338.

**Assembly Bill 338: Revises provisions governing the investment of certain public money in foreign bonds, notes or other obligations. (BDR 31-787)**

**Assemblyman David Orentlicher, Assembly District No. 20:**

I am here to present Assembly Bill 338, which I hope will be a fairly simple bill. As Chair Flores mentioned, there is a history, but the road was paved very helpfully two years ago when we, as a Legislature, passed Assembly Bill 34 of the 80th Session. I believe four of

you were on this Committee and heard that bill two years ago. That bill was brought by the State Treasurer to allow the Office of the State Treasurer to invest public funds in a wide array of assets. It would do two things. It would do a better job of diversifying the portfolio of our public investments to increase returns—we would earn more money, which is very important, especially now. It would also mitigate risk. As we know from portfolio investment theory, you can both increase your returns and reduce your risk by diversifying your portfolio. Some things are going to go up and other things are going to go down, so you want to make sure you have a well-balanced portfolio. That is what Assembly Bill 34 of the 80th Session did.

Assembly Bill 338 is essentially a tweak of one part. There were a number of different investments that were added. The State Treasurer manages four kinds of investments. If you turn to page 3 of the bill, I will illustrate what this bill does through the general portfolio. It does the same thing for all four pools of funds. There are the State's General Portfolio, the Nevada Higher Education Prepaid Tuition Trust Fund, the State Permanent School Fund, and the Local Government Pooled Investment Fund. Local governments do not have as much money to manage, so it is better to pool it in order to do better investing with a larger amount of money, and the State Treasurer manages that.

The four pools have the same flexibility. On page 3, beginning on line 6, you will see the guidelines for investing in securities issued by foreign financial institutions, corporations, or governments. There are a number of safeguards that are very important because we want to make sure when we are investing, we do so safely.

What this bill does is make a couple of tweaks. The first you will see on page 3, line 14, to eliminate the requirement that the securities be publicly traded. They still have to be registered with the U.S. Securities and Exchange Commission, but what we have seen in recent years is a greater move from publicly traded funds, both by corporations and governments, to what are called "private placements." Corporations and countries like to do private placement bonds because it is a more streamlined process. You do not have to jump through as many regulatory hoops as you do if you are issuing them for public trading. That is because the people who buy these private placement bonds are very sophisticated, large investors. They are state treasurers, pension funds, private hedge funds, et cetera. We do not need to have as much regulatory oversight.

With the company or the country that is issuing these with the streamlined process, they can issue their debt more quickly, and it saves them money. In return, you get a higher interest rate. It can be a 0.5 percentage point or 1 percentage point which, when you are investing tens of millions or hundreds of millions of dollars, can add up very quickly. There is no reduction in safety. They back their private placement bonds in the same way they back their publicly traded bonds. They get the same credit rating; that does not change at all, although you will see we do make another change. What is the tradeoff? You get a higher interest

rate; it is just as safe; you lose liquidity. They are private placements; they are not publicly traded. If you want to jump in and out of your bonds, you have to wait a couple of years, or one year, whatever the maturity is. I assume our State Treasurer does not make speculative investments in bonds and does hold them to maturity. What a lot of investors in private placement bonds do is stagger them. You could invest \$20 million today for two years, and in two years, all \$20 million would roll over; or you could do \$5 million every six months, so every six months you would have money rolling over and, therefore, you would minimize the liquidity trade off but still get the same interest rate. As I said, it increases the flexibility we gave the State Treasurer two years ago, and it gets additional return which is very important now. Again, by diversifying, you are reducing your risk, not increasing your risk.

The other change, as you will see on page 3, line 19, which was requested by the State Treasurer's Office, is to change the "AA" requirement to "A." They suggested that change because the difference between "AA" and "A" is quite minor. In fact, if you look at other states, you will see "A" is pretty common. States will even go a little lower because with the so called "investment grade" bonds, you can even go a little below "A" to "BBB." States like Utah, Louisiana, and Oklahoma have a minimum "A," as this bill proposes. States like Colorado, Arizona, and Georgia will even go to "BBB." We are still being very safe by requiring "A" to get some nice increase in return. We do the same thing on pages 6, 10, and 13 as we do on page 3 for the other three investment funds.

That covers what I have to say. I will be happy to take questions. I think we may have someone from the State Treasurer's Office to answer questions also.

**Chair Flores:**

I will hand over the gavel to Vice Chair Torres in order to address a couple of issues on my end.

[Assemblywoman Torres assumed the Chair.]

**Vice Chair Torres:**

At this time, we are open for questions from members.

**Assemblywoman Considine:**

If someone from the State Treasurer's Office is here, could they speak to the bill? I just want to know their thoughts on the bill.

**Assemblyman Orentlicher:**

I know they were planning to be here to speak, and I know we sent them the link. But I also know they had to be in multiple places this morning.

**Vice Chair Torres:**

We will try to reach out to the State Treasurer's Office and have them hop on.

**Assemblywoman Anderson:**

You and I talked about this bill, but I also have another question. Are there already federal regulations in place to allow the states to do this? Are there any concerns around doing something like this that could open us up to other issues?

**Assemblyman Orentlicher:**

No. This is fairly common. Among state treasurers' offices—I do not know the number, but if you look at states in general, if you include state pension funds for teachers or other employees—these kinds of investments are quite standard and common. Traditionally, I think state treasurers' offices were very conservative. It was not that long ago that they would invest primarily in U.S. Treasury Bonds, which are very safe but do not generate much of a return. As I said, it is very clear that you can increase your return and protect against risk by diversifying. If you just keep your money in the Treasury Bonds or under the mattress, you are losing over time because of inflation—you are not keeping up. It is not in the interest of the public to only invest in the safest kinds of assets.

**Vice Chair Torres:**

We checked with our team here. It looks like the State Treasurer is online in neutral. If we have any questions specifically for the State Treasurer, we can ask at that time. Are there any other questions? [There were none.] I will open the hearing for testimony in support of A.B. 338. We will give equal time to both support, opposition, and neutral for this hearing. We will give 20 minutes for each. I am sure there are a lot of people excited to talk about investments at 8 o'clock in the morning, so I am sure it will be difficult to cut people off. When we get to the State Treasurer, we will definitely be open for questions. We will go to the first caller in support. [There was no one.] I will open the hearing for testimony in opposition. [There was no one.] I will open the hearing for testimony in neutral.

**Zach Conine, State Treasurer:**

It is my pleasure to be here this morning to testify in neutral on A.B. 338. For the record, we are always excited to talk about investments at 8 o'clock in the morning or any other time. As State Treasurer, I am responsible for the management and oversight of various investment portfolios, totaling over \$30 billion. Assembly Bill 338 would provide the Treasurer's Office with additional tools for several of the portfolios under the Treasurer's purview within the State General Portfolio.

The General Portfolio is overseen by the State Board of Finance, which is chaired by the Governor. Members include the State Treasurer, the State Controller, and two Governor appointees. The investment statutes provide the broadest framework for the types of assets states can invest in. However, *Nevada Revised Statutes* (NRS) 355.045, requires the State Board of Finance to approve the investment policies of the fund, which are more detailed and more restrictive than in statute. Therefore, the amendments proposed in A.B. 338 would potentially be outlined in more detail as an amendment to the investment policy down the road and be voted on by the State Board of Finance pursuant to NRS 355.045.

One additional comment I will make is Assemblyman Orentlicher mentioned or suggested changing the investment threshold from "AA" to "A" in the bill. This is a functioning required change. The bonds Assemblyman Orentlicher was specifically interested in purchasing require and are primarily rated at an "A" level. Thank you for the opportunity to speak in neutral to the bill. We always appreciate an opportunity to talk about investments. I would be happy to take any questions.

**Vice Chair Torres:**

Are there any questions for the State Treasurer? [There were none.] I believe you answered all the questions with your testimony. You were so excited to talk about investments that it got us excited too. Thank you for coming into the Assembly Committee on Government Affairs hearing today.

**Assemblyman Flores:**

Vice Chair Torres, are we in neutral testimony at this time?

**Vice Chair Torres:**

Yes, we are.

[Assemblyman Flores reassumed the Chair.]

**Chair Flores:**

Are there any other callers wishing to testify as neutral on A.B. 338? [There was no one.] Are there any closing remarks, Assemblyman Orentlicher?

**Assemblyman Orentlicher:**

Thank you for considering this bill. As I said, giving the State Treasurer a little more flexibility would be beneficial for the state. I hope we can get your support.

**Chair Flores:**

I will close the hearing on Assembly Bill 338. I apologize for doing this, but I have to. We have a few folks who are here for the work session who will be tied up between 9 a.m. and 1 p.m. We are going to do two bills from the work session to allow for them to move on and handle whatever other issues they need to take care of.

We will work session Assembly Bill 357 and Assembly Bill 410. We will then come back to the hearing on Assembly Bill 362. I will open the work session for Assembly Bill 357.

**[Assembly Bill 357](#): Revises provisions relating to consumer protection. (BDR 18-887)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 357 is sponsored by Assemblyman Frierson and was heard in this Committee on March 31, 2021 [[Exhibit C](#)]. The bill creates the Consumer Protection Legal Fund in the Office of the Attorney General and the Consumer Protection Administrative Fund in the Bureau of Consumer Protection. In addition to other provisions, the bill:

- Allocates money in the Consumer Protection Legal Fund to the Office of the Attorney General or the Office of Consumer's Advocate within the Bureau of Consumer Protection to be used for consumer protection and efforts to prevent fraud and to Legal Aid Center of Southern Nevada, Nevada Legal Services, and Washoe Legal Services, in certain percentages, to be used for consumer protection and efforts to prevent fraud; and
- Requires the deposit of certain money from settlements and litigation into the Consumer Protection Administrative Fund and provides that any balance more than \$500,000 in the Fund at the end of a fiscal year reverts to the Consumer Protection Legal Fund.

Finally, the bill reallocates money collected in certain actions brought by the attorney general involving deceptive trade practices or unfair trade practices and provides the money must be deposited in the Consumer Protection Administrative Fund rather than the State General Fund or the Attorney General's Special Fund.

There are no amendments for this measure.

**Chair Flores:**

I will entertain a motion to do pass Assembly Bill 357.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 357.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Brown-May. The next bill on work session is Assembly Bill 410.

**Assembly Bill 410: Revises provisions relating to public works. (BDR 28-200)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 410 was heard in this Committee on April 7, 2021 [[Exhibit D](#)]. The bill requires that a construction manager at risk must not have entered into a contract with a public body to act as a construction manager as agent during the five years immediately preceding the date of the advertisement for proposals pursuant to which a contract is

awarded. The bill also requires a contract between a public body and a construction manager as agent to be awarded through a competitive bidding process. Finally, the bill removes a provision in existing law that eliminates the authority of public bodies to enter into contracts with construction managers at risk on June 30, 2021.

An amendment that was proposed during the hearing [pages 2 and 3, [Exhibit D](#)] was proposed by Craig Madole of Associated General Contractors. It requires a contract between a public body and a construction manager as agent to be awarded through a qualification-based process; provides that the selection of a construction manager as agent must be made on the basis of the competence and qualifications of the construction manager as agent for the type of services to be performed and not on the basis of a competitive bidding process; and provides that these provisions do not apply to a contract for a public work with a cost of less than \$100,000 on any maintenance work undertaken by the state of Nevada or its political subdivisions.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 410.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 410.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will conduct a roll call vote.

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

I will take the floor statement. Thank you everyone for working with us. We were about to lose some folks, and I wanted to make sure if there were any questions, we were ready to address those. I will open the hearing on Assembly Bill 362.

**Assembly Bill 362: Revises provisions relating to the Nevada Higher Education Prepaid Tuition Trust Fund. (BDR 31-980)**

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

Thank you, Chair Flores and members of the Assembly Committee on Government Affairs, for hearing Assembly Bill 362. I know you have a tremendous amount of work today, so out of respect for your time, I will try to explain the bill as efficiently as possible.

Assembly Bill 362 is regarding the Nevada Higher Education Prepaid Tuition Trust Fund and program. This program provides the ability for people to opt in and purchase the price of their Nevada System of Higher Education (NSHE), setting it at today's prices for when their



children, grandchildren, wards, or guardians go off to school. It is a great program and it has been doing well. I am not going to give you a bunch of legislative history, I am just going to let you know that we have a great program that has been working well. However, there are a couple of things I believe we need to change in order to make it work better.

First of all, these right here [holds up a large binder] are the minutes and the actuaries from the Nevada Prepaid Tuition Program. I will not walk you through the entire actuarial. I will tell you that the most recent actuarial evaluation of the report, as of June 30, 2020, lets us know the fund is healthy, the fund is solvent, and the fund is doing well. In fact, right now the fund is funded at 165 percent. The different projections also show it is going to continue to grow and be more solvent, even looking at projections based on different tuition increase scenarios. In most of those scenarios, the fund will hit 1,000 percent solvency. We have something that is working really well.

The first change in Assembly Bill 362 in section 1 is the requirement that the Board of Trustees of the College Savings Plans of Nevada, within the Office of the State Treasurer who oversees this fund, would create a policy that would look at the over-solvency of the program and be able to think about how to spend down some of that money for the policyholders in the program. Section 1 will allow them to set up regulations to consider changes to the contract in that way, potentially as rebates to the policyholders who are paying into this since we are hyper solvent right now.

Section 3 is going to allow for the Nevada Prepaid Tuition Program to pay for fees. This is an ongoing conversation in the building. There is the cost of a student credit hour and that is what the prepaid tuition covers, but it does not cover the cost of fees. Currently, if students show up with their prepaid Nevada college program, they think they have the cost of college 100 percent covered. Actually, the student credit hours are covered. Then there are all of these other fees that students need to actually enroll and attend in their higher education. Right now, those fees are not allowed to be paid from a person's prepaid tuition fund. Section 3 references the definition of a qualified higher education expense so any of those fees that may fit the definition of a qualified higher education expense can be used. I am happy to answer any questions.

**Chair Flores:**

Are there any questions from the members? We will start with Assemblyman Ellison.

**Assemblyman Ellison:**

This is a wonderful program, and I have been watching it grow for many years. Has there been any change if students decide to go to another college? Can they still transfer the money over to another college?

**Assemblywoman Benitez-Thompson:**

In Assembly Bill 362, we are not changing any of the program structure other than allowing for the plan to pay for fees for qualified higher education expenses. We are not changing any of the other things, such as who the beneficiary is or where the students decide to use the money. Students can decide to use the money at NSHE, but if the students go out of state, that is their pot of money so it can follow them wherever they go.

**Chair Flores:**

Are there any additional questions? [There were none.] I will open the hearing for those wishing to testify in support of Assembly Bill 362.

**Zach Conine, State Treasurer:**

It is my pleasure to be here this morning to testify in support of A.B. 362. To provide some background on the program, since 1998, the Nevada Prepaid Tuition Program has helped families take control of rising tuition costs by purchasing in-state tuition at today's rate for use in the future. The program has a number of different plan options, ranging from prepaying for a four-year degree, a two-year degree at one of our community colleges, or a combination of the two.

Contract pricing is also flexible. For instance, families can choose to pay in one lump sum or through a series of extended monthly payments until the child graduates from high school. Contract benefits can be used at NSHE institutions to cover the cost of tuition, or at hundreds of higher education institutions throughout the world to help offset costs.

Last year, the Office of the State Treasurer established 524 new prepaid tuition contracts, which brought the program's total enrollment to 22,239 children. The program is currently in its open enrollment period and is accepting new contract applications. I would suggest people go to [nvigate.gov](http://nvigate.gov). So far during this enrollment cycle, we have enrolled an additional 322 students. We look forward to continued growth of this important program and assisting many more Nevada families in their journey of planning for, saving for, and paying for higher education.

As chair of the Board of Trustees of the College Savings Plans of Nevada, which serves as the fiduciary of the program, we appreciate Assemblywoman Benitez-Thompson's taking on this piece of legislation. We believe A.B. 362 gives the Prepaid Tuition Program greater flexibility and the chance to expand opportunities to further assist Nevada families who purchase a prepaid tuition plan. Our office worked closely with the Legal Division of the Legislative Counsel Bureau to make sure it meets the strict standards by which the program is managed. We believe the bill language gives the Board the necessary flexibility in adopting and implementing a policy for excess program funding while ensuring the program is appropriately funded to meet its current and future obligations.

Thank you for the opportunity to present and speak in support of this bill, and thank you to Assemblywoman Benitez-Thompson for bringing it.

**Chair Flores:**

Are there any other callers wishing to testify in support? [There was no one.] I will open the hearing for testimony in opposition. [There was none.] I will open the hearing for testimony in neutral. [There was none.] Are there any closing remarks?

**Assemblywoman Benitez-Thompson:**

Thank you for your time. If we had more time, I would have loved to have given you a full legislative history of the program and what it is doing. I would have gone through these actuarials in great detail. They are posted on the Office of the State Treasurer's website and have a lot of good information for members if they want to know more about the Nevada Prepaid Tuition Program and the Board of Trustees of the College Savings Plans of Nevada. They are always fun minutes to read. If folks have additional questions, I am available and more than happy to talk.

**Chair Flores:**

I will close the hearing on Assembly Bill 362. I will open the hearing on Assembly Bill 397.

**Assembly Bill 397: Revises provisions relating to county clerks. (BDR 20-1026)**

It does not appear the presenters are available at this time. We will take a one-minute recess.

The meeting was recessed [at 8:57 a.m.].

The meeting was reconvened [at 8:58 a.m.].

**Lynn Goya, County Clerk, Clark County:**

Thank you for hearing Assembly Bill 397 on behalf of the Nevada Association of County Clerks and Election Officials. This bill addresses the three interrelated chapters that regulate the clerks' offices. Assembly Bill 397 primarily clarifies and simplifies language on the legislative intent that can more easily be interpreted by the clerks' offices and the county clerks throughout the state so we may operate more efficiently and more consistently. Assembly Bill 397 has no expected fiscal impact. Would you like me to go through each section or just talk about the two main things it does?

**Chair Flores:**

Please walk us through the bill for the sake of clarity.

**Lynn Goya:**

Section 1, subsection 2, adds to *Nevada Revised Statutes* (NRS) 246.180 the five-day deadline that is already called out in NRS Chapter 122. Section 2, subsection 2, regarding NRS 246.190, provides consistent language between the chapters that regulate the clerk and clerk fees while clarifying the use of funds by simplifying the language to provide financial clarification on the types of acceptable expenditures related to technology for this fund. Again, there is no fiscal impact.

Section 3, subsection 2, regarding NRS 19.016, makes the language between NRS Chapters 246 and 19 consistent regarding the use of the technology fund. Section 4, subsection 1, regarding NRS 122.040, fixes language needed in NRS 122.0615 if it is repealed, as the Washoe County Clerk will talk about later.

Section 5, regarding NRS 122.280, recognizes that technology allows for the ability to display information about wedding chapels and venues in new ways. This amendment allows county clerks the option of offering digital brochures in lieu of printed brochures. This only impacts Clark and Washoe Counties.

The next section will be presented by the Washoe County Clerk, as it only pertains to Washoe County.

**Jan Galassini, County Clerk, Washoe County:**

The last section of the bill repeals the language that gives chapels the ability to issue marriage licenses in the event the county clerk's office is not open to issue licenses. The Clerks' Association believes that the government has an obligation to ensure the integrity of the marriage process and must not pass off that responsibility to a private sector. There are only two qualifying chapels in Washoe County, and they are not open typically beyond 8 p.m. This removes the language that gives the chapels the ability to issue licenses.

**Lynn Goya:**

We are available for any questions.

**Chair Flores:**

Are there any questions from the members?

**Assemblywoman Anderson:**

My question has to do with the language that is being removed in section 2, subsection 2. I understand you are just trying to make it much cleaner and much more to the point. When I was reading through it, it looks like some of the training has been taken out. I want to make sure it is understood that training is part of what the fund can be used for with the phrase "support."

**Lynn Goya:**

Training will not be taken out. That is an integral part of what we are doing now, and we are pleased with how it has been working out. We have had great feedback about the efficiency of the training, and it has been a great tool. We have no intention of deleting that from the bill.

**Assemblywoman Anderson:**

If you look at section 2, subsection 2, lines 43 and 44, the phrase "training employees in the operation of the technology. . ." has been crossed out.

**Lynn Goya:**

That whole section has been crossed out, but it has been replaced with simpler language. We would still maintain training.

**Assemblywoman Anderson:**

I do not see the word "training." I see "maintain technology." If you could point that out to me. It has been a long week, as we all know, so that is why I am making sure about that information.

**Lynn Goya:**

I think it has been deleted. Is there a way for us to make an amendment to add that back in? It was not our intention to delete it.

**Assemblywoman Anderson:**

Assemblywoman Duran just messaged me that it is in section 3, subsection 2. I think you are asking for that to be consistent in both section 2, subsection 2, as well as section 3, subsection 2. That may have been an inadvertent mistake. Are we trying to make sure it is consistent in both sections?

**Lynn Goya:**

Yes. Clark County is the only county that actually files marriage certificates. There is a \$3 fee for marriage certificates. Clark County is the only county that has that ability. We want to make sure we could merge those funds as needed because some things are quite expensive, and it crosses from marriage to other responsibilities within the Clerk's office. If training is not in there, I would like an amendment to add that because I absolutely do not want to lose that.

**Assemblywoman Anderson:**

What we will do, if possible, is make a verbal amendment because of the timeline and make sure the language "training employees in the operation of technology" on page 3, lines 43 and 44, is added back in at this time. That will make it a little clearer.

**Lynn Goya:**

We would accept that amendment.

**Assemblyman Ellison:**

The state has had this problem for quite a while, but it looks like this bill is strictly a Clark County bill. Is that correct?

**Lynn Goya:**

That is not correct. Much of NRS Chapter 122 addresses only Clark and Washoe Counties. Primarily, this consists of Washoe County, and the technology fund is throughout the state.

**Assemblyman Ellison:**

The issuance of marriage licenses by private vendors would only be allowed in Clark County. Is that correct?

**Jan Galassini:**

*Nevada Revised Statutes* 122.0615 is strictly Washoe County. The verbiage now would allow chapels in Washoe County to issue marriage licenses should our office be closed.

**Assemblyman Ellison:**

I am looking at the original bill under the Legislative Counsel's Digest, page 2, line 36. There is a population cap of 100,000 or more but less than 700,000. It looks like this is a Washoe County and Clark County bill only. There are problems across the state with this same issue. This bill only addresses the two counties.

**Lynn Goya:**

It is only Washoe County because it says under 700,000. It is over 100,000 and under 700,000. The only county that pertains to is Washoe County. We agree that this is a broader issue, which is why the Association of County Clerks across the state supports removing that option from Washoe County. We do not believe issuing marriage licenses should be outsourced to the private sector.

**Assemblywoman Thomas:**

My question has to do with opposition to eliminating wedding chapels from issuing marriage licenses. I believe you explained that by saying it only covers Washoe County. Does that mean Clark County marriage chapels are able to issue marriage licenses when the marriage bureau is closed?

**Lynn Goya:**

That section only pertains to Washoe County. It only gives Washoe County chapels the ability to issue marriage licenses if the Washoe County Clerk reduces its hours. It does not pertain to Clark County. Clark County does not have a legal obligation to allow chapels to issue marriage licenses. We would oppose that because we do believe that it is the government's job to oversee the integrity of marriage. We would not want to outsource that to the private sector. Clark County does not have that obligation, even with the new bill as it is written.

**Chair Flores:**

Are there any additional questions from members? [There were none.] I will open the hearing for testimony in support.

**Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County:**

We are very supportive of this bill, specifically the repeal section that our clerk just went over. This has been a point of difficulty for Washoe County for some time, in part because we do have concerns about allowing the private entities to issue the licenses. They are

required to be cost-neutral and there was not a way of doing that. It has required us to keep our Clerk's office, as well as security, open at the county complex until midnight every night. We do not feel that is the best use of government funds. We are very supportive of this bill in allowing us to work with the chapels and be open when we need to be and be able to close when we do not see a need to keep our staff there so late.

**Chair Flores:**

Are there any other callers waiting to testify in support? [There were none.] I will open the hearing for testimony in opposition. [There was none.] I will open the hearing for testimony in neutral. [There was none.] Are there any closing remarks?

**Lynn Goya:**

Thank you for hearing our bill. We feel it is a clean-up bill that will actually benefit the Clerks' Association and allow clerks to work more closely together and more consistently. We do have concerns about the private sector taking over issuing the marriage licenses. It would present all sorts of legal issues if they issued the license and then married someone. There was no balance between the issuing and the marriage. It gives rise to the ability for fraud, so we do appreciate your considering repealing that section. We appreciate your time to listen to our presentation. If you have any questions, we would be more than happy to talk to you after the hearing as well.

I do have a question. Do I have to reach out to Assemblywoman Anderson for the amendment? What is the process?

**Chair Flores:**

What we will do is at the conclusion of today's work session, we will entertain a conversation whether or not we agree as a Committee to move Assembly Bill 397. At that point, Assemblywoman Anderson would make a motion to amend and do pass with her concern being addressed through a conceptual amendment in order to give the Legal Division of the Legislative Counsel Bureau direction. We would not decide on exact language; we would simply give direction to legal as to what we intend to do and then the members will vote based on that. That is how we will proceed.

I will close the hearing on Assembly Bill 397. The bill will be moved to the work session. We will be taking the work session out of order. For those bills that I understand have unanimous support, I will have you unmute yourselves and signify by saying aye. I will then ask the members to say nay. I will only do this when I have an understanding that everyone is in support. Where I understand there may be some members in opposition, I will make sure we do a roll call vote so that is clear to our staff.

I anticipate that near the end of today's work session, I will likely call a one-minute recess to allow all of you to think through the three bill presentations we had this morning. I know at times you have to call a stakeholder to reach out. I will give you a one-minute recess at that time. Should we decide as a Committee to entertain moving one, two, or all three of the bills that we heard this morning, we will have an opportunity to do that. We will go through the

work session, have a one-minute recess, and allow everyone ample time to reach out to any stakeholders they see fit on the three bills we heard this morning. We will come back, and then I will entertain a motion should you agree to amend and do pass, do pass, or whatever it may be. I just want to give clarity as to how we will proceed so you can prepare with that in mind.

We will start the work session with Assembly Bill 55. I want to thank Mr. Luke and all the folks from North Las Vegas for working so diligently with members of this Committee in addressing some of the concerns. I just want to express my gratitude.

**Assembly Bill 55: Makes various changes to the Charter of the City of North Las Vegas. (BDR S-368)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 55 is sponsored by this Committee on behalf of the City of North Las Vegas and was heard on April 5, 2021 [[Exhibit E](#)]. This bill revises the Charter of the City of North Las Vegas. The bill authorizes the City Council to hold an emergency meeting on the call of the mayor or by a majority of the Council. The bill provides that if action on an introduced ordinance is postponed to a future meeting, the City Council is not required to introduce the ordinance again before taking action. In addition to other provisions, the bill:

- Authorizes the City Council to establish an animal shelter rather than a pound;
- Specifies that the removal of the city attorney must be in accordance with the terms of his or her employment contract; and
- Authorizes the city manager and the city attorney to also take certain legal action for the collection and disposition of certain money.

Finally, the bill authorizes the City Council to appoint one or more hearing commissioners to hear and decide certain actions.

We did receive one amendment [pages 2 and 3] that is attached to the work session document. The amendment proposes to provide that if action on a proposed amendment is postponed, any amendment may be proposed and the proposed ordinance may be finally voted upon at the next meeting. That is in section 4, subsection 2.

The amendment also deletes existing language regarding the regulation of any practice tending to annoy persons passing in public places in section 6, subsection 4. The amendment will delete existing language in section 5, subsection 6, regarding riots. The amendment will delete section 13 regarding hearing commissioners. The amendment adds a new section 22 which contains provisions for creating a charter committee. Again, that amendment is on page 2 of the work session document.



**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 55.

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 55.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Anderson. I want to express publicly my gratitude toward Assemblywoman Anderson, who I know spearheaded a lot of the concerns that were raised during the hearing and worked very diligently with all of North Las Vegas on getting some of these issues resolved. Thank you, Mr. Luke. We look forward to continuing to work with you. The next bill on work session is Assembly Bill 139.

I apologize, we will be tabling Assembly Bill 139 to the end of the work session because we still have some hiccups on the language. The next bill on work session is Assembly Bill 325.

**Assembly Bill 325: Revises provisions relating to the recording of documents.  
(BDR 20-642)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 325 is sponsored by Assemblywoman Kasama and was heard in this Committee on April 1, 2021 [[Exhibit F](#)]. The bill authorizes the submission of a certified paper copy of an electronic document for recording to a county recorder who has elected to receive and record electronic documents. The bill also prescribes a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document.

We did have a couple of amendments presented in the hearing, and they are attached to the work session document [page 2]. The first was presented by Rocky Finseth and proposes to amend the bill to change the effective date to July 1, 2021. The second was proposed by the Office of the Secretary of State [page 3]. The amendment proposes to amend the bill to delete sections 2 and 3 and instead add the provisions regarding the certification of electronic documents to the provisions of the Electronic Notarization Enabling Act. Those are the only amendments we have on this bill.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 325.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 325.

ASSEMBLYWOMAN BLACK SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Black. The next bill on work session is Assembly Bill 366.

**Assembly Bill 336: Requires an annual behavioral healthcare assessment for peace officers. (BDR 23-226)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 336 is sponsored by Assemblywoman Monroe-Moreno and was heard in this Committee on March 31, 2021 [[Exhibit G](#)]. The bill requires the Peace Officers' Standards and Training Commission to adopt regulations establishing standards for an annual behavioral health care assessment for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

We do have one amendment from Assemblywoman Monroe-Moreno that was heard during the hearing [page 2]. The amendment will replace the terms "health care assessment" with "wellness visit" and remove language requiring the visit to coincide with an annual medical examination. Also during the hearing, Assemblywoman Monroe-Moreno proposed to change the effective date to January 1, 2023. Those are the only amendments on this bill.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 336.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 336.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno. The next bill on work session is Assembly Bill 385.

**Assembly Bill 385: Revises provisions relating to compensation received by public officers and employees. (BDR 23-52)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 385 is sponsored by Assemblywoman Benitez-Thompson and was heard in this Committee on April 2, 2021 [[Exhibit H](#)]. Assembly Bill 385 provides that, upon the termination of the employment of an officer or employee of a public body, except an officer or employee of the Nevada System of Higher Education (NSHE), the person must not receive from the employer any: (1) wages in lieu of notice or administrative leave; (2) salary, benefits, or equivalent compensation, including severance pay; (3) bonus; or (4) other form of payment. The bill also provides that the salary of an officer or employee of a public body whose salary is not subject to this limitation, except an officer or employee of NSHE, must not exceed 150 percent of the salary for the Office of the Governor. Finally, the bill revises the definition of the term "salary" for purposes of these limitations to include any: (1) increases in salary based on merit, including bonuses; and (2) allowance for transportation.

There is one amendment. Most of this was presented during the hearing. There are a couple of additions. You can see those on page 2 of the work session document. The amendment will prohibit a public body from negotiating a contract with certain public officers or employees that provides for the officer or employee to receive from the public body certain types of benefits and compensation if the officer or employee resigns upon the initiation of an investigation for wrongdoing, or is terminated based upon the findings of an investigation. The amendment also includes fringe benefits that are not otherwise available to other officers or employees or classes of officers or employees, and bonuses that are not tied to performance metrics. That part, I believe, is new to the conceptual amendment.

The amendment also clarifies that an employee may receive a retirement buyout or partial buyout. The amendment clarifies that an employee is entitled to payment for any type of accrued leave, in addition to annual, compensatory, or sick leave authorized by law or the policies of the public body.

Finally, the amendment deletes section 2 of the bill.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 385.

ASSEMBLYWOMAN DURAN MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 385.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Martinez. The next bill on work session is Assembly Bill 408.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 408 is sponsored by Assemblywoman Kasama and was heard in this Committee on April 7, 2021 [[Exhibit I](#)]. Assembly Bill 408 requires each board of county commissioners and the city council or other governing body of each incorporated city to define the term "transient lodging" for the imposition and collection of taxes on the gross receipts of a person engaged in the business of providing transient lodging. The bill also requires the board of county commissioners of each county and the city council or other governing body of each incorporated city to adopt an ordinance to:

1. Require a room remarketer who reserves, arranges for, conveys, or furnishes the right to use or occupy transient lodging in a county or incorporated city in this state in exchange for an amount of consideration determined by the room remarketer, to impose, collect, and remit transient lodging taxes on the gross receipts of the room remarketer from reserving, arranging for, conveying, or furnishing the right to use or occupy transient lodging;
2. Require the room remarketer to include in the gross receipts on which the tax is imposed the amounts received by the room remarketer for reserving, arranging for, conveying, or furnishing the right to use or occupy transient lodging, including any service or other charge or amount required to be paid as a condition to the right to use or occupy the transient lodging; and
3. Authorize the room remarketer to claim a refund or credit for any transient lodging taxes paid by the room remarketer to the provider of the transient lodging.

We did receive one amendment from Assemblywoman Kasama that I believe she presented in the hearing. The amendment is attached to the work session document [page 2].

The amendment proposes to amend the bill to remove the existing language and instead require the Legislative Commission to appoint a committee to study the role of online travel companies and statewide tourism and promotion in Nevada.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 408.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 408.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Matthews:**

I will vote yes today, but I will reserve my right to change my vote on the floor.

**Assemblywoman Anderson:**

I really like the conceptual amendment. I had a discussion offline with Assembly members, and I am looking forward to hearing what the nonvoting members would be on this as well. I am hoping that will be clarified in the other house if it is successful in going over there. I just want to put on record that the nonvoting members, I think, should also be something that is being discussed in the future.

**Assemblyman Ellison:**

I will vote yes to get the bill out of Committee, but I will reserve my right to change my vote on the floor. I would like to talk to the sponsor of the bill.

**Assemblywoman Dickman:**

Ditto.

**Assemblywoman Duran:**

I would also like to see further discussion or amendments on this.

**Chair Flores:**

Is there any further discussion? [There was none.] We will conduct a roll call vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MCARTHUR  
VOTED NO.)

I will assign the floor statement to Assemblywoman Kasama. The next bill on work session is Assembly Bill 437.

**Assembly Bill 437: Revises provisions relating to dead bodies. (BDR 40-513)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 437 was heard in this Committee on April 15, 2021, and is sponsored by the Assembly Committee on Commerce and Labor [[Exhibit J](#)]. The bill allows the coroner to authorize the transportation of human remains to a funeral establishment in an adjoining state if the remains are found within 50 miles of the boundary between this state and the adjoining state and certain other requirements are met. Further, in instances where a coroner authorizes the transportation of human remains to a funeral establishment in an adjoining state, the coroner must file a completed death certificate not later than 72 hours after the discovery of the remains. Finally, the bill requires an applicant for a license to practice the profession of embalming to have graduated from an accredited embalming college or school of mortuary science.

There are a couple of amendments to this bill proposed by Jennifer Kandt, Executive Director, Nevada Funeral and Cemetery Services Board. Those are attached to your work session document [page 2]. The first amendment was discussed during the hearing [page 2]. She also submitted an amendment that would delete sections 1 through 8 [page 3]. Those sections pertain to the movement of bodies out of state or movement without a permit. I believe the remainder of the bill would address the qualifications for embalmers.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 437.

ASSEMBLYWOMAN BLACK MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 437.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Ellison:**

I will vote yes to move the bill out of the Committee, but I am going to reserve my right to change my vote on the floor. I will contact our coroner.

**Chair Flores:**

I want to thank Assemblywomen Torres and Black for working so diligently. I know they had a lot of questions pertaining to moving dead bodies around the state.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Black. The next bill on work session is Assembly Bill 445.

[Assembly Bill 445](#): Revises provisions relating to financial administration.  
(BDR 18-862)

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 445 is sponsored by the Assembly Committee on Growth and Infrastructure and was heard in this Committee on April 6, 2021 [[Exhibit K](#)]. Assembly Bill 445 transfers the Office of Grant Procurement, Coordination and Management in the Department of Administration into the Office of the Governor and renames it as the Office of Federal Assistance. The bill requires the director to develop and carry out a State Plan for Maximizing Federal Assistance and post the plan on the Internet website maintained by the Office. The bill creates the Nevada Grant Matching Program within the Office of Federal Assistance and requires the Program to serve the same purpose the pilot program served,

except that the Program will not provide funds for the purpose of satisfying any matching requirement for any nongovernmental organization grants. The Grant Matching Fund is created as part of the Program and requires the Fund to be administered by the Office of Federal Assistance. The bill also requires the transfer of \$1 million from the Abandoned Property Trust Account to the Grant Matching Fund Account.

The bill also expands the membership of the Nevada Advisory Council on Federal Assistance to include:

1. Two voting members who represent a nonprofit organization that provides grants in this state, a local agency, or a tribal government and are appointed by the majority leader of the Senate and the speaker of the Assembly, respectively;
2. The state treasurer, who serves as a voting member; and
3. The state controller, who serves as a voting member.

Finally, the bill revises the duties of the Council to require the Council to advise and assist the director with developing and carrying out the State Plan for Maximizing Federal Assistance and carrying out certain other responsibilities and to develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in the state.

We did receive an amendment [pages 2 and 3] that was discussed during the hearing, as you may recall, from Miles Dickson with Nevada GrantLab. That amendment proposes to amend the bill to, among other provisions, provide that grants, gifts, or donations do not revert to the State General Fund. It clarifies and expands training offered to state agencies, local and tribal governments, and nonprofit organizations to include post-award compliance, reporting, and corrective action plans. Finally, it revises some of the effective dates for certain provisions in the bill.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 445.

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO AMEND  
AND DO PASS ASSEMBLY BILL 445.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

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

My apologies. It was my understanding we had unanimous support. I apologize for not conducting a roll call vote. I will assign the floor statement to Assemblywoman Considine. The next bill on work session is Assembly Bill 211.

**Assembly Bill 211: Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 211 is sponsored by Assemblywoman Jauregui and was heard in this Committee on March 16, 2021 [[Exhibit L](#)]. Assembly Bill 211 requires, with certain exceptions: (1) a tentative map for the subdivision of land to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat; and (2) the governing body or planning commission to consider such comments when deciding whether to approve the tentative map. The bill also authorizes the Department of Wildlife to impose a fee and adopt regulations relating to the Department's review of the tentative map.

We did receive an updated amendment on this bill from Assemblywoman Jauregui [page 2]. The amendment deletes sections 1 and 2 of the bill and instead will amend subsection 1 of *Nevada Revised Statutes* (NRS) 278.335 to incorporate the Department of Wildlife into the existing process for state agency review of tentative maps for subdivision of land. It also amends NRS 278.349 to require the governing body to consider impacts to wildlife when taking final action on a tentative map.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 211.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 211.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Ellison:**

I will vote yes to move the bill out of Committee, but I reserve my right to change my vote on the floor.

**Chair Flores:**

Is there any further discussion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Thomas. The next bill on work session is Assembly Bill 220.



**Assembly Bill 220: Establishes provisions relating to the use of mobile devices by peace officers. (BDR 23-924)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 220 is sponsored by Assemblyman Frierson and others and was heard in this Committee on March 29, 2021 [[Exhibit M](#)]. The bill requires each law enforcement agency to adopt a written policy establishing standards of conduct for the use of a mobile device issued by the law enforcement agency to any peace officer employed by the agency, and it sets forth specific requirements relating to the policy.

We do have one amendment on this bill [pages 2 and 3] sent in by the bill sponsor. The amendment proposes to amend the bill to clarify that a law enforcement agency may not approve for official use on a mobile device any mobile application that uses end-to-end encryption or any other means with the intent to avoid the creation, retention, or lawful discovery of records or data relating to the communications of a peace officer. The mock-up amendment begins on page 2 of the work session document. It really just adds a few words to the bill, and I have those underlined in the amendment summary. The amendment adds "with the intent" and "lawful."

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 220.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 220.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Duran. The next bill on work session is Assembly Bill 245.

**Assembly Bill 245: Increases certain fees relating to notaries public and document preparation services. (BDR 19-983)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 245 was heard in this Committee on April 11, 2021, and is sponsored by Assemblyman Flores [[Exhibit N](#)]. The bill increases the fees a public notary is authorized to charge for taking an acknowledgement; administering an oath or affirmation without a signature; a certified copy; and a jurat. The bill also increases the application and renewal fee for a person who wishes to engage in the business of a document preparation service.

We did receive an amendment from the bill sponsor [pages 2 through 7]. The amendment proposes to increase the fee for a notary public to travel between the hours of 6 a.m. and 7 p.m. to \$15, and 7 p.m. to 6 a.m. to \$30. It also provides that the application and renewal fee for registration to engage in the business of document preparation services are placed in a special fund that can only be used to administer the document preparation services program and may also be used for personnel and the operating expenditures of the Office of the Secretary of State to enforce the provisions related to the document preparation services. It also authorizes the Secretary of State to impose a civil penalty on persons registered to engage in the business of document preparation services and persons who are engaged in the business and have not registered and that any determination by the Secretary of State that a violation has occurred is a public record.

Finally, as discussed during the hearing, Assemblywomen Considine and Thomas are added as cosponsors.

**Chair Flores:**

I believe Gail Anderson is available. I just want to let you know, Committee, things move incredibly fast. As the work session document was being addressed by us, Ms. Anderson, along with folks on the Committee, were speaking with the small business community. There was a request made by some of the stakeholders in our small business community. We absolutely want to address that and take care of the issue for them. Ms. Anderson, I am incredibly appreciative of you, five minutes before a work session, working with the stakeholders and helping us address their concerns. If you could please put the amendment on the record so the Committee understands the nature of where the issue is coming from and how we are going to address it.

**Gail J. Anderson, Deputy Secretary of State for Southern Nevada, Office of the Secretary of State:**

I supervise the document preparation services program for the Office of the Secretary of State. I have been working on this issue, and I also had our deputy who oversees the notary program reviewing this as well. I will read the language that I have submitted to address the issue [[Exhibit O](#)].

A notary public who is a licensed document preparer under NRS 240A in this State may perform a notarial act on a form prepared by the document preparation service and receive directly a fee for providing document preparation services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act. Pursuant to NRS 240.061, the notarial officer may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest.

We have a number—in fact, possibly a majority—of our document preparation registrants who are also Nevada notaries. We already made clear last session that they can advertise that they are a notary as well as a document preparation service. What this will do is clarify they can charge the notary fees that a notary would charge, but they may also charge the fee that a document preparation service would charge to prepare, transcribe, or scribe a document. It would allow them to do that without creating any potential conflict.

One of the prohibited acts of a notary is they cannot notarize their own signature; they cannot notarize a document in which they are named; they cannot notarize a document that benefits them, such as an inheritance or property, in any way. That would be a conflict of the notary's duties. It has been an issue that has come up in this aspect in the program. This amendment will allow them to charge the document preparation fee and to charge the notary fee if, in fact they are notarizing a document they prepared. This would take care of the issue for them.

I would just say, the small business community that is bringing this forward are reputable operators. The reason it is an issue is they are concerned about complying with the law. In that sense, it is very positive that they want to address this. I can stand for questions if there are any.

**Chair Flores:**

Members, if you look on the Nevada Electronic Legislative Information System (NELIS), you will be able to see the amendment [[Exhibit O](#)]. You may want to take an opportunity to review it. I think the record is abundantly clear as to the intent. I want to thank the small business community that came forth, specifically Mr. Rafael Arroyo, who has been working with us on trying to be compliant and doing everything to the dot in compliance with the law. I appreciate Ms. Anderson helping the small business community be in compliance and run the business successfully. Mr. Peter Krueger, who is their lobbyist, has been working diligently with us as well.

Are there any questions for Ms. Anderson or me at this time regarding the new amendment and/or my bill in general?

**Assemblyman Ellison:**

I am going to vote no on this bill, but I will reserve my right to change my vote on the floor after I talk to you on some of the issues.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 245, with the conceptual amendment that was verbally stated and put on the record by Ms. Anderson [[Exhibit O](#)], and the conceptual amendment that was provided by me [pages 2 through 7, [Exhibit N](#)] and which is uploaded on NELIS.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 245.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Dickman:**

I will be voting yes to move the bill out of Committee, but I reserve my right to change my vote on the floor.

**Chair Flores:**

Is there any further discussion? [There was none.] We will conduct a roll call vote.

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

I will take the floor statement myself. The next bill on work session is Assembly Bill 249.

**Assembly Bill 249: Revises provisions relating to land use planning. (BDR 22-796)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 249 was heard in this Committee on March 30, 2021, and is sponsored by Assemblywoman Jauregui [[Exhibit P](#)]. The bill requires a governing body to establish a zoning ordinance defining reasonable, uniform hours at which construction work in areas zoned for commercial or residential use may begin, which must not be before 5 a.m. on Mondays through Fridays during the months of May through September. The bill also provides that an ordinance regulating excessive noise must be consistent with the construction-related zoning ordinance. Finally, the bill prohibits a unit-owners' association of a common-interest community from regulating or restricting the hours in which construction may begin other than those hours which are authorized by the ordinance adopted by the governing body of a county or city.

There is an amendment submitted by Assemblywoman Jauregui, which is on page 2 of the work session document. The amendment will remove the requirement for the governing body of a county or city to establish uniform hours by which construction work may begin on certain land. The amendment will also prohibit an executive board and governing documents of a common-interest community from restricting the hours in which construction work may begin in a common-interest community during the months of May through the end of September, if a governing body of a county or city has adopted an ordinance establishing uniform hours by which construction work may begin.

Finally, the amendment will delete sections 1, 2, 5, and 6.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 249.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 249.

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Jauregui. The next bill on work session is Assembly Bill 313.

**Assembly Bill 313: Revises various provisions governing common-interest communities. (BDR 10-228)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 313 is sponsored by Assemblywoman Hansen and was heard in this Committee on March 31, 2021 [[Exhibit Q](#)]. Assembly Bill 313 authorizes the use of secret electronic ballots for the election or removal of any member of the executive board, delegates, or representatives of a unit-owners' association of a common-interest community, and requires that the results of the ballots be reviewed, announced, and entered into the record at a meeting of the association. The bill also:

- Authorizes an association to conduct a vote for the election or removal of a member of the executive board without a meeting;
- Provides, under certain circumstances, that a unit's owner is responsible for the cost of an insurance deductible, in an amount not to exceed \$50,000, if the executive board determines that the cause of any loss to any portion of the common-interest community originated from the owner's unit; and
- Provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making certain payments.

Finally, the bill requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of the possession of all books, records, and other papers of a client upon the termination or assignment of a management agreement.

We did receive an amendment from Assemblywoman Hansen [pages 2 through 6]. Assemblywoman Hansen proposes to amend the bill to, among other provisions, allow a unit owner a method to opt out of electronic voting; require paper ballots for persons who have not provided an email address; clarify that a mailer to unit owners providing an opportunity to opt out of electronic voting prior to an electronic vote is not required; require the use of third parties to conduct electronic voting; and clarify that a party conducting electronic voting is subject to Nevada law regarding security and privacy of personal information.

I do want to make note that Assemblywoman Hansen had submitted another amendment that we failed to get into the work session document. This amendment would delete sections 5 and 6 of the bill. Those sections are related to property insurance.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 313.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 313.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Duran:**

I will vote yes to move the bill out of Committee, but I reserve my right to change my vote on the floor. I would like to get some more information on this.

**Chair Flores:**

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hansen. The next bill on work session is Assembly Bill 333.

**Assembly Bill 333: Makes changes to provisions relating to land use planning.  
(BDR 22-357)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 333 is sponsored by Assemblywoman Krasner and others and was heard in this Committee on April 2, 2021 [[Exhibit R](#)]. The bill establishes deadlines for filing a memorandum of points and authorities; serving and filing a reply memorandum of points and authorities; and requesting a hearing. The bill also authorizes the court to extend the deadlines and requires all memoranda of points and authorities to comply with Rule 28 of the

Nevada Rules of Appellate Procedure. Finally, the bill provides that if the governing body of a county or city requires the retention or detention of stormwater before approving the development, division, or subdivision of land, the retention or detention of stormwater may be retained or detained without a water right or permit to appropriate water.

We do have an amendment submitted by Assemblywoman Krasner [pages 2 and 3]. The amendment would provide that in counties with a population of more than 100,000 but less than 700,000, the retention or detention of stormwater flows resulting from development is not subject to the appropriation procedures for beneficial use when retained or detained for the purpose of flood control or stormwater management if the retention or detention does not impair predevelopment flows or recharge to surface or groundwater sources downstream of a development.

The amendment also provides a definition for "developed stormwater flows" to mean the increase of surface stormwater runoff in excess of predevelopment conditions created by or attributable to the construction of man-made impervious surfaces as part of the development of land.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 333.

ASSEMBLYWOMAN BLACK MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 333.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Krasner. The next bill on work session is Assembly Bill 335.

**Assembly Bill 335: Revises provisions governing the redevelopment of communities.  
(BDR 22-852)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 335 is sponsored by Assemblywoman Summers-Armstrong and was heard in this Committee on April 6, 2021 [[Exhibit S](#)]. The bill reorganizes existing requirements for an employment plan that apply to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, which is currently the City of Las Vegas. The bill requires the employment plan to include a description of how the developer will seek the participation in the redevelopment project of local small business contractors and subcontractors who are licensed in this state and whose place of business is located within 100 miles of the project. Additionally, the bill requires that a redevelopment agency submit

the employment plan and progress reports to the Nevada Commission on Minority Affairs of the Department of Business and Industry and the Southern Nevada Enterprise Community Board. Further, the bill provides that an employment plan and progress reports are a public record.

The bill also requires, respectively, developers and businesses that receive incentives from an agency for a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, which is currently the City of Las Vegas, to submit progress reports on the employment plan to the agency. These provisions also apply to a public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work in a redevelopment area of a city whose population is 500,000 or more.

There were a couple of amendments discussed during the hearing proposed by Assemblyman Flores. These amendments propose to amend the bill to delete the word "physical" with regard to disabilities, and extend the definition of "gender" to include people who do not identify as one of the two main sexes.

**Chair Flores:**

Those amendments were proposed based on the feedback we heard during the hearing. I know Assemblywoman Torres brought up a specific concern that we could have legal counsel address now. I believe her request was that we define a specific phrase. Is that correct?

**Assemblywoman Torres:**

I do not have the exact language in front of me, but I think it was "economically disadvantaged."

**Chair Flores:**

Yes. I think we can have legal join us to explain why it is that it is not defined and how it is used in statute currently.

**Erin Sturdivant, Committee Counsel:**

Under existing law in *Nevada Revised Statutes* (NRS) 279.482, an employer is already required to submit an employment plan that describes how they will employ persons who are economically disadvantaged. That has been in existing law since 1997 or 1993. This bill actually just takes the existing requirements in NRS 279.482 related to the employment plan and relocates it to a new section that only applies to the employment plan.

The new provisions in the section only relate to contractors and subcontractors. That is really the only new language that is going in, and the rest is just being moved from existing law. To the extent that the bill requires reporting after the fact, it is still related to the employment plan that is required under existing law.



**Assemblywoman Torres:**

Thank you for the clarification. I appreciate that.

**Chair Flores:**

I know that was a concern some of the members had. I will entertain a motion to amend and do pass Assembly Bill 335.

ASSEMBLYWOMAN CONSIDINE MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 335.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Duran:**

Under existing law, does it require a reporting mechanism now?

**Erin Sturdivant:**

Existing law requires an employer to submit the employment plan. That includes plans to employ people who are economically disadvantaged. Sections 3 and 4, I believe, add new language that requires updates on this plan. That is new to law if adopted.

**Chair Flores:**

Are there any additional questions or discussion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Summers-Armstrong. The next bill on work session is Assembly Bill 340.

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

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 340 was heard in this Committee on March 30, 2021, and is sponsored by Assemblyman Matthews [[Exhibit T](#)]. The bill prohibits a state agency from adopting a regulation if the agency determines that the economic impact of the proposed regulation is \$10 million or more. The bill also requires an agency to determine the economic impact of a proposed regulation, which includes the costs to implement the proposed regulation and any costs reasonably expected to be incurred or passed on to local governments, businesses, and any other person. The bill further provides that if the economic impact of the proposed regulation is \$10 million or more, the agency must submit the proposed regulation to the

Legislature and the Governor for approval. Finally, the bill authorizes the director of the Office of Finance within the Office of the Governor to request a legislative measure necessary to implement the budget proposed by the Governor and provide for the fiscal management of the state any proposed regulation which an agency has determined will have an economic impact of \$10 million or more.

We did receive an amendment from Assemblyman Matthews on the bill [page 2]. Assemblyman Matthews proposes to amend the bill to remove the existing language and instead require the Legislative Commission to appoint a committee to study the number of regulations that would be captured under the original provisions of the bill and the cost to conduct an economic impact on those regulations.

**Chair Flores:**

I will entertain a motion to amend and do pass Assembly Bill 340.

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 340.

ASSEMBLYWOMAN BLACK SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Matthews:**

I want to thank the Committee members for working on this. I know in the original hearing for the bill a number of questions were asked. Because this is a relatively new concept here in Nevada, the answers were not able to be provided. The amended version of the bill will have a study to provide those very important answers.

In addition, as this moves forward, I will continue to amend it to make sure the commission that would conduct the study will include some nonvoting members drawn from a number of backgrounds—academia, private sector economists, representatives of the affected agencies—to make sure we have good representation from a number of viewpoints as we move forward.

**Assemblywoman Thomas:**

I will be voting no on this bill, but I would like to reserve my right to change my vote on the floor.

**Assemblywoman Brown-May:**

I have a clarifying question relative to the conceptual amendment. Does it designate that the members of this legislative committee will be paid or unpaid during the interim as we do this?

**Assemblyman Matthews:**

I will defer to Mr. McDonald, who I know has more familiarity with how these interim studies are conducted.

**Jered McDonald:**

As I understand it, these would be members of the Legislature, so they would receive the daily per diem that is allowed by law that all legislators receive when they serve on interim committees.

**Assemblywoman Torres:**

I am going to vote yes to move this bill out of Committee, but I would like to reserve my right to change my vote on the floor. I will probably speak to the sponsor ahead of that.

**Chair Flores:**

Any additional questions or comments? [There were none.] We will conduct a roll call vote.

THE MOTION PASSED. (ASSEMBLYWOMAN THOMAS VOTED NO.)

I will assign the floor statement to Assemblyman Matthews. The next bill on work session is Assembly Bill 365.

**Assembly Bill 365: Revises provisions relating to governmental administration.  
(BDR 23-133)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 365 is sponsored by Assemblywoman Peters and others and was heard in this Committee on April 1, 2021 [[Exhibit U](#)]. The bill declares that it is the public policy of this state that persons employed by the state be afforded respect, dignity, and equity in the workplace.

The bill requires the departments of the state government to prepare and submit to the Governor and the Legislature an annual report concerning equity in the workplace, which includes a summary of each complaint filed by an employee in the immediately preceding calendar year that alleges conduct, which is not unlawful but is against the declared public policy of the state, and any action taken in response to such a complaint.

The bill also requires the administrator of the Division of Human Resource Management of the Department of Administration to annually evaluate the effectiveness of any policy of the Division intended to encourage equity in the workplace for persons of color and other persons of marginalized identities and to prepare and submit a report to the Governor and the Legislature concerning the results of the evaluation.

Finally, the bill requires the Personnel Commission within the Division of Human Resource Management of the Department of Administration to adopt regulations for the training of supervisors and managerial employees concerning implicit bias.

We do not have any amendments on this bill.

**Chair Flores:**

I will entertain a motion to do pass Assembly Bill 365.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO DO PASS  
ASSEMBLY BILL 365.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblywoman Peters. We are going to take a one-minute recess to give members an opportunity to digest the hearings we had this morning to see if you are comfortable with moving any one of those three forward. I do not have the desire to put up a bill and then kill it. There is no need for us to do that. If you do not like the bill, just let me know. If it has the votes, it has the votes, and if it does not have the votes, it does not. Please review again the three bills we heard this morning.

Also, I have Assembly Bill 139. You will notice that there is a new amendment that was recently uploaded to the Nevada Electronic Legislative Information System [[Exhibit V](#)]. If you could please review that amendment. We do have Mr. Walker, who will be joining us and can address any questions or concerns you may have. I will explain how we got to that amendment, but I want to make sure you all have an opportunity and no one is caught unprepared. I did say it would be a one-minute recess, but we will come back at 10:35 a.m.

This meeting is recessed [at 10:23 a.m.].

The meeting was reconvened [at 10:56 a.m.].

**Chair Flores:**

Members, thank you for working with us on such a hectic day. I just want to make it abundantly clear that this is the nature of this building this week every single session. Unfortunately, there is nothing unique to what we are seeing today. If you go back to any other session, it looks identical. It is hectic: hearing several bills, moving them out, running around with amendments. It is just the nature of how things work when we have 120 days to try to resolve all the problems of our state. Please do not assume that the chaotic nature of this particular week is somehow by design. We just have to move everything out of the way and, unfortunately, that is what we do and endure every single session.

The next bill on work session is Assembly Bill 139. If you had an opportunity to go to the Nevada Electronic Legislative Information System, you will see there is an amendment that was provided [[Exhibit V](#)] by me and submitted by Mr. Walker. I hope you had an opportunity to view that amendment. Mr. Walker is available if you should have additional questions. I will open the work session for Assembly Bill 139.

**Assembly Bill 139: Revises provisions relating to local governments. (BDR 31-524)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 139 is sponsored by Assemblyman Yeager and others and was heard in this Committee on February 25, 2021 [[Exhibit W](#)]. The bill authorizes the governing body of a county or city to transfer money from an enterprise fund to pay the cost of constructing one or more fire stations if: (1) the transfer does not cause the balance of the unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits, and building permits; and (2) the governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared between January 1, 2020, and December 31, 2021.

The bill also creates an exception to the requirement for the county or city to reduce the fees it charges for barricade permits, encroachment permits, and building permits when the balance in the enterprise fund exceeds a certain amount. Finally, the bill further: (1) prohibits the transfer of money from the enterprise fund after December 31, 2021; (2) prohibits money transferred from the enterprise fund from being committed for expenditure after December 31, 2023; and (3) requires any portion of such money remaining to be reverted to the enterprise fund on January 1, 2021.

There is one amendment. I believe it would be best to turn it over to Mr. Walker at this point to present the amendment.

**Matthew Walker, representing Southern Nevada Home Builders Association:**

We have been working with Chair Flores on the amendment that is before the Committee today [[Exhibit V](#)]. I believe the intent of the bill, as presented to this Committee, was to accelerate the construction of fire stations in a fast-growing area and put folks back to work in a time where some larger prevailing wage projects are coming to a close. In the spirit of that, Chair Flores has offered these additional enhancements to the bill that I think really match the spirit of the initial bill as drafted, in that it ensures there is not an over transfer of funds from the building enterprise fund and an unnecessary reduction in capital expenditures. I think this really helps us hit the sweet spot and dial in how that process works by ensuring that the product is designed, bid, what the actual dollar figure is, and what the additional need is that only those funds are transferred over to facilitate the construction of the fire station.

Again, we appreciate the Committee's working with us in a dynamic environment. I am happy to answer any questions the Committee might have.

**Chair Flores:**

I want to put on the record that I appreciate his hard work on this bill and being open to addressing some concerns that I had. I wanted to make sure I put on the record my gratitude for his professionalism and Assemblyman Yeager's willingness to work with him.

I will entertain a motion to amend and do pass with the conceptual amendment [[Exhibit V](#)].

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 139.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Ellison:**

I really like the bill because it looks like it is going to be paid out of the construction fund. I am going to vote yes to move the bill out of Committee. The problem I have is I want them to tell me if this is going to create a precedent on any enterprise fund. If it is, then I will have to oppose the bill. There are a lot of enterprise funds out there that could be used on other projects. Perhaps Mr. Walker can answer that.

**Chair Flores:**

Thank you, Assemblyman Ellison, for stating that on the record. You are echoing my sentiment precisely, which is, in fact, why we went about this particular amendment. The objective is to ensure that we are not moving in that direction. Mr. Walker can explain that further if he has any additional comments.

**Matthew Walker:**

This bill, as currently proposed, only applies to local governments with an enterprise fund that has been established, an enterprise fund reserve balance in excess of the current statutory requirements, and only in counties with a population larger than 700,000. My understanding in speaking with all local government stakeholders is that this would only apply to Clark County and only apply to a unique set of circumstances where we have several large projects that build a very healthy fund reserve. We hit scenarios where we had a lack of funds because coming out of the Great Recession, the funds had never recovered to keep up with the need for fire service in the southwest portion of Clark County. We have not indexed those fees going forward. We also have a very healthy fund reserve, so I think it is a very unique set of circumstances. We would certainly hate for anyone to extrapolate this policy and its very unique set of dynamics and circumstances to somehow mean that this is a piggy bank for other types of projects. This is directly tied to a construction need and will serve and benefit the folks who paid into the fund in the first place. Those are all really critical elements and protections that we think are important should the Legislature consider a similar policy going forward.

**Chair Flores:**

I think it was incredibly important to put that on the record. Assemblyman Ellison, I appreciate your bringing up that issue and, obviously, your experience in this Committee is showing through that line of questioning. Is there any additional discussion?

**Assemblywoman Black:**

I want to echo the sentiments of Chair Flores and Assemblyman Ellison. I really do not want to vote for this bill. I hope it is a one-time thing because I would never go for something like this in the future. I hope the fees get fixed, as we discussed, so there is not a giant sum of money just sitting there that we could use for something else. As I said during the hearing, there is always going to be something else that money is needed for.

**Chair Flores:**

I do think it is good precedent for us to engage in this conversation, primarily for those of you who have had an opportunity to sit on this Committee for the first time this session. It is important that we are vigilant and committed to ensuring that when we have a specific fund for a specific purpose and we are trying to utilize that fund for something else, we should be vigilant and concerned. Any additional comments or questions? [There were none.] We will conduct a roll call vote.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Yeager.

I will entertain a motion for the Committee to move Assembly Bill 338 should we have a desire, as a Committee, to do so.

**Assembly Bill 338: Revises provisions governing the investment of certain public money in foreign bonds, notes or other obligations. (BDR 31-787)**

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 338.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Black:**

I am looking at the three bills we heard this morning and they were all introduced over two weeks ago. I understand the rules have been changed and that we can change the rules and historically maybe the rules have been changed, but that does not make it right. I am going to be voting no on any of the bills we move forward today. We did spend three weeks at the beginning of this session pretty much doing nothing. Maybe we should not be doing that in future sessions.

**Assemblywoman Torres:**

I want to thank Chair Flores for making sure we consistently follow the process and that we are consistently following the rules to ensure we are hearing bills as quickly as possible. I know the last couple of weeks have been really challenging, but I appreciate that Chair Flores has made every attempt to schedule as many hearings as possible so we can have this dialogue and to make sure we had these conversations today. I think we had very positive dialogue this morning.

**Chair Flores:**

Assemblywoman Black, I do echo your sentiments as to having frustration with the process. I agree with you. It should not be this way, meeting for 120 days to do this much work. I do not know if that is the most effective way for us to do the people's work. Ideally, we should devote a lot more time to a lot of what we do, but that is the process we are in. Please know that, unfortunately, we just have to get the people's work done in this amount of time.

I hope you agree with this sentiment. I very specifically tried to put noncontroversial bills on the agenda for today. I could have, by design, purposefully waited and put controversial bills on the agenda today and then forced them out. I tried to have something that I thought was pretty level and not too heavy one way or the other for today. As you all know, the entire past two weeks, we have had heavy agendas, so it would have been very difficult for us to have forced these three bills any other day. I do echo the sentiment, but again, this was not by design, it is just how the process works.

**Assemblywoman Black:**

I just want to go on the record that it was not a personal attack on you, and I am not criticizing you. I want to make that abundantly clear. It is the system, and it is not you. Please do not take that as a personal attack. That was not geared toward you.

**Chair Flores:**

I do not take it that way. I agree with you that the process could be a lot smoother and easier if we changed a lot of how we run this whole building. Unfortunately, this is what we have, and we have to go with it. I honestly agree with your sentiment. Are there any additional comments or questions? [There were none.] We will conduct a roll call vote.

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

I will assign the floor statement to Assemblyman Orentlicher.

I will entertain a motion to do pass Assembly Bill 362 as presented this morning.



**Assembly Bill 362: Revises provisions relating to the Nevada Higher Education Prepaid Tuition Trust Fund. (BDR 31-980)**

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 362.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Matthews:**

I will vote yes today to move the bill out of Committee, but I reserve my right to change my vote on the floor.

**Assemblywoman Dickman:**

I will ditto Assemblyman Matthews.

**Chair Flores:**

Any additional questions or comments? [There were none.] We will conduct a roll call vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MCARTHUR  
VOTED NO.)

I will assign the floor statement to Assemblywoman Torres.

This morning, we heard Assembly Bill 397. I will entertain a motion to do pass Assembly Bill 397.

**Assembly Bill 397: Revises provisions relating to county clerks. (BDR 20-1026)**

**Assemblywoman Anderson:**

I would like for the motion to amend and do pass with a conceptual verbal amendment to include the training in section 2, subsection 2, and section 3, subsection 2.

**Chair Flores:**

I will accept a motion to amend and do pass Assembly Bill 397 with a conceptual amendment that has been offered verbally to add the language of training to section 2, subsection 2, and section 3, subsection 2, of the bill.

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 397.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Matthews:**

I will vote yes to move the bill out of Committee, but I reserve my right to change my vote on the floor.

**Assemblywoman Dickman:**

Ditto.

**Assemblyman Ellison:**

Ditto.

**Chair Flores:**

Are there any additional comments? [There were none.] We will conduct a roll call vote.

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MCARTHUR  
VOTED NO.)

I will assign the floor statement to Assemblyman Matthews.

That concludes the work session. The last item on the agenda is public comment. I would like to remind those of you wishing to testify or join us for public comment, it is not a time to reopen a hearing. This is a time for you to speak about general matters that fall within the purview of the Committee. Are there any callers waiting to testify in public comment? [There were none.]

I am going to address one quick matter. We will take a one-minute recess.

The meeting is recessed [at 11:19 a.m.].

The meeting is reconvened [at 11:23 a.m.].

**Chair Flores:**

Members, as you may recall, yesterday I presented Assembly Bill 131 that dealt specifically with body cameras. We had some opposition, both from local jurisdictions and law enforcement. While I had the opportunity to copresent that bill with the police union and some members of law enforcement who supported it, I recognize that there is still a lot of work to do. I do not want to put the Committee in a position to have to vote out a bill that still needs a lot of work, but I think we can get there. It is my commitment to all of you that I will continue to work the bill. However, to allow for the bill to go through its course and have the stakeholders work on it, it must be rereferred. As you know, Assembly Bill 131 is eligible for exemption.

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

At this time, I would like to entertain a motion to rerefer without recommendation Assembly Bill 131 to the Assembly Committee on Ways and Means.

ASSEMBLYWOMAN TORRES MADE A MOTION TO REREFER WITHOUT RECOMMENDATION ASSEMBLY BILL 131.

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MCARTHUR VOTED NO.)

All we are doing with that motion is moving the bill so we can continue to work with stakeholders and give it some more breathing room. That is all we are doing.

We are at the end of our agenda today. I would like to congratulate all of you. We heard almost 70 bills in a very short amount of time just in this Committee alone. We have moved a large number of bills. I hope it was in the spirit of bipartisan work, as members from both sides of the aisle had an opportunity to hear and move bills. We work on very important issues dealing with veterans, protections for employees, helping our employers and small businesses, helping our agencies, and other local governments. I think you should be very proud of the work we have accomplished thus far if you reflect on the short amount of time we have actually been here and how much we have accomplished as a Committee.

More importantly, I want to say thank you to Mr. McDonald, Ms. Sturdivant, Judith Bishop, and all our secretaries and Committee staff. They are, obviously, the only reason we ever achieve anything in this building. It is important that they get that credit. We come into this building, give them a bunch of directions—often misguided—and they figure it out and work with us. I just want to express how incredibly grateful I am to have such an amazing team session after session. I know they have worked incredibly hard, and I know they do not sleep very much. I just want to say thank you to them and how incredibly appreciative we are. I know we do not say that enough. Hopefully, I will not ask for any more amendments or ask you to do anything else. Today, I just want to say thank you to all.

We will not be meeting on Monday; I think you have all earned that. That will give you some breathing room to relax and hopefully spend quality time with your families over the weekend. I appreciate the work. I would like to adjourn in honor of our incredibly hardworking staff who make this building work year and after year.

**Assembly Bill 337: Requires the Board of the Public Employees' Benefits Program to create a certain pilot program in certain circumstances. (BDR 23-710)**

[Assembly Bill 337 was agendized but not considered.]

This meeting is adjourned [at 11:28 a.m.].

RESPECTFULLY SUBMITTED:

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Kyla Beecher  
Recording Secretary

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Lori McCleary  
Transcribing 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 357](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 410](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 55](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 325](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 336](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 385](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 408](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 437](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 445](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 211](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 220](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 245](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is a proposed amendment to [Assembly Bill 245](#), dated April 9, 2021, submitted by Gail J. Anderson, Deputy Secretary of State for Southern Nevada, Office of the Secretary of State.

[Exhibit P](#) is the Work Session Document for [Assembly Bill 249](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Assembly Bill 313](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Assembly Bill 333](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Assembly Bill 335](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document for [Assembly Bill 340](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document for [Assembly Bill 365](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit V](#) is a conceptual amendment to [Assembly Bill 139](#), requested by Assemblyman Edgar Flores, Assembly District No. 28, and submitted by Matthew Walker, representing Southern Nevada Home Builders Association.

[Exhibit W](#) is the Work Session Document for [Assembly Bill 139](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.