

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

**Eighty-first Session
May 14, 2021**

The Senate Committee on Government Affairs was called to order by Chair Marilyn Dondero Loop at 4:49 p.m. on Friday, May 14, 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
Assemblywoman Sandra Jauregui, Assembly District No. 41

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Terry Taylor, Fire Investigator, North Lake Tahoe Fire Protection District
Matt Walker, Southern Nevada Home Builders Association
Michael Pagni, Heinz Ranch Land Company
Joanna Jacob, Clark County
Skip Daly, Laborers Union Local 169
Annemarie Grant
Cyrus Hojjaty

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CHAIR DONDERO LOOP:

We will open the hearing in work session on Assembly Bill (A.B.) 325.

ASSEMBLY BILL 325 (1st Reprint): Revises provisions relating to the recording of documents. (BDR 20-642)

ALYSA KELLER (Policy Analyst):

Assembly Bill 325 was heard on May 10 as referenced from the work session document ([Exhibit B](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 325.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 84.

ASSEMBLY BILL 84: Revises provisions relating to wildfires. (BDR 42-110)

MS. KELLER:

Assembly Bill 84 was heard on April 28 as referenced from the work session document ([Exhibit C](#)).

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 84.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. KELLER:

Assembly Bill 86 was heard on April 28 as referenced from the work session document ([Exhibit D](#)).

ASSEMBLY BILL 86 (1st Reprint): Makes various changes relating to the recovery of certain expenses and costs incurred in extinguishing certain fires and emergencies. (BDR 42-111)

SENATOR GOICOECHEA:

If a county or local jurisdiction is in compliance and does not require or issue a written burn permit, is burning still available?

HEIDI CHLARSON (Counsel):

The intent of the amendment is to require a specific written permit issued by a federal, State or local agency. However, it is certainly a policy decision the Committee can make to tweak the amendment and take out the requirement for a written permit. It will be the authority from the federal, State or local agency to have a burn regardless of whether it is with a written permit or not. It is a policy decision from the Committee.

SENATOR GOICOECHEA:

In rural Nevada, they will call the fire department or the sheriff's office to inform them they are going to burn if given the go-ahead without a written permit by notifying the fire department and sheriff's office. This helps with smoke reports, and first responders know there is a burn happening. I am concerned if it has to be written or if there needs to be permission.

Ms. CHLARSON:

The language proposed from Terry Taylor is for a written permit. It is within the authority of this Committee to make the policy decision to tweak it. As long as there is permission from the agency regardless of a written permit and as long as it is part of the motion, it could be drafted in the amendment.

SENATOR GOICOECHEA:

If they had permission issued by a fire department or sheriff's office instead of a written burn permit, is that fine?

TERRY TAYLOR (Fire Investigator, North Lake Tahoe Fire Protection District):

The idea is to follow existing statutory language in *Nevada Revised Statutes* (NRS) 472. The State Forester has to issue a written permit, but basically, it is permission to burn. However, it is up to the local county authority on how to handle it. Everyone in the rural counties who works out there is familiar with the

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procedures of their county. Our problem is more of an interface problem around cities and towns.

SENATOR GOICOECHEA:

It says, "Written burn permit issued," if it was just work permission issued by a federal, State or local entity. In the rural area, they just call the fire department or the sheriff to conduct a controlled burn. The rural areas consider this permission.

MR. TAYLOR:

I talked with Ms. Chlarson about this, and this is appropriate. If you want to amend the amendment, it is a great idea.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 86.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 87.

ASSEMBLY BILL 87 (1st Reprint): Makes various changes to provisions governing the vacation or abandonment of certain easements. (BDR 22-460)

Ms. KELLER:

Assembly Bill 87 was heard on May 3 as referenced from the work session document ([Exhibit E](#)).

SENATOR NEAL:

I have concerns with A.B. 87 for the lack of notice. I will vote to get it out of Committee and vote no on the Floor.

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SENATOR OHRENSCHALL:

I have gone back and forth. I feel the intent is notable, but there will be unintended consequences. Today, I am voting no. I reserve my right to change my vote on the Floor.

SENATOR GOICOECHEA:

I will be a swing vote on this. It deserves the opportunity to move forward. I do not like the bill, but I will vote it out of Committee. I reserve my right to change my vote on the Floor.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 87.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HANSEN AND OHRENSCHALL VOTED NO.)

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 100.

ASSEMBLY BILL 100: Revises provisions relating to wildfires. (BDR 42-109)

MS. KELLER:

Assembly Bill 100 was heard on April 28 as referenced from the work session document ([Exhibit F](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 100.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 103.

ASSEMBLY BILL 103: Revises provisions governing the preservation of certain prehistoric sites. (BDR 33-763)

MS. KELLER:

Assembly Bill 103 was heard on April 28 as referenced from the work session document ([Exhibit G](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 103.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 111.

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

MS. KELLER:

Assembly Bill 111 was heard on May 5 as referenced from the work session document ([Exhibit H](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 111.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 139.

ASSEMBLY BILL 139 (2nd Reprint): Revises provisions relating to local governments. (BDR 31-524)

MS. KELLER:

Assembly Bill 139 was heard on May 3 as referenced from the work session document ([Exhibit I](#)).

SENATOR HANSEN:

I am uncomfortable with this bill. The developers should use impact fees to pay these costs. Using the enterprise fund is getting them off the hook. The enterprise fund was never intended for this purpose. Diverting funds for this purpose seems to defeat the intent. In fact, if there is a shortage of finances for fire stations, the impact fee should be raised to cover those costs.

SENATOR GOICOECHEA:

Is this to pay for one fire station or multiple fire stations?

MATT WALKER (Southern Nevada Home Builders Association):

The intent is to construct two fire stations. The reserves have a statutory limit. These funds would have to be expended on other expenditures for the building enterprise fund or otherwise return or reduce fees. There is an immediate need to double the impact fees associated with these fire stations in the southwest. It is about accelerating the construction of these projects within four years and getting the response times down to the county average. It will be a lot sooner for the residents in the southwest.

SENATOR GOICOECHEA:

Section 1, subsection 2 says "the capital costs of constructing one fire station." Do you build one and evaluate the enterprise fund to build a second one?

MS. CHLARSON:

Look at the second reprint of A.B. 139. The first reprint did limit the number of fire stations to one. However, the second reprint authorizes the construction of "one or more fire stations."

SENATOR NEAL:

I will not be supporting A.B. 139. Enterprise funds are not set aside for the purpose of building fire stations. Capital improvement dollars are for that. I asked about the budget and if they had money to pay for the costs. There is another pathway, and enterprise funds should not be redirected for a different purpose.

SENATOR OHRENSCHALL:

I share a lot of Senator Neal's concerns about the use of enterprise funds. I understand there is a pressing need in the southwest part of town. I will vote to support it and reserve my right to change my vote on the Floor. If this does pass, I hope we will not revisit this in future sessions.

CHAIR DONDERO LOOP:

I agree. There are some discussions about enterprise funds. We do need fire safety for our communities, and I will support the bill.

SENATOR GOICOECHEA:

I will vote it out of Committee and reserve my right to change my vote on the Floor.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 139.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HANSEN AND NEAL VOTED NO.)

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 153.

ASSEMBLY BILL 153 (1st Reprint): Revises provisions governing performance contracts. (BDR 27-708)

MS. KELLER:

Assembly Bill 153 was heard on April 30 as referenced from the work session document ([Exhibit J](#)).

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 153.

SENATOR GOICOECHEA SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is 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)

MS. KELLER:

Assembly Bill 184 was heard on May 5 as referenced from the work session document ([Exhibit K](#)).

SENATOR HANSEN:

This is a good bill. In the future, creating an inspector general position to take this role would be a good idea.

SENATOR HANSEN MOVED TO DO PASS A.B. 184.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 186.

ASSEMBLY BILL 186 (1st Reprint): Establishes provisions relating to the issuance of citations and arrests by peace officers. (BDR 23-634)

MS. KELLER:

Assembly Bill 186 was heard on May 12 as referenced from the work session document ([Exhibit L](#)).

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SENATOR HANSEN:

You heard that law enforcement uses things like ticket quotas to determine whether there is a rogue cop. One concern is weeding out bad cops, and this is one practice they use to remove guys that need to go. I will be voting no.

SENATOR GOICOECHEA:

Section 1, subsection 2 is deleted in the amendment, and it makes a better bill.

CHAIR DONDERO LOOP:

A sidenote, if they do not use this, then the bill would not matter.

SENATOR HANSEN:

Did this amendment come after the testimony was heard?

MS. KELLER:

The amendment was proposed at the bill hearing.

SENATOR HANSEN:

I do not recall if certain police departments were for this bill. I am going to vote no and reserve my right to change my vote on the Floor.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 186.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONDERO LOOP:

The next bill in work session is 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)

MS. KELLER:

Assembly Bill 187 was heard on May 5 as referenced from the work session document ([Exhibit M](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 187.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 211.

ASSEMBLY BILL 211 (1st Reprint): Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)

MS. KELLER:

Assembly Bill 211 was heard on May 7 as referenced from the work session document ([Exhibit N](#)).

SENATOR GOICOECHEA:

The original bill had a \$5,000 cap on the fees. I requested the \$250 cap on a map. I can support the bill with the cap.

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 8):

I wanted to clarify this was not sent to you with an update. What we discussed with Senator Goicoechea was \$250 plus a fee of \$5 per acre. The work session document says \$10; this needs to be changed to \$5, not \$10.

MS. CHLARSON:

I want to clarify for the Committee to adopt the amendment to ensure we understand the concept for drafting purposes. The fee would be a flat \$250 for a map; in addition to the map, there is a fee of \$5 or \$10 per acre. The calculation is based on the number of acres included in the map. Is this a correct understanding of the intent?

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ASSEMBLYWOMAN JAUREGUI:

The way it should read is \$5 per acre and not \$10. The fees should not exceed \$250 per map and \$5 per acre. We are changing the \$10 to \$5.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 211.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 236.

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

MS. KELLER:

Assembly Bill 236 was heard on May 5 as referenced from the work session document ([Exhibit O](#)).

SENATOR HANSEN:

I take issue with this bill as there has never been an Attorney General who was not an attorney. This bill is solving a problem that does not exist. A Constitutional Office for people who are members of the State Bar in good standing gives them eminent power over people who could run for office. I do not see anyone running who would not be an attorney. We should not restrict the right of Nevada citizens to select whoever they wish is the best possible candidate to fill this Constitutional Office. I will be voting no.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 236.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 245.

ASSEMBLY BILL 245 (1st Reprint): Increases certain fees relating to notaries public and document preparation services. (BDR 19-983)

MS. KELLER:

Assembly Bill 245 was heard on May 3 as referenced from the work session document ([Exhibit P](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 245.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 249.

ASSEMBLY BILL 249 (1st Reprint): Revises provisions relating to common-interest communities. (BDR 10-796)

MS. KELLER:

Assembly Bill 249 was heard on May 7 as referenced from the work session document ([Exhibit Q](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 249.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 253.

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ASSEMBLY BILL 253 (1st Reprint): Revises provisions relating to governmental administration. (BDR 19-947)

MS. KELLER:

Assembly Bill 253 was heard on May 7 as referenced from the work session document ([Exhibit R](#)).

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 253.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 304.

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

MS. KELLER:

Assembly Bill 304 was heard on May 5 as referenced from the work session document ([Exhibit S](#)).

SENATOR GOICOECHEA:

Is this 12 hours annually that a police officer would be required to meet?

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 41):

The number of hours are existing in law, and this does not propose to change or increase that. This is to incorporate the required hours for training, and Police Officers' Standards for Training (POST) already does this. These ideal practices are already in statute.

SENATOR GOICOECHEA:

You are only adding the crisis intervention?

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ASSEMBLYMAN FRIERSON:

Correct. The law enforcement agencies approved this.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 304.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 307.

ASSEMBLY BILL 307 (1st Reprint): Revises provisions governing employment practices. (BDR 18-764)

MS. KELLER:

Assembly Bill 307 was heard on May 3 as referenced from the work session document ([Exhibit T](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 307.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 316.

ASSEMBLY BILL 316 (1st Reprint): Revises provisions relating to veterans' benefits. (BDR 37-949)

MS. KELLER:

Assembly Bill 316 was heard on May 10 as referenced from the work session document ([Exhibit U](#)).

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SENATOR GOICOECHEA MOVED TO DO PASS A.B. 316.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. KELLER:

Assembly Bill 333 was heard on May 12 as referenced from the work session document ([Exhibit V](#)).

ASSEMBLY BILL 333 (1st Reprint): Makes changes to provisions relating to land use planning. (BDR 22-357)

SENATOR GOICOECHEA:

The action would happen in a district court with an appeal.

MICHAEL PAGNI (Heinz Ranch Land Company):

Senator Goicoechea is correct. All petitions for judicial review would go to the district court. Nothing in the bill changes this procedure. It references NRS 28 to form the brief and the document form which would comply with the formatting procedures established at the Supreme Court.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 333.

SENATOR GOICOECHEA SECONDED THE MOTION.

SENATOR HANSEN:

I am waiting for a response from Washoe County. I will vote it out of Committee but reserve my right to change my vote on the Floor.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DONDERO LOOP:

The next bill in work session is A.B. 335.

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ASSEMBLY BILL 335 (1st Reprint): Revises provisions governing the redevelopment of communities. (BDR 22-852)

MS. KELLER:

Assembly Bill 335 was heard on May 12 as referenced from the work session document ([Exhibit W](#)).

SENATOR HANSEN:

Is the amendment limited to Clark County?

JOANNA JACOB (Clark County):

The original bill is only applying to the City of Las Vegas. The amendment was intended to bring Clark County in parity to the provisions applicable to cities. The first part of the amendment only applies to Clark County and allows us to go up to 45 years on the redevelopment period. In the second amendment, the term "community" brings in counties along with cities in the redevelopment law. This is the intent, and I worked with Senator Neal after the hearing on this. This application will be limited to southern Nevada.

SENATOR HANSEN:

Does this impact Washoe County in any way?

MS. CHLARSON:

The majority of the bill as amended would apply to Clark County and the City of Las Vegas. However, the revision to NRS 279.444 being proposed by Clark County would apply to any county in the State. Changing the term "city" to "community" would not apply to Clark County. Clark County's amendment and Senator Neal's amendment would be limited to Clark County.

SENATOR HANSEN:

I will vote yes on the bill with reservations as long as the amendments are included from Senator Neal in the package.

SENATOR NEAL:

My amendment ([Exhibit X](#)) to A.B. 335 amends section 2, subsection 2 and section 8.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 335.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. KELLER:

Assembly Bill 336 was heard on May 10 as referenced from the work session document ([Exhibit Y](#)).

ASSEMBLY BILL 336 (1st Reprint): Requires an annual behavioral wellness visit for peace officers. (BDR 23-226)

SENATOR HANSEN:

I will vote for it. The biggest problem we have with mental health for police is the escalation everyday, assaulting them for doing their job or if they are racially biased. I do not know of any young people wanting to get into law enforcement anymore. Police officers are treated like criminals, and you want to deal with their mental health. We should give them something positive out of the Legislature to boost their mental health.

SENATOR GOICOECHEA:

Is this an additional training included in the 12 hours required?

Ms. CHLARSON:

The language for the annual behavior wellness visit is a separate requirement. There would be the existing requirement for 12 hours of continuing education in certain courses plus the annual behavior wellness visit. These are two separate requirements.

SENATOR GOICOECHEA:

There were no amendments to this bill?

CHAIR DONDERO LOOP:

No.

SENATOR NEAL:

This would be in addition to training on mental health or education on how to deal with their mental health. Is this mandating a mental health visit with a psychiatrist?

CHAIR DONDERO LOOP:

It is an opportunity to have a wellness visit that would be confidential.

MS. CHLARSON:

This allows the POST Commission to set the standards. No requirements in the bill mandate a specific type of mental health professional. This would be determined by POST in regulations. It is a separate requirement from the 12 hours of continuing education. The requirements for the annual behavior wellness visit are to be determined by POST in regulation.

SENATOR NEAL:

I am not sure about this bill. My largest concern is with the idea of how officers are viewed with situations they encounter and the bias there. Since it is done by POST, there is more of an understanding about what officers go through. I will vote the bill out of Committee and reserve my right to change my vote.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 336.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. KELLER:

Assembly Bill 378 was heard on May 3 as referenced from the work session document ([Exhibit Z](#)).

ASSEMBLY BILL 378 (1st Reprint): Revises various provisions relating to public lands. (BDR 26-718)

SENATOR HANSEN:

This bill is a big mistake. The Sagebrush Rebellion has done more for Nevada to fight back against the federal government. This is one reason we have been able

to keep our public roads open in Nevada and keep the federal government off of agricultural communities. We are passing a bill to create a swamp cedar special area, but we have to send an Assembly joint resolution to the U.S. Congress to get permission with something already in our borders. We had been more successful in the Sagebrush Rebellion concept. We would not have to grovel to the federal government when the Native Americans should get it. The public domain in Nevada is controlled by 3 million other people. The Sagebrush Rebellion made an equal playing field with other states. I am a no on this bill.

SENATOR GOICOECHEA:

The repeal statutes give me heartburn. It repeals all the way from land disposal to State water rights. I am a definite no.

SENATOR OHRENSCHALL:

I will vote to support the bill out of Committee. I will reserve my right to change my vote on the Floor.

CHAIR DONDERO LOOP:

The Division of State Lands and Eureka County came in neutral on this bill. We have a few people in support and a few people in opposition.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 378.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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MS. KELLER:

Assembly Bill 397 was heard on May 10 as referenced from the work session document ([Exhibit AA](#)).

ASSEMBLY BILL 397 (1st Reprint): Revises provisions relating to county clerks.
(BDR 20-1026)

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 397.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. KELLER:

Assembly Bill 409 was heard on May 10 as referenced from the work session document ([Exhibit AB](#)).

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

SENATOR HANSEN:

We have a hard time recruiting police officers. Before they get a shot at the job, I am amazed at the level of intrusion we are going to ask someone about his or her implicit bias on every possible issue under the sun. Everyone in society has one's own particular things. To single out candidates before they get the opportunity to become police officers makes me extremely uncomfortable, and I am a no on this bill.

SENATOR GOICOECHEA:

I am concerned about the overreach and how far they are going to carry these evaluations. This is not something you would be asked in the private sector. It is clearly a violation of their civil rights.

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 41):

I would like to remind the Committee this bill came at the request of police officers. Police officers do not want people to be hired among their ranks with problems. They would rather deal with it at the screening process. In the private sector, you are not given a gun, a badge or the responsibility of protecting the community. I respect the opinions of those officers who do not want problem hires. In the private sector when you are screening applications, you are interviewing candidates based on issues they may have that can impact their ability to do the job. This is providing screening so people are given a tremendous opportunity to protect the community. This wisdom and advice is worth consideration. This came from people in the law enforcement community

who would rather not have problem applicants make it through by catching those problems early.

SENATOR HANSEN:

In the private sector, I am forbidden by law from asking someone about their views on race, color or religion. I agree that most people who are plumbers do not carry guns or badges. The whole idea of asking intrusive questions on private matters is going overboard. For example, would a guy like me who thinks men should not marry men be weeded out since I have implicit bias against gay marriage? Where do you draw the line? What is acceptable? What would deny you the chance to be a police officer?

ASSEMBLYMAN FRIERSON:

I appreciate the concern. As a lawyer, I respectfully disagree with you about asking certain questions under law you are absolutely allowed to ask. For example, you do not have to ask my sexual preference; that is against the law. You are allowed to ask those questions or to follow up on anything that affects your business. I elected to leave it nonspecific on purpose so POST can dictate the kind of questions they ask during the process. We are leaving it up to the law enforcement community to come up with regulations and screen people for these type of questions. I do not think it is contemplated or practical to just ask applicants if they are racist. That is the point, although you are not prohibited by law from asking that question.

Those in government who have a higher level of accountability, particularly in law enforcement, should justify and be subject to screening. This will prevent them from infiltrating a law enforcement agency and creating the problem. Even law enforcement officers do not want those bad apples. You cannot screen for it unless you have the ability to explore it. We need to know if someone will be hesitant to go to a community of color to provide police protection, or will show up at a domestic violence situation and automatically make assumptions about who is wrong because of gender issues. This is the intention of the bill at the request of law enforcement officers, and it would be monitored by the law enforcement community. I trust their ability to take that into consideration when they are hiring their folks.

SENATOR HANSEN:

I thank you for explaining it to me. I disagree with you and am still uncomfortable with the concept.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 409.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

* * * * *

CHAIR DONDERO LOOP:

The last bill in work session is A.B. 410.

ASSEMBLY BILL 410 (1st Reprint): Revises provisions relating to public works.
(BDR 28-200)

MS. KELLER:

Assembly Bill 410 was heard on May 10 as referenced from the work session document ([Exhibit AC](#)).

SENATOR HANSEN:

This is an interesting bill. I will support the bill, but I do have reservations. The terminologies are a bit confusing, but after discussing it with the sponsors, the amendments make it better.

SENATOR GOICOECHEA:

I will support this bill and had long discussions with the sponsors. There are some protections in this to ensure you are not a construction manager at risk (CMAR) and then come back and oversee another CMAR. I am satisfied with the bill after getting it figured out.

SENATOR NEAL:

Could I get an explanation on section 2 for selecting a construction manager as agent by the public body without limitation with a 5 percent preference? How was the "without limitation" piece discussed?

SENATOR GOICOECHEA:

I like that as it does require a relative wait instead of just out to request a proposal. It is supposed to be selected on background and credentials instead of hiring a good old boy to oversee it.

SKIP DALY (Laborers Union Local 169):

The language on the 5 percent bidder preference was verbatim out of areas of law where the bidder preference is allowed. The part "without limitation" refers only to the 5 percent bidder preference which you have to earn with the State Contractors' Board. If you have performed at least 60 months with the State and paid taxes, you will get the bidder preference. There is a form you turn in with your proposal to prove that you have that preference. This is the context in which the "without limitation" is used.

SENATOR NEAL:

For the "fair and reasonable" piece, who decides it is not reasonable? Is it the two parties or the government agency? Is it regarding the fee on what is reasonable and fair?

MR. DALY:

The language for negotiation with the agency is the awarding body. The awarding body will determine what the fee is at the proposal process for what is "fair and reasonable" within its budget. The bargaining power is the public agency, not the vendor. If they cannot come to an agreement, the agency can move to the next vendor. The language is under the CMAR and in other sections of NRS 625 for engineering contractors. The awarding body cannot be held hostage by the vendor as the awarding body will determine what is reasonable and fair. The public body that is spending the money makes the decision.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 410.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR DONDERO LOOP:

I will open public comment.

ANNAMARIE GRANT:

My brother Thomas Purdy was 38 years old when he had a mental health crisis at the Peppermill Casino. He was hog-tied for over 40 minutes by the Reno

Police, then transferred to the Washoe County Jail—still hog-tied—where he suffocated to death. Low-income people have a greater risk of being targeted, profiled, fined, arrested, harassed, violated and incarcerated for minor offenses than other Americans. These types of offenses—a broken taillight, an unpaid parking ticket, a minor sitting on the sidewalk or sleeping on a park bench—can result in jail time.

Take the homeless people who live along the bank by the Truckee River throughout Reno and Sparks area. Several homeless people have died because police tend to single people out around this area. Jordan Mackenzie was trying to avoid police after stealing from a local Walmart and threw himself into the Truckee River. I believe Reno Police assumed my brother was a homeless community member rather than a guest at the Peppermill. Reno Police and the Washoe Sheriff had a duty to care for my brother. Some of these victims remind me of my brother as he had so much in front of him. I would like to suggest checking out the Minko Project, Inc., set up in honor of Jordan.

Please support bills that focus on transparency for law enforcement.

CYRUS HOJJATY:

I have enjoyed most of the bills passed as these are important issues. A couple of ideas and possible bills should be addressed next Session. One of them is how casinos ban or remove people from their properties. I have heard a lot of complaints about increasing and abusive casino security. They tag and target people for useless things and force people to give them identification; if they refuse, the police are called. Security goes after them for noncriminal-related actions, and this needs to be addressed. A lot of people are not just concerned about police, but hotel security has gotten out of hand.

Another issue is car insurance rates have gone up a lot in the last few years. A lot of people are arguing it is hurting poor people and even minorities. California has made some measures to ensure car insurance companies cannot ask about education or ethnic racial background as this affects the car insurance rate and jacks up prices. Low-income people cannot afford it. I was hoping this issue could be looked into. In general, people are car-dependent, and we drive too much for urban planning.

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CHAIR DONDERO LOOP:

Seeing no further business, I adjourn this meeting at 6:41 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. 325	B	1	Alysa Keller	Work Session Document
A.B. 84	C	1	Alysa Keller	Work Session Document
A.B. 86	D	1	Alysa Keller	Work Session Document
A.B. 87	E	1	Alysa Keller	Work Session Document
A.B. 100	F	1	Alysa Keller	Work Session Document
A.B. 103	G	1	Alysa Keller	Work Session Document
A.B. 111	H	1	Alysa Keller	Work Session Document
A.B. 139	I	1	Alysa Keller	Work Session Document
A.B. 153	J	1	Alysa Keller	Work Session Document
A.B. 184	K	1	Alysa Keller	Work Session Document
A.B. 186	L	1	Alysa Keller	Work Session Document
A.B. 187	M	1	Alysa Keller	Work Session Document
A.B. 211	N	1	Alysa Keller	Work Session Document
A.B. 236	O	1	Alysa Keller	Work Session Document
A.B. 245	P	1	Alysa Keller	Work Session Document
A.B. 249	Q	1	Alysa Keller	Work Session Document
A.B. 253	R	1	Alysa Keller	Work Session Document
A.B. 304	S	1	Alysa Keller	Work Session Document
A.B. 307	T	1	Alysa Keller	Work Session Document
A.B. 316	U	1	Alysa Keller	Work Session Document
A.B. 333	V	1	Alysa Keller	Work Session Document
A.B. 335	W	1	Alysa Keller	Work Session Document
A.B. 335	X	1	Senator Dina Neal	Conceptual Amendment
A.B. 336	Y	1	Alysa Keller	Work Session Document
A.B. 378	Z	1	Alysa Keller	Work Session Document

A.B. 397	AA	1	Alysa Keller	Work Session Document
A.B. 409	AB	1	Alysa Keller	Work Session Document
A.B. 410	AC	1	Alysa Keller	Work Session Document