

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eighty-first Session
February 22, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:00 a.m. on Monday, February 22, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Dina Neal, Vice Chair
Senator Melanie Scheible
Senator Roberta Lange
Senator Joseph P. Hardy
Senator James A. Settlemeyer
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Wil Keane, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Jessica Adair, Chief of Staff, Office of the Attorney General
Kevin Ingram, Executive Director, Private Investigator's Licensing Board
Steven Cohen

CHAIR SPEARMAN:

I will open the hearing on Senate Bill (S.B.) 35.

SENATE BILL 35: Revises provisions relating to the Private Investigator's Licensing Board. (BDR 54-419)

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JESSICA ADAIR (Chief of Staff, Office of the Attorney General):

I am presenting S.B. 35, a bill to modernize the Private Investigator's Licensing Board (PILB). I have written testimony ([Exhibit B](#)) explaining the history of the PILB and its unique relationship with the Office of the Attorney General (AG).

KEVIN INGRAM (Executive Director, Private Investigator's Licensing Board):

I have written testimony ([Exhibit C](#)) providing some further background into the history of the PILB.

SENATOR NEAL:

[Exhibit B](#) mentions legislation created in 2007. Did the committee minutes in which that bill was discussed say why the PILB fund was created?

MS. ADAIR:

The minutes of that meeting discussed that it was a conflict that the PILB was located within the AG's Office and with the AG serving as the chair, unlike any other occupational licensing board in Nevada. There was a feeling that there needed to be some separation. That was when the PILB fund was created as a separate fund. It is located within the AG's existing budget, but it is a separate fund that the AG's Office manages with the PILB.

It may also have been true that the PILB did not have the staff to manage its own budget at that time. Today, the PILB has an executive director and other staff who are capable of handling its affairs.

SENATOR NEAL:

Has Mr. Ingram been the director of the PILB since 2007?

MR. INGRAM:

No. I have been the executive director since 2012.

SENATOR NEAL:

Since this is a change in the AG's budget, will S.B. 35 need to go to the Senate Committee on Finance?

MS. ADAIR:

I do not know. However, S.B. 35 does not have a fiscal impact on the AG's Office. It is essentially revenue neutral. I do not know the procedure. I would

look for help from the Legislative Counsel Bureau or experts to let me know if this is the case.

SENATOR NEAL:

How much money does the PILB have in its account?

MR. INGRAM:

The PILB fund is not part of the Executive Budget. We do not receive money from the Legislature in any way; we are 100 percent self-funded. The reason the fund was placed under the AG's Office was because prior to it becoming the PILB fund, it was called a special fund within the AG's Office. During the 2007 Legislative Session, they clearly identified it as the PILB fund because it is outside of the Executive Budget.

The only change in the AG's budget would be that the PILB fund would no longer be included in the AG's closing statements because it is not money allocated to them by the Legislature. The PILB would be set up like all other boards and commissions in Nevada.

Some of this testimony was also given during hearings of the Sunset Subcommittee of the Legislative Commission in 2019 and 2020.

SENATOR SETTELMAYER:

I appreciate the bill, and I understand it, and I am basically in agreement with it. Will the Legislature still have the ability to know the amount of funds in the reserve? I am curious because we need to address the licensing fees, which are rather high in relation to other Western states and present a barrier to entrance into this trade. I also understand you need to have a sufficient reserve, so maybe it is more a question of expenditures. How many months of reserve do you currently have? What do your fee structures currently look like, based on other Western states?

MR. INGRAM:

During the 2019 audit, we were running at about three and a half months in reserve, which is behind what the statutes have established for boards and commissions, but it is not unlike other boards and commissions that were also struggling. I am happy to report that right now, we are running at about five months for reserves.

The oversight of our budget would still be covered by the audits done by a Legislative Counsel Bureau auditor. These are set up on a two-year cycle. There is oversight from the Governor's Office of Finance as well. We plan to continue to use the same accounting principles that we use currently with the financial system, as the other boards and commissions do.

SENATOR SETTELMAYER:

I would like to see the PILB start to lower licensing fees. I consider the high fees to be a barrier to get into this trade, considering how large they are compared to other states.

SENATOR HARDY:

We will be looking at boards and licensing fees this Session. How often does the PILB meet, and when did it last meet? Does the public have access to decisions of adverse findings? Is it being overseen in such a way that we know what is happening?

MR. INGRAM:

The PILB meets quarterly, more often if it is needed. Our last Board meeting was in December, and we have a meeting scheduled for March 2. All our transcripts are posted on our website and are readily available to the public. At this time, we are not meeting in person due to the Covid-19 pandemic. All of our meetings are being held telephonically, which is working very well. Anyone who wishes to participate in one of these meetings can reach out to my office; I will be happy to give the telephone number and access codes needed to participate.

We are represented by a deputy AG, per statute. We are to use the AG's services as our legal counsel.

STEVEN COHEN:

I am fully in support of S.B. 35. Having licensing boards independent of the AG's Office is a big plus because the AG is designated as the official Executive Branch attorney. If the AG is also the head of the board, it means that if a licensee disagrees with a licensing or regulatory decision, they are essentially fighting themselves.

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MS. ADAIR:

I want to acknowledge on the record that there is no conflict between the AG's Office representing the PILB. We do so with all occupational licensing boards.

CHAIR SPEARMAN:

I will close the hearing on S.B. 35. Is there any public comment? Hearing none, we are adjourned at 8:29 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 35	B	1	Jessica Adair / Office of the Attorney General	Support Testimony
S.B. 35	C	1	Kevin Ingram / Private Investigator's Licensing Board	Support Testimony