

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-first Session
May 5, 2021**

The Senate Committee on Government Affairs was called to order by Chair Marilyn Dondero Loop at 3:36 p.m. on Wednesday, May 5, 2021, Online and in Room 2149 of the Legislative Building, Carson City, Nevada. [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 Marilyn Dondero Loop, Chair
Senator James Ohrenschall, Vice Chair
Senator Dina Neal
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Heidi Chlarson, Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office
Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Michael Sherlock, Executive Director, Peace Officers' Standards and Training Commission
Navid Afshar, Nevada Attorneys for Criminal Justice
Holly Welborn, American Civil Liberties Union of Nevada
Annemarie Grant
Troyce Krumme, Las Vegas Police Managers and Supervisors Association

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Rick McCann, Executive Director, Nevada Association of Public Safety Officers;
Nevada Law Enforcement Coalition
Bob Miller
Helen O'Hanlan
Alex Garza
Jon Bilstein, CEO, Comprehensive Cancer Centers of Nevada
Rupesh Parikh, MD, Medical Oncologist, Comprehensive Cancer Centers of
Nevada
Mike Patterson, Pastor
Susan Fisher, American Cancer Society Cancer Action Network
Chris Ries, Police Officer, Las Vegas Metropolitan Police Department
Matthew Wilkie
Kate Marshall, Lieutenant Governor
Mary Beth Sewald, CEO, Vegas Chamber
Conner Cain, Henderson Chamber of Commerce; Las Vegas Global Economic
Alliance
Nick Vander Poel, Reno Sparks Chamber of Commerce
Peter Guzman, President, Latin Chamber of Commerce
Tom Clark, Nevada Outdoor Business Coalition
Ken Evans, Urban Chamber of Commerce
Brian Reeder, Nevada Contractors Association

CHAIR DONDERO LOOP:

We will open the hearing on Assembly Bill (A.B.) 111.

ASSEMBLY BILL 111 (1st Reprint): Revises provisions relating to the Peace
Officers' Standards and Training Commission. (BDR 23-106)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I am here to present A.B. 111 which changes the composition of Peace
Officers' Standards and Training (POST) Commission. Assembly Bill 111 is a
modern step forward to increase trust and accountability for how future peace
officers are trained. Overall confidence in the police from 1993 to 2009 has
steadily declined. A Gallup Poll on reduced public trust in various institutions
saw a peak in police confidence at 64 percent in 2003. In 2009, police
confidence fell to 53 percent. Gallup reported that trust in law enforcement
officers varies amongst demographics. Younger individuals, people of color and
women report lower confidence in the police. For example, people of color

reported their confidence in police is 40 percent. Individuals aged 18 to 34 report their confidence is at 39 percent and women at 49 percent.

This Session, it is important we continue to have collaborative conversations about how we should police our communities and what perspectives should be promoted in training officers so they are effective in policing. Officers also should be perceived as being accountable to the communities they police. I recognize we have a lot of work to do to rebuild trust between law enforcement agencies and communities they serve. It will take a collective effort to build confidence as we all want safe communities and law enforcement agencies that value the perspectives of the community.

Assembly Bill 111 is a way to modernize police training standards. All states maintain a POST board or a similar entity, and every state operates differently. In general, POST boards create and manage training requirements for peace officers who are responsible for ongoing certification and continuing education.

Section 2.5 increases the POST Commission from 9 appointed members to 11. Section 2.5, subsection 2 provides that the additional two members of the Commission will be appointed by the Majority Leader of the Senate and the Speaker of the Assembly. The current composition of the POST Commission is represented by law enforcement agencies across the State. However, what has been missed is a civilian voice. In section 2.5, subsection 1, paragraphs (a) through (d) provide two of the appointees will not be peace officers. They will represent expertise in one or more of the following areas: implicit and explicit bias; cultural competency; mental health and policing; working with children, elderly persons, persons who are pregnant, persons experiencing mental health crisis, persons with physical, intellectual or developmental disabilities or persons from other vulnerable populations.

I see no better way at addressing community trust in law enforcement than giving them a seat at the table where it is decided how peace officers are trained. Section 2.5, subsection 5 requires the appointing bodies to the Commission to consider racial, gender and ethnic diversity in the Commission. Ultimately, the Commission managing and developing training for peace officers should ensure individuals making those decisions look like the populations they serve.

SENATOR NEAL:

In regard to cultural competency, where would the pool of individuals you expect to draw for POST come from?

ASSEMBLYMAN FRIERSON:

This is incumbent on the Majority Leader and the Speaker at any given time when there is an opening to take those criteria into consideration as we have hundreds of other appointments to ensure we are held accountable, and we appoint people who meet those backgrounds and needs. As the Speaker, I have to make appointments to several boards and commissions. Some of them are difficult, like the regional behavioral health commissions which require certain levels of expertise for certain purposes. By putting it in statute, it puts to ink the requirement that they have the background. I or a future Speaker will be held accountable and must articulate why members were appointed and why they were qualified.

SENATOR NEAL:

Has there been consideration around just having a diversity component for a person of color?

ASSEMBLYMAN FRIERSON:

There have not been considerations for making certain for a person of color other than taking into account diversity. The composition of POST is diverse by virtue of our law enforcement agencies. This does not require a mandate but a consideration of diversity. This Session is looking at implicit and explicit bias, policing, composition and hiring practices. The broader we make it, but put some guardrails on as a layer of expectation, will help the leaders of both Houses. This gives flexibility in areas where it is difficult to find someone who has the expertise and a willingness to serve. It speaks volumes to make sure the appointments increase and improve the diversity of the POST composition without making it difficult or impossible to comply with.

CHAIR DONDERO LOOP:

How often does the Commission meet?

ASSEMBLYMAN FRIERSON:

I am unaware on how frequently it meets. The Commissions deal with a lot of things from hiring and annual training. I hope the members of the Commission can answer this question.

CHAIR DONDERO LOOP:

I see all the important work they need to do. I did not know how long or how much time it would take to ensure the trainings are done accurately.

ASSEMBLYMAN FRIERSON:

This bill does not change the functioning of the POST Commission, it simply adds two members. It would add two people to the body of individuals who do come up with those programs and trainings. I am unaware of how often they meet or if it is a set schedule.

JOHN PIRO (Chief Deputy Public Defender, Clark County Public Defender's Office):

We fully believe adding a diverse perspective opens the door to better oversight and better decision-making. We support A.B. 111.

KENDRA BERTSCHY (Deputy Public Defender, Washoe County Public Defender's Office):

We support A.B. 111. This bill is important to ensure the community does have a voice. Having the additional education at POST is extremely important to ensure any trainings in the future are developed to have a unique perspective. This will help ensure officers do have the proper training.

MICHAEL SHERLOCK (Executive Director, Peace Officers' Standards and Training Commission):

The transparency of this bill along with community input and participation is a good thing for standards and training for peace officers. I look forward to this new dynamic on this Commission. I support A.B. 111. I would just add, to answer the prior question, the Commission meets four times a year at the call of the chair.

NAVID AFSHAR (Nevada Attorneys for Criminal Justice):

We stand in support of A.B. 111. This bill is a step in the right direction with all the categories that have been added. These categories are important when knowing how to respond to certain situations and with everything that is happening in society. This is important work.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We support A.B. 111. We are excited about this bill. It has a broader-reaching impact than we are recognizing right now. Eight of the nine members of POST

Commission are members of law enforcement. As an organization, we are pointing out the flaws in a policy permitting law enforcement to govern themselves with little meaningful community input. A multitude of highly trained professional and diverse voices would be an asset to this Commission. This bill is important for building community trust.

ANNEMARIE GRANT:
I support A.B. 111.

TROYCE KRUMME (Las Vegas Police Managers and Supervisors Association):
We support A.B. 111. Adding these pieces to the POST Board would be a step in the right direction for increasing public trust. The community should have a voice in policing.

RICK MCCANN (Executive Director, Nevada Association of Public Safety Officers; Nevada Law Enforcement Coalition):
I support A.B. 111. It simply adds two members to the POST Commission who have expertise in one or more of the listed areas. We are dealing with implicit and explicit bias, cultural competency and mental health when it involves policing and working with vulnerable populations. It is 2021 police reform as policing is changing.

ASSEMBLYMAN FRIERSON:
This was not a function of compromise, this was a function from the law enforcement's perspective giving the insight that made this bill better.

CHAIR DONDERO LOOP:
We will close the hearing on A.B. 111 and open the hearing on A.B. 187.

ASSEMBLY BILL 187 (1st Reprint): Designates the month of September of each year as "Ovarian and Prostate Cancer Prevention and Awareness Month" in Nevada. (BDR 19-917)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):
Assembly Bill 187 designates the month of September for Ovarian and Prostate Cancer Prevention and Awareness. Nationally, Ovarian and Prostate Cancer Awareness Month is recognized in September. This bill will align State efforts with national efforts. Based on analysis from the State Biostatistician, Kyra Morgan, prostate cancer is the most common cancer among men in

Nevada and across the Country. It is the second-leading cause of cancer-related deaths for men. Black men are disproportionately affected with prostate cancer with mortality rates significantly higher than any other race or ethnicity. Additionally, ovarian cancer is the fifth most common cause of female cancer mortality in Nevada and in the U.S. In Nevada, ovarian cancer diagnosis is the highest among Asian women, and the mortality rates are highest for Black and White women. This year, the American Cancer Society estimates across the Country over 248,500 men are diagnosed with prostate cancer and over 34,100 men will lose their lives from prostate cancer this year alone.

The American Cancer Society estimates in 2021, over 21,400 women will be diagnosed with ovarian cancer, and over 13,700 women will lose their lives from ovarian cancer this year alone. Based on the data from our Biostatistician, 26 percent of prostate cancer and 73 percent of ovarian cancer are diagnosed late. Unfortunately, early detection and screening for ovarian cancer is rather difficult and has led to increasing late diagnoses. Prostate cancer testing fortunately has become less invasive and has led to much earlier diagnoses. It is critical that we bring awareness and advocacy to the cancers that impact our lives and the lives of our loved ones. It is critical we normalize seeking medical attention and promote early detection.

I brought A.B. 187 this Session because of a personal story. In March, I underwent an outpatient procedure to remove prostate cancer. I brought this bill because I want to normalize conversations about this issue. In 2018, I was diagnosed by prostate-specific antigen (PsA) which is a blood test, the normal range being from zero to four, particularly for my age. In 2018, mine was already a five and there was concern. We watched it and it stayed around five in October 2020. By December 2020, it shot up to 7.3. Because it was caught early and was being monitored, it was able to be treated. Last weekend, I had a teledoc visit and my PsA is 2.6. It is entirely because it was caught early and monitored. I say this jokingly, but I mean it: "If my wife can give birth to two children, then I can talk about prostate cancer." It is something men do not like to talk about, and it is something men have to. Many men have passed away from complications from prostate cancer. It makes no sense when such a predictable outcome can be addressed with early detection. With respect to prostate cancer, I said it in the Assembly, there is no better use of the phrase man up when you are talking about prostate cancer and having to address it. I am happy to use my position and platform to share this story to encourage others, especially those reluctant to seek care. I also recognize I am not alone

and am grateful to the doctors, survivors, patients and advocates who are joining me today to share their stories.

BOB MILLER:

I support A.B. 187. I am a cancer survivor. Twenty-five years ago when serving as Governor for the State, my annual physical initially turned up no indications of prostate cancer. My doctor at the time looked at the results and was a little concerned and ordered further tests. Those further tests determined that I had an early stage of prostate cancer. I had to decide what action to take with this situation facing me. Ultimately, I decided on removal of the prostate, a radical prostatectomy. I felt I had an obligation not just to my family and myself but to all the people in Nevada to make them aware of the circumstances. I held a press conference with my doctor and indicated I was scheduled for surgery and this was the course I had chosen. I outlined the other choices possible, and my doctors outlined the medical considerations. I proceeded to go forward.

This was an early-stage finding which was fortunate for me, but it is something that escapes a lot of people who do not get tested. People need to get followups, as these worked for me and are working for Assemblyman Frierson. The reward I got from this was not to displace the concern I had, but the reward was after the fact. I would frequently get phone calls, text messages or other communications from individuals who had been diagnosed with early-stage prostate cancer. These individuals indicated they had decided to take the test because they had watched or observed my press conference. I support A.B. 187 because by bringing to citizens' attention the need to be scrupulous when dealing with testing for prostate or ovarian cancer, it will in fact save lives.

HELEN O'HANLAN:

I have a rare form of ovarian cancer, a stage IV granulosa tumor. I have been a cancer patient for 13 years. I am here today to speak in support of A.B. 187, which designates the month of September as Ovarian and Prostate Cancer Prevention and Awareness Month in Nevada. Early cancer detection and prevention is crucial. In my own experience, if my cancer had been caught earlier, my life would be drastically different. Thirteen years ago, I was in my mid-30s and a successful general manager in the hotel business. I was looking forward to starting a family with my fiancé. At the same time, I was experiencing bloating, missed menstrual cycles and a cyst on my ovaries. I sought guidance advice from friends, peers, doctors or anyone who would

listen. Everyone dismissed these as normal female issues that women in their mid-30s experience and probably just stress from work and planning a wedding. Six months later, I had an emergency operation because my ovary burst. The cyst turned out to be ovarian cancer. In the last 13 years, my cancer has returned 9 times. I have had 12 surgeries to remove tumors, 3 different chemotherapies and 3 series of radiation.

As you can imagine, my dreams changed and my goal changed to staying alive. Just four years ago, I was no longer operable and had run out of options. I started seeing Dr. Rupesh Parikh with Comprehensive Cancer Centers to continue treatment and prepare for end of life. Dr. Parikh had other plans. He, along with Dr. Curtis, pioneered a treatment called cyberknife radiosurgery. This has allowed me to be here today, living a good quality of life and stabilizing my cancer. I am still here and still surviving. My new goal is to share awareness and share hope by telling my story. I tell my story to many different Facebook groups that have my cancer about the treatment options I have recently done. After 13 years, only 20 percent of women diagnosed with ovarian cancer are caught in the early stages. It is my honor and responsibility to share my story to educate and help others. The more we talk about cancer, the more awareness we bring to it. Cancer awareness is the first step, and education about prevention and early detection can save lives.

ALEX GARZA:

I am a two-time prostate cancer survivor. I support A.B. 187 designating the month of September as Ovarian and Prostate Cancer Prevention and Awareness Month in Nevada. I was first diagnosed with prostate cancer in 2017 at the young age of 46. If you are doing the math, I turned 50 years old and am grateful for that. This was a few months before I lost my mother to a difficult battle with ovarian cancer. At that time, I chose to have a complete prostate removal based on the aggressiveness of my cancer and its advancement. But my cancer returned at the latter end of 2018 and into early 2019. I had to go through hormone therapy and radiation therapy. These experiences led me to be an advocate for cancer patients and for prevention and cancer awareness. I am dedicated to ensuring that every single man and single woman out there understands the need to get tested and take control of their health. Having prostate cancer, and especially a prostate removal, drastically changes the physical and mental aspects of being a man. For too many years, there has been a stigma around the embarrassment of getting tested, going through treatment or even the rehabilitation of cancer, especially prostate cancer patients.

I have dedicated my life and made it my mission to share my story with anyone I can to support men and women and to ensure whatever they are going through, they have the support they need. This will ensure they can deal with the prevention, cancer awareness and rehabilitation. I am very fortunate to have met Dr. Parikh and the wonderful staff at Comprehensive Cancer Centers who have been treating me for the last four years. I credit them for saving my life and allowing me to be a father for hopefully the 25-plus years as Mr. Miller has survived.

Statistics say prostate cancer occurs in much older men, but that was not true in my case. If I think back to the age of 41, I was exhibiting signs of prostate cancer, yet being a macho invincible young man, I refused to acknowledge those symptoms. I consider the age of 46 to be young for prostate cancer, and the reality is had my mom not been battling her own cancer, I am not sure I would have recognized the signs as early as I did. Through my own personal experience, I am passionate about cancer advocacy, sharing my story with others to help raise awareness about cancer, early detection and prevention. Speaking from my own prostate cancer experience, I want to thank Speaker Frierson for being an advocate for all cancer patients and survivors and for being a voice on this extremely important issue.

JON BILSTEIN (CEO, Comprehensive Cancer Centers of Nevada):

I support A.B. 187. I would like to recognize Speaker Frierson for his bravery and use of his platform to highlight this important issue in our community. One of the biggest tools we have to fight serious health conditions is the power of education. That is why prostate and ovarian cancer awareness month is so important—because it rallies Nevadans together to spread awareness and show support for each other. Assembly Bill 187 is critical in the fight against cancer. It helps to facilitate conversations and information exchange with the common goal of empowering each other with knowledge that comes from education and experience. There are ways for Nevadans to get involved in the fight to raise awareness for Ovarian and Prostate Cancer Awareness Month, for instance, by getting involved with the American Cancer Society, Nevada Cancer Coalition, Us TOO Las Vegas Chapter, Prostate Cancer Foundation, Movember, National Ovarian Cancer Coalition, Foundation for Women's Cancer and even checking in with our website, CCNevada.com, for more information. We challenge all Nevadans to be cancer advocates, and the first step is raising awareness.

RUPESH PARIKH, MD (Medical Oncologist, Comprehensive Cancer Centers of Nevada):

I support A.B. 187. It is important for people in prominent positions to advocate for cancer awareness and spread the word about early detection. It is not a secret that detecting cancer early improves survival. It lowers the cost of medical care and makes my job easier, giving good news to patients that they are living longer. Prostate cancer is more common in older men and disproportionately affects the minority population. The same thing for ovarian cancer—these cancers are found later on because of not knowing what to look out for. We have to find these cancers early and make patients aware of their symptoms. This is what the month of September will be in Nevada. It is a month we can rally over, like what is done for breast cancer in October, to rally for prostate and ovarian cancer to help men and women with these cancers. Awareness will help with what symptoms are and when to reach out to doctors.

Prostate cancer has a good screening test, the PSA, which is a blood test, but there is not a good screening test for ovarian cancer. Watching for symptoms is critically important. If you are aware and know what to look for, ovarian cancer will be caught earlier. For example, one of my patients in her late 40s had bloating and was told it was postmenopausal in nature. She did not think anything of it and ended up in the emergency room with her belly full of fluid. By the time we figured out what was going on, she had stage IV ovarian cancer. She just had her three-year anniversary.

If she knew the symptoms and sought attention a year and half earlier, the stage IV might have been a stage I or II. If she knew what to look out for, was persistent and followed up with symptoms to her physician, the cancer would have been diagnosed earlier. This is a critical piece of legislation, declaring September Ovarian Prostate and Cancer Prevention and Awareness Month.

MIKE PATTERSON, PASTOR:

I acknowledge Speaker Frierson for bringing A.B. 187 forward. He and I have shared our stories for the last year. I was good about getting my PSA test every year. In January 2019, my PSA was 4.0, which is in the range of safe. In January 2020, I went back for the next physical, and my PSA climbed to 7.5. My doctor described it as a very aggressive form. They gave me 18 months to live, and I have beaten that. I was 71 years old when diagnosed. I was not sure what I wanted to put myself through. In my position as a pastor, I have seen many people suffer through chemotherapy and several other things. In June,

they talked me into doing radiation treatments, and I did that for 28 straight days. I do not recommend this as a recreational event. It was miserable.

In February 2020, my PsA had dropped to .83, and I was declared cancer-free. I am thankful and that is why I support A.B. 187. I was lucky. Having my PsA screened every year allowed it to be caught in time. If I had waited another year, I would not be here to testify. The PsA screening is not a big deal, and the insurance company is happy to pay for it because it did not want to pay for the expensive radiation treatment. Nevadans recognize this is a serious disease. It is the most common form of cancer in Nevada for men. It is also the second-highest cause of death in men. We need to be aware and catch it early. We need to tell people to go get their PsA test talk to their doctors and find out what can be done. Yes, I am believer in prayer, and there was a lot of that going on during my treatments.

SENATOR NEAL:

This is a comment; this bill does not need any questions. To Speaker Frierson, thank you for your fearlessness; to Ms. O'Hanlan, you have more work to do when God keeps you here. This is a great bill, and it is simple. It is hard to tell your personal story in public.

CHAIR DONDERO LOOP:

Sometimes, the right bill comes at the right time and place with the right people. Thank you, speakers, for sharing your personal stories with us.

SUSAN FISHER (American Cancer Society Cancer Action Network):

We support A.B. 187. I am pleased my birth month is going to be Ovarian and Prostate Prevention Awareness Month in Nevada. If by passing this bill to push information out in September entices one person to go tested or talk to their providers about their risk, then it is worth it.

ASSEMBLYMAN FRIERSON:

It is incredibly important. Cancer is scary, but what is scarier is letting it get further than it should go.

CHAIR DONDERO LOOP:

We will close the hearing on A.B. 187 and open the hearing on A.B. 236.

ASSEMBLY BILL 236: Revises provisions governing the qualifications for the Office of Attorney General. (BDR 18-921)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

Assembly Bill 236 increases certain qualifications for the Office of the Attorney General (AG) in Nevada. Our AG is the top legal office representing State agencies and public interests of Nevada. The Office prosecutes and defends cases in the Nevada Supreme Court and represents the State before the U.S. Supreme Court and other federal courts in matters concerning water and public lands. The AG's Office provides legal opinions to the Executive Branch, boards, commissions, district attorneys and city attorneys. The AG investigates and prosecutes offenses by State and local officers and employees; crimes against older, vulnerable persons; and Medicare, insurance and workers' compensation fraud.

It is time the job qualifications of our top law enforcement officers reflect the needs and expectations that Nevada deserves. Over the years, the duties of the AG have only become more wide-ranging and complex. However, the qualifications for the AG have not been updated since 1955. A review of the qualifications in other states shows Nevada ranks below many in regard to the standards placed on candidates for AG. Now is the time to raise the standard for the chief law enforcement officer in Nevada to ensure future candidates have a certain level of experience in life, a background in practicing law and a meaningful understanding of Nevada's history, cultural norms and attitudes.

The only qualification in Nevada to run for the Office of AG is the person must be 25 years of age, be a qualified elector and be a resident of Nevada for 2 years at the time of the election. There is no requirement that the AG have a law degree or any experience practicing law. According to information published by the National Association of Attorneys General, there are 9 states with a minimum age of 26 or older; 11 states have a minimum age of 25; 18 jurisdictions have no minimum age for holding the office of AG; and 12 states have a minimum age of less than 25. The oldest minimum age of 31 is in Oklahoma. Many states have a minimum age of less than 25 or no minimum age or bar membership requirements up to 10 years for some states which implies a practical minimum age of 30 to 35 years, depending on the length of state bar membership.

Most, but not all states, explicitly require their AGs to be a state resident. State residency requirements range from one year in Alaska, Arkansas, Texas, Hawaii, Missouri and Virginia to ten years in Maryland and Oklahoma. There are 18 states that do not require state residency, but 8 states require their AGs be electors; therefore, residency is implied. Many jurisdictions have specific statutory or constitutional requirements for bar memberships, while other states have no such requirements. Fourteen states provide a minimum period of time that one must be admitted to the bar before being eligible to serve as AG. This period ranges from four years in Wyoming to ten years in Connecticut and Maryland.

Assembly Bill 236 makes a couple of changes in *Nevada Revised Statutes* (NRS) 228.010. It increases the minimum age required for the AG from 25 to 30 years old at the time of the election. It increases the State residency requirement from two to three years, and the person must be a member of the State Bar of Nevada in good standing. After reviewing a range of qualifications in other states, these changes are fairly modest but will set a reasonable standard for future candidates for the Office of AG. It shocked me when I became licensed and worked as a deputy attorney general that, technically, the AG was not required to be an attorney with the increasingly complex issues the AG's Office has to handle. I thought it was more than reasonable to require the head of the office be a licensed attorney.

SENATOR NEAL:

How many AGs got in office who did not have their bar?

ASSEMBLYMAN FRIERSON:

To my knowledge, no AG in Nevada has been elected who was not a licensed attorney.

SENATOR NEAL:

On the three years piece, did you consider to have them live in the State a bit longer?

ASSEMBLYMAN FRIERSON:

I did not. It is important that they be a resident to understand the issues and history of Nevada. In a practical sense, the combination of a few years being a qualified elector, the age requirements and being licensed to practice law in the State of Nevada seemed to be appropriate. In conversations about the bill, many

folks said, "You could have an attorney with 20 years of excellent legal experience from another state move to Nevada and otherwise be a great candidate but not be qualified." Moving forward based on those comments, the intention was to draw enough candidates that we could have a qualified person but also have minimum standards more consistent with other states.

CHAIR DONDERO LOOP:

Regarding the age requirement, you said Oklahoma required 31 years of age. Where are most of the states?

ASSEMBLYMAN FRIERSON:

It is complicated, as several states do not have an expressed age requirement but have ten years of practice as a requirement. Nine states are at 26 years old and several at aged 25; 18 states have no expressed requirement. Many of those states have a requirement you be licensed for at least 10 years, which in a traditional sense you will be 36 years old with this requirement. That was assuming you are on the four-year college plan.

CHAIR DONDERO LOOP:

These are all good things for the AG at this level and expertise. I will close the hearing on A.B. 236 and open the hearing on A.B. 304.

ASSEMBLY BILL 304: Revises provisions governing peace officers.
(BDR 23-918)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

Assembly Bill 304 deals with the POST Commission requirements on peace officer training. It is a straightforward bill. It expands mental health and adds crisis intervention to the continuing education requirements for peace officers to complete yearly. According to data from the National Conference of State Legislatures, at least 27 states and the District of Columbia have laws requiring officers to be trained to respond to mental health, substance abuse and behavior health issues. In theory, the role of our criminal justice system seems simple enough on its surface. It enforces approved laws and penalizes those who break laws. However, in practice, the responsibilities we have placed on our criminal justice system and particularly peace officers have only expanded.

Individuals experiencing a mental health crisis are more likely to encounter law enforcement when receiving mental assistance. When someone is experiencing

a mental health crisis, family, friends and Good Samaritans typically call 911 first. This means many law enforcement officers, by no fault of their own, are responding to a call. Frankly, most officers lack the knowledge, support and resources to effectively handle such situations. Peace officers are trained in law enforcement and not in mental health. However, as first responders, it is critical that we give peace officers the tools they need to help vulnerable and at-risk populations. Crisis intervention training can vary, but in general, the overall goal of crisis intervention training is to improve police officers' understanding of mental illnesses. The use of available community resources can increase an officer's confidence in managing incidents involving a person with a mental illness and develop skills related to verbal de-escalation to defuse a mental health crisis and reduce use of force.

This training criteria promotes diversion to mental health services rather than arrests. Assembly Bill 304 is rather short. The POST Commission established that minimum standards for continuing education requirements for peace officers shall be completed annually, and training related to mental health is required. Section 1, subsection 1, paragraph (c), subparagraph (2), sub-subparagraph (II) expands this continuing education requirement on mental health to expressly include crisis intervention. Chapter 289 of the *Nevada Administrative Code* lists crisis intervention training in regulation. Assembly Bill 304 will ensure the intent of the Legislature is clear on crisis intervention and should be a priority for law enforcement officers as part of their continuing education.

SENATOR NEAL:

Crisis intervention is including "without limitation" the range of things we are thinking about. Could you please include some examples of the crisis intervention?

ASSEMBLYMAN FRIERSON:

I would like to defer to the POST Director and members of the Commission who were involved with helping on this question. This is important as a standalone to talk about crisis intervention because it is broad. I prefer this be in statute rather than a regulation. This will ensure it is a priority and could adapt with a description broad enough to include all kinds of crisis officers encounter. In existing law as a result of legislation passed last Session, we had added the explicit de-escalation and implicit bias.

For example, I saw a video with an individual having a mental breakdown. The police officer came and sat down on the floor to relate to the individual to completely de-escalate the situation. As we have seen so many times, frequently that type of interaction leads to arrest or someone being hurt. The definition of crisis will expand depending on the circumstances for mental health crisis, drug abuse crisis and emotional crisis since not every call requires someone to be handcuffed and arrested. This will give the police flexibility and training to assess the situation on a case-by-case basis.

SENATOR NEAL:

I appreciate the example. I recall a situation where an individual was on drugs and hanging on a post by City View Park. The officer climbed on top of a car to hold and keep the individual from falling on his head. Another situation was a person in crisis wielding a machete in a neighborhood; the sergeant did not know what to do and was not able to de-escalate the situation. He used his body to push the person to drop the machete so he could be disarmed and cuffed.

I hope this bill will bring forward the seasoned community policing officers out there in the field. It will allow agencies to look at their officers who have wisdom and training to be a part of the conservation. Typically in policing, there is hierarchy of who gets opportunities to train versus who has the wisdom and the skill set, as well as who has encountered certain situations. Real life scenarios are different than those in a textbook or manual.

ASSEMBLYMAN FRIERSON:

I remember the incident regarding the machete, and that was above and beyond crisis intervention. There are health providers Statewide who have approached me and want to be a part of this. We have some mental health professionals who want to collaborate with POST. It can only improve the opportunity for law enforcement to engage in the community that fit the actual incident.

CHAIR DONDERO LOOP:

When you talk about mental health and crisis intervention, it is a broad spectrum with a person hanging from a pole or someone with a gun to de-escalate. I am assuming the trainers are being trained at some type of national level. Is that what is happening?

ASSEMBLYMAN FRIERSON:

I would defer to the Executive Director. I am aware that they already conduct this training. I believe there is a national movement with crisis intervention training because it could be involved with mental health, drug use and emotional crisis. I have experienced the criminal justice system on both sides as a public defender and a deputy district attorney. Incidents where a recognition of an individual's condition, and an approach based on that condition, went a long way. For me at the time, it was individuals I was familiar with and knew. Without that familiarity, crisis intervention training would have gone a long way.

MS. BERTSCHY:

We support A.B. 304 and the intent to continue to improve policies to ensure all citizens feel safe when interacting with law enforcement. We expect a lot from law enforcement, and this requirement will ensure they are properly educated and trained when interacting with vulnerable community members.

MR. PIRO:

As someone who criticizes law enforcement, it is important to recognize the tough job police officers have and all the responsibilities put on them. Frankly, we do not invest enough in State mental health systems, and it is not just a problem in southern Nevada. In the north, I have talked to Legislators who represent the rural districts and have realized the problems with mental illness. That is a lot to put on police officers for responding to a call. Training and crisis intervention are necessary across the board to ensure interactions are not deadly for either the person in distress or the officer. The Clark County Public Defender's Office supports A.B. 304.

MR. AFSHAR:

Nevada Attorneys for Criminal Justice support A.B. 304. One line in the bill can have a significant impact. There are so many situations law enforcement encounters in crises, and the officer may not understand what a person is feeling in the moment. Officers may view a person being hostile toward them, yet the person is having a psychological breakdown. Having this training is a good step in the right direction.

MS. GRANT:

I support A.B. 304. All officers should have crisis intervention training. My brother had a mental health crisis at the Peppermill Casino, and he was hog-tied by the Reno police for 40 minutes. The police did not realize he was having a

mental crisis. He was held down during this time frame which ultimately led to his death. All officers need to know how to deal with vulnerable community members.

CHRIS RIES (Police Officer, Las Vegas Metropolitan Police Department):

I support A.B. 304. Crisis intervention has been an important part of the Las Vegas Metropolitan Police Department training for many years. The vast majority of officers have been certified instructional trainers (CIT) for numerous years. Each new officer receives CIT training during the academy experience. Crisis intervention techniques continue to be an important part of de-escalation strategies. This training needs to be codified in law.

MATTHEW WILKIE:

I support A.B. 304. You heard from Ms. Grant about her brother Thomas Purdy. I would like to mention Miciah Lee who was 18 years old and a Reno resident shot and killed during a crisis. His mother called police and told them he was having a crisis, but it still resulted in his death. If this bill was in effect, it could have protected Thomas and Miciah from death.

ASSEMBLYMAN FRIERSON:

Nevada police officers have voiced this as the direction Nevada needs to go.

CHAIR DONDERO LOOP:

I will close the hearing on A.B. 304 and open the meeting on A.B. 184.

ASSEMBLY BILL 184 (1st Reprint): Temporarily creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor.
(BDR 18-213)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

In 2019, under better economic times, A.B. 184 was first brought to this Body with the premise of connecting small businesses with the assistance they needed to navigate the various intricacies of starting and running a business. Whether that is promoting understanding State filing requirements, federal filing requirements, licenses, permits, certificates and renewal requirements, the goal of this Office is simply to be an advocate and resource for small businesses. According to the U.S. Small Business Administration, in 2020, Nevada was home to over 283,300 small businesses that employed over 53,100 that is

42 percent of our workforce. Small businesses are critical to the State's economy.

The economic impacts of Covid-19 are no surprise to any of us. According to the U.S. Small Business Administration, in April 2020, 51 percent of small businesses were negatively impacted by Covid-19. In November 2020, these numbers improved, but 29 percent of small businesses still reported they were negatively impacted by the pandemic. However, food, entertainment and education industries have been hit the hardest and are the slowest to recover. For example, 84 percent of small businesses in the food industry reported in April that they were negatively impacted by Covid-19. Small businesses need us more than ever with the influx of federal, state and local resources available during these tough times. I see no better time for this Office to exist and help Nevadans navigate through these tough times.

KATE MARSHALL (Lieutenant Governor):

Assembly Bill 184 is creating the Office of Small Business Advocacy within the Office of the Lieutenant Governor. The success of small businesses relies on our ability to prepare for risk and reliance to go forward. In order for Nevada to build the type of organizational infrastructure that provides an adequate safety net to operate within the dynamic environment for small businesses ownership, we must have a three-prong approach that includes business development support regulatory measures and advocacy. The Small Business Development Center (SBDC) serves to increase business starts and retain jobs to increase access to capital. Within the three-prong approach, the SBDC mission largely fulfills the business development needs within the State. The second prong of the approach encompasses regulatory measures and is an important component to ensure the holistic health of our business ecosystem.

It is essential to Nevada to have a department dedicated to organizing and applying the complexities of federal, State and local regulations. This is the job of the Department of Business and Industry which promotes growth of our businesses. The Department ensures businesses are operating legally in Nevada and protects consumers by maintaining a fair and regulatory environment.

The third prong for small business advocacy has the gap. In fact, if you go back to the Governor's report, Nevada's Plan for Recovery and Resilience, the consultants stated that in Nevada, the particular responsibilities for rules and regulations are spread across multiple state entities. There is limited

coordination and conflicting communication with no single office or leader charged with owning the issues of importance to this sector.

Collectively, small businesses make up 99 percent of all business and 42 percent of Nevada's workforce. This industry is a force to propel the State's economic engine. Additionally, small businesses contribute a vibrant and diverse landscape to the economy. They build cultural centers that deeply define Nevada's many unique communities. Individually, small business owners' ability to operate their businesses and navigate through the many hoops and hurdles associated with ownership can be burdensome. They need an advocate, a voice within State government to ensure the resources they need are seamlessly accessed and the challenges they face directly resolved. That is why the establishment of the Office of Small Business Advocacy is not only vital but necessary to ensure the long-term growth and resiliency of the small business industry as we move beyond this pandemic.

Sections 1 through 7 provide definitions. In section 6, a small business is defined as having 100 employees or less, which is in line with the federal definition. Section 8 creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor. Section 9 outlines the role and expectations of the Office of Small Business Advocacy, which includes the Office interacting with State and local government agencies to address administrative, regulatory or enforcement functions on behalf of small businesses.

Section 10 formalizes the processes and scope of the Office, including how it should receive and resolve small business complaints. While compiling and analyzing complaint data to make recommendations to State agencies and the Legislature on resolving problems and complaints of small businesses, the Office will monitor the development of federal, State and local laws, regulations and policies that impact small businesses.

Section 11 authorizes the Office to review requests with certain expectations for assistance made by small businesses regarding interaction with a State agency. Section 12 prescribes the protocol for the Office to follow when it receives a request from a small business. It mandates a file be open no later than 30 days after receipt of the request and the Office notify the requester when the file is closed.

Section 13 provides the Office may establish and maintain an education course for small businesses. This allows the establishment of an education course and does not make a requirement to do so. Section 14 authorizes the Office to accept and apply for gifts, grants, contributions or other money from governmental and private agencies to carry out the provisions of the bill. It does not make a legislative appropriations request; instead, it would be the responsibility of the Office of Small Business to apply for and receive grants, contributions or other monies from the government and private agencies and affiliations, associations and other persons to fund this work. Section 14 creates an account in the Office of Small Business Advocacy and names the Lieutenant Governor as administrator of the account. This is for receiving such monies applied for and any accrued interest maintained in this account.

Section 15 requires the Lieutenant Governor to report to the Legislature with a written report on Office effectivity and what was done to measure the activities in the Office. Section 16 provides records, files and communications made or received pursuant to sections 2 to 17 are confidential and not public records. Section 20 is a sunset provision which allows the Office to run as a pilot program. This gives us an opportunity to prove to the Legislature this concept of needing a State small business advocate to provide data and reports so the Legislature can determine at the next Session if you want to continue this Office in the future.

It is my belief we will be able to get grants and nonGeneral Fund appropriations for the Office. We can come before the Legislature in two years and prove what is necessary. There is a letter of support ([Exhibit B](#)).

SENATOR NEAL:

Section 9, subsection 2, paragraph (a) talks about working with the local government in resolving issues in regulatory and enforcement functions. How does this work mechanically?

LIEUTENANT GOVERNOR MARSHALL:

Imagine you are a local agency that has submitted a letter to a small business stating it is in violation of X regulation or X requirement, and this requirement will be enforced by withdrawing the business's license to operate. The business could be closed down for a few days for any number of things. A local business agency working for the city or county is allowed to take these actions. The

small business may have no understanding of the issue and has applied for certain things or through miscommunication is talking with the wrong office.

The business can call our Office, and we become the navigator. We will call the agency to make sure the business is put in touch with the right person and ensure the business understands what needs to be done. We will be a facilitator between the two, making it easier for the agency to get the work done. This is easier for small businesses with no human resources office or legal department.

SENATOR NEAL:

I am stuck on the enforcement function. What would be the role of the business license divisions within the counties? Who has the enforcement function? There is a crossover to the Secretary of State's (SOS) Office in section 9, subsection 1. How are you going to collaborate with the SOS?

LIEUTENANT GOVERNOR MARSHALL:

You have gotten to the important issue and why we need an Office of Small Business Advocate. Many agencies and entities have State and local requirements, regulations, licensures and enforcement activities for businesses. There is no one hub where someone can help a business connect to the right place and the right person for whatever its needs. Nor do the agencies have the ability to coordinate with all the other agencies. They are busy and resource-constrained to do what they are required to do. You are correct, Senator Neal. The SOS Office does things and other offices are doing things. A small business has to interact with many entities in the State. Answers for who to go to and who to interact with is what the Office would handle. We would be a navigator for the small business and work with all agencies.

For example, for the SOS Office, we would connect with the SOS Office liaison as a resource for information. We are at the bat for the business and the agency that needs to be contacted. Another example, we had an entity call us that was applying for a mortgage license—it had been 60 days. The entity could not reach anyone at the mortgage license agency and did not know who was handling the mortgage licensing since 60 days was a long time. The entity ended up calling us, and I contacted the mortgage license office. It turned out the person working on the license had left. The application had been put on pile of another employee who was new and had put it on the bottom of the pile. We explained to the Department of Business and Industry (B&I) that the small business application had been waiting for 60 days at no fault to anyone. We got

the application through within three days, and the business was able to thrive; before, they could not do anything. These are the kind of things that small businesses face every day, and they do not know where to go. We would like to be that voice for them and connect them to the right place or person.

SENATOR NEAL:

I am looking at section 9, subsection 4, paragraph (d), subparagraph 2 regarding conferences and meetings. Are you going to collaborate with B&I? Are you talking about the Small Business Advocacy Office to partner with B&I for the conferences?

LIEUTENANT GOVERNOR MARSHALL:

Yes. We have been in a lot of conversations with B&I Director Terry Reynolds and also about why he is supporting us. Basically, it is bringing together all of these entities so businesses can come in one place to learn, and the entities can learn from each other about problems that need to be addressed. This is part of what would allow us to help small businesses to be established and continue to grow. This is the problem identified in the Governor's Road map to Recovery. This is why we will work with all these entities. This is the goal: to provide businesses information and connect them to where they can solve their problems. We become overall more coordinated and more able to respond to business needs.

CHAIR DONDERO LOOP:

If I want to open a small business and need help, I need some basics on where to go. Can you address this issue?

LIEUTENANT GOVERNOR MARSHALL:

We will have liaisons in the chambers of commerce for interactions with businesses. If a business calls the Office and says, "I have an idea, and how do I begin this process?" the Office could set them up with a counselor at the Small Business Development Center and say, "once you are done with this process, come back, and we can help you move forward from there."

CHAIR DONDERO LOOP:

I refer to section 10, the information about complaints. If I was filing a complaint on a small business, would I go to you or would it go to the small business department?

LIEUTENANT GOVERNOR MARSHALL:

If you are a small business and have a complaint, you could come to us. We could connect you to the right place to file your complaint or help you resolve your complaint. When the mortgage company officials called, they were complaining. If you are a consumer and you have a complaint about a business, we are not the consumer advocate's office. We are the Small Business Advocacy Office dealing with agencies and State and local entities.

SENATOR NEAL:

In section 14, subsection 2 says "other money from governmental and private agencies." Are we talking about intergovernmental transfers of money?

LIEUTENANT GOVERNOR MARSHALL:

No. That is not what it is referring to. For example, the Small Business Administration has issued a notice of a funding opportunity, and we will be applying for a grant. The funding opportunity is for a small business navigator within communities. We believe we may apply for this grant in addition to the Governor's Every Nevadan Recovery Framework which stated part of the ability to recover from the pandemic is to connect small businesses, especially for women of minority and small businesses with aid. Most of the aid provided to small businesses was difficult for women and minorities to access. We will be applying for funds under this program. One of the rules we will take on ensures a small business contacts us about anything. We determine whether aid is available to the business and connect the business to the right place. This is referring to the pandemic aid money.

SENATOR NEAL:

How many people are you going need in your Office?

LIEUTENANT GOVERNOR MARSHALL:

We are the little Office that could. Other states have started with one person or two people, and they have grown as they have become more effective at what they are doing. In the first year for Oregon, its office handled 1,400 complaints. We will have one person in Las Vegas who is bilingual and one person in the north to handle the rest of the State. We expect to use constituent management software to track the data of inquiries coming in and how long it takes us to respond. I assume it will be a hardworking office.

MARY BETH SEWALD (CEO, Vegas Chamber):

The Chamber is in support of the creation of the Lieutenant Governor's Office of Small Business Advocacy. Nevada small businesses are the backbone of our economy. Their success as job providers is essential to our economic recovery. As the State's largest and broadest business organization, 85 percent of our members are small business owners. We have small businesses in every sector of the State's economy, and according to the Small Business Administration, small businesses employ more than 42 percent of Nevada's private sector employees.

Many of the provisions in the bill align with the requests that the Vegas Chamber receives from its members. There is assistance with local governments and State agencies, including accessing resources, solicitation of feedback on regulations and timely responses from State agencies and local governments. A centralized approach as proposed by the bill will help small businesses as they navigate the challenges that come with owning and operating a small business. The reality is small businesses have limited resources and limited time. Many of them are just struggling to keep their doors open and meet their payrolls to keep Nevadans working.

This type of assistance will give them a better chance of navigating the complexities of State and local governments to provide answers and get the help they need. The passage of this bill is an important step to help small business owners and entrepreneurs succeed. During these challenging times, the more resources and assistance we can provide to Nevada small businesses owners, the faster we can work together to help rebuild our economy as we emerge from the economic and health turmoil created by Covid-19. We support A.B. 184.

CONNER CAIN (Henderson Chamber of Commerce; Las Vegas Global Economic Alliance):

We support A.B. 184.

NICK VANDER POEL (Reno Sparks Chamber of Commerce):

We support A.B. 184 and ditto to the previous speakers.

PETER GUZMAN (President, Latin Chamber of Commerce):

We support A.B. 184. We have experienced growth during the pandemic. Our retention is through the roof. The entrepreneurship in this State is incredible,

and we must do everything we can to continue that. I want to ensure all of you the Chamber will be there standing with the Lieutenant Governor. We will be the liaisons and be there to make it work. What makes our State and the Country work is small business.

TOM CLARK (Nevada Outdoor Business Coalition):

We support A.B. 184. Prior to the pandemic, the Nevada recreational industry accounted for \$12.6 billion in the annual consumer spending and \$1.5 billion in economic activity, nearly 60,000 jobs and millions in tax revenue. The creation of this Office will help small businesses that had to close their doors and want to reopen. We can help those people with the next big idea follow their dreams and support those who have avoided the storm. Together, we can make the outdoor recreation district thrive once again in our great State.

KEN EVANS (President, Urban Chamber of Commerce):

We support A.B. 184. The small business is a major driver in our economy. The majority of our members are small businesses and will benefit from having an individual in the Office of Small Business Advocacy. At the Chamber, we do three things, we educate, we advocate and we position our members for procurement opportunities. Advocacy is one of the three prongs we pay a lot of attention to. We stand ready to help, and our small businesses depend on it.

BRIAN REEDER (Nevada Contractors Association):

Nevada Contractors Association represents general contractors, subcontractors and affiliated businesses throughout southern Nevada. Nevada Contractors Association is inclusive of all businesses and works to provide resources for small businesses and those working to be successful in the contractors industry. We support A.B. 184.

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CHAIR DONDERO LOOP:

Seeing no further business, I adjourn this meeting at 5:39 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Marilyn Dondero Loop, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 184	B	1	Small Business Owners	Letter of Support