

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

**Eighty-first Session
March 26, 2021**

The Senate Committee on Government Affairs was called to order by Chair Marilyn Dondero Loop at 2:31 p.m. on Friday, March 26, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Marilyn Dondero Loop, Chair
Senator James Ohrenschall, Vice Chair
Senator Dina Neal
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator Julia Ratti, Senatorial District No. 13
Senator Patricia Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Bill Brewer, Executive Director, Nevada Rural Housing Authority
Katie Coleman, Director, Communications and Public Affairs, Nevada Rural Housing Authority
Christine Hess, Executive Director, Nevada Housing Coalition
Jacquelyn Nader, Nevada Builders Alliance
André Wade, Director, Silver State Equality
Kerith Conron, Sc.D., M.P.H., Research Director, Williams Institute, School of Law, University of California, Los Angeles
Alex Camberos, Battle Born Progress
Shelly Cooley, Nevada Justice Association
Duana Malone

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Gary Washington, Nevada Help Desk
Tiffany Tyler-Garner, Ph.D., Children's Advocacy Alliance
Steve Fisher, Administrator, Division of Welfare and Supportive Services,
Department of Health and Human Services
Lisa Sherych, Administrator, Division of Public and Behavioral Health,
Department of Health and Human Services
Dora Martinez, Nevada Disability Peer Action Coalition

CHAIR DONDERO LOOP:

We will open the hearing on Senate Bill (S.B.) 311.

SENATE BILL 311: Revises provisions relating to rural housing. (BDR 25-542)

SENATOR JULIA RATTI (Senatorial District No. 13):

We have been doing a lot of work on affordable housing. The solutions that work in urban areas, Washoe County and Clark County, do not always work in rural areas. I am not saying anything controversial when I say that market forces in Ely are different than market forces in Las Vegas.

BILL BREWER (Executive Director, Nevada Rural Housing Authority):

The Nevada Rural Housing Authority's (NRHA) mission is stated on Slide 2, ([Exhibit B](#)).

The essence of S.B. 311 is noted on Slide 3, [Exhibit B](#). The NRHA intends to address the housing ecosystem through innovating and operating programs that serve low-income to moderate-income households, special populations such as veterans, senior citizens and the disabled, and delivering affordable home ownership opportunities. We want to build unsubsidized housing to continue to subsidize our mission.

The specifics of S.B. 311 are listed on Slide 4, [Exhibit B](#). Section 1 specifies that this legislation does not affect any other housing authority, State agency or budget. Section 2 aligns the definition of affordable housing with statute. Sections 3 and 4 revise the definition of business entity to include a for-profit corporation. I use the word "profit" advisably. This language was developed by the Legislative Counsel Bureau (LCB). I would not normally use the word "profit" as a government agency, but it is in the bill.

Slide 5, [Exhibit B](#) contains the three tiers of housing affordability. These tiers were set in place in the Eightieth Session.

KATIE COLEMAN (Director, Communications and Public Affairs, Nevada Rural Housing Authority):

The history of the NRHA is described on Slide 6, [Exhibit B](#). The NRHA is approaching its fiftieth year in operation serving rural Nevadans. Created in 1973, the NRHA was Nevada's first public housing agency.

The NRHA has evolved through the years and is considered a local government agency. It has a board of commissioners composed of individuals who are appointed by the Nevada League of Cities and the Nevada Association of Counties. The Authority's evolution has centered on the expansion of its programs which are listed in the timeline on Slide 7, [Exhibit B](#).

One of the NRHA's mission-driven programs, which focuses on the spectrum of housing from homeless to a home buyer, is Home at Last. This is the affordable home ownership program which has delivered affordable home ownership opportunities to more than 9,000 rural Nevada families since 2006. The NRHA accomplishes this through down payment assistance options, mortgage credit certificates, and home buyer education and training to ensure homeowners are responsible.

The NRHA delivers rental services through the Housing Choice Voucher Program which impacts more than 2,000 rural Nevada renters. The NRHA was selected by Nevada to help administer the Coronavirus Aid, Relief and Economic Security Act, Housing Assistance program funds. Since July, the NRHA has assisted 674 renter households and has 1,100 instances of continuing assistance. Its work continues.

The Community Development section of NRHA is described on Slide 8, [Exhibit B](#). It is responsible for ground-up developments throughout rural Nevada. It works with rural counties and cities to find opportunities to rehabilitate and preserve existing units. This process is beginning to end. It does all the project design and planning, including funding and construction project management.

The NRHA's development decisions do not happen within a bubble. It values its relationships with rural cities and counties. It wants to understand their housing needs and find the best solutions. This bill presents another solution.

The NRHA's studies and data help with those conversations and fuel its decisions. The NRHA made more than \$65 million in local investments through its Community Development department.

MR. BREWER:

The need for S.B. 311 is noted on Slide 9, [Exhibit B](#). Anyone working in housing knows that developments are expensive. Federal assistance gives Nevada developers just enough money to build a few hundred units each year. Through the Low Income Housing Tax Credit (LIHTC) program there is only enough to develop about 40 new units a year in rural Nevada. We must be creative in how we design every project to ensure we always build quality housing for those we serve.

The bill will allow the NRHA to use proceeds from market-rate units to reinvest in housing opportunities for the spectrum of incomes. For example, a property might have 80 percent of its units at market-rate and 20 percent of its units at a rate that is affordable and reserved for qualifying low-income households.

Senate Bill 311 will allow the NRHA to work with local industry to help bring needed housing to rural communities. For example, the NRHA could work with new mines to develop housing for incoming employee households that might otherwise drive lower-income households out of the market.

We cannot expect to do things as we have always done them and have different outcomes. We cannot depend on the usual funding mechanisms to do our job and fulfill our mission. We must think differently. Senate Bill 311 will allow us to do that.

SENATOR NEAL:

The Local Government Pooled Long-Term Investment Account in section 10, subsection 1, paragraph (e) allows the withdrawal of interest. How does that work in a for-profit scenario?

MR. BREWER:

We are not proposing to take all of our activities into a for-profit scenario. We would not be using any government funding in that kind of development. We anticipate only using regular, market-type funding sources and partnering with other industries in the area to build housing.

SENATOR NEAL:

With Payments in Lieu of Taxes (PILT), bonds and notes are tax-exempt. Will PILT apply in the for-profit scenario?

MR. BREWER:

As the bill is written, yes, it would. That would allow us to negotiate with local governments for PILT agreements. The bill does not automatically authorize that.

SENATOR NEAL:

What is the real-life effect? I am stuck on the for-profit portion. Can you give me a scenario for PILT in which there is a for-profit partnership being created? How does this work with a private developer who can access the PILT and not have taxes on the property being built?

MR. BREWER:

Negotiate is the key word. We anticipate negotiating PILT on units that serve lower-income households. If 80 percent of the units were market-rate rentals and 20 percent were for lower-income households, we would only ask for the tax break on the lower-income units.

SENATOR NEAL:

Will they be allowed to do a form of repossession in which the property can go into foreclosure?

MR. BREWER:

Yes, statute allows that. If we do not pay our bills, the housing can be foreclosed on.

SENATOR NEAL:

Yes, I remember the bill. I just wanted to bring it back up in this hearing.

SENATOR RATTI:

I know not everyone has spent time with the nuances of how subsidized housing is built with LIHTC. When we build housing with LIHTC, it is often built by for-profit developers. Sometimes it is nonprofit, sometimes it is for profit. Those for-profit developers already have permission to do what Mr. Brewer and his team want to do. Our first project was like that. It was called the 70-30 project near the Sierra Summit area of Reno. Eighty percent of the units

were market rate and 20 percent of the units were subsidized with LIHTC. While that for-profit developer can do that now, a rural housing authority cannot. They are not allowed to build market-rate units. Those market-rate units help subsidize and buy down the level of subsidy given to affordable units.

I would not ask for this for all housing authorities, but the NRHA has a long track record of being a responsible player. I have a high level of confidence that it will use this mechanism to build more housing, even the playing field and to give it the creativity it needs for projects in smaller communities.

SENATOR GOICOECHEA:

I need to confirm this is a public project co-op and that you are partnering with the private sector to build these units. If there is a tax break on the low-income units, is a commitment required from the local government to facilitate the project and help it move forward?

MR. BREWER:

There is no requirement in the bill for local governments to abate the taxes. It is a negotiated agreement.

SENATOR GOICOECHEA:

We have had units in rural areas that were somewhat different. Winnemucca had one and Eureka entered into one as well. Ultimately, they worked to some degree. The large project on the east side of Winnemucca was built by the mines as mining housing. That was not NRHA housing.

MR. BREWER:

That is correct. Anyone who lives in a rural community is aware of the requirements for new mines coming into an area. Mining companies have to address housing in their environmental impact statements. Mines are good at mining, but they are not good at housing. Senate Bill 311 will give the NRHA a chance to work with mining companies to provide housing for their miners so we do not push other people out of the more affordable housing in the community.

SENATOR GOICOECHEA:

Do you foresee NRHA partnering with new mining companies, developing a number of housing units and setting some units as Tier 1, Tier 2 or

Tier 3 low-income affordable units? The rest of the units occupied by mine employees would help pay some of the subsidy on the low-income units.

MR. BREWER:

Yes, you are right. That is how we view this.

CHAIR DONDERO LOOP:

Section 12 states "... this act, including, without limitation, the development, operation and management of affordable housing." Does "management" mean overseeing the building of the project or overseeing the homes after they are built?

MR. BREWER:

That addresses multi-family housing, not single-family housing. As we build a multi-family property, we anticipate providing site management to include collecting rent, maintenance and so on.

SENATOR GOICOECHEA:

Is the NRHA and its partner in the business entity exempt from the Open Meeting Law? Would that be for each site or every county? I am concerned about it being countywide.

MR. BREWER:

I am not sure I am qualified to answer that. As I understand the bill, each of those for-profit entities would be exempt from the Open Meeting Law. However, it does not exempt the NRHA from the Open Meeting Law. We have to report on our activities with those entities, but each entity would not be responsible to report publicly.

SENATOR GOICOECHEA:

We could assume that each entity, each project, would be deemed a separate entity. I am comfortable with that.

CHRISTINE HESS (Executive Director, Nevada Housing Coalition):

The Nevada Housing Coalition supports S.B. 311. The Nevada Housing Coalition is a Statewide, membership-based nonprofit that works to advance affordable housing options and addresses housing insecurity for all Nevadans. Our members come from public and private sectors representing urban and rural perspectives across the State.

Senate Bill 311 is an excellent example of providing one of Nevada's affordable housing champions, the NRHA, expanded capacity to address affordable housing needs beyond our population centers and into our rural areas. Nevada has a crisis in availability of affordable housing for its citizens. It is a crisis that long precedes the pandemic.

While we see and feel the shortage in our urban centers, our rural counterparts are also struggling to bring their kids back home or grow their economic opportunities because of a lack of affordable housing. With a strong track record in both affordable rental properties and innovative first-time home buyer programs, citizens in rural areas will benefit greatly with this expanded capacity for the NRHA.

JACQUELYN NADER (Nevada Builders Alliance):

The Nevada Builders Alliance supports S.B. 311. The Nevada Builders Alliance is the largest trade association in Nevada with over 900 members covering all facets of the construction industry.

Nevada is 21,000 units short in affordable and available housing. Senate Bill 311 will allow our members to develop, own, participate in and manage housing at market-rate rent. By giving our members another tool to provide affordable housing developments, S.B. 311 will ultimately help bring needed housing to rural communities in desperate need.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 311 and open the hearing on S.B. 109.

SENATE BILL 109: Revises provisions relating to the collection of certain information by governmental agencies. (BDR 19-95)

SENATOR PATRICIA SPEARMAN (Senatorial District No. 1):

Senate Bill 109 would require State agencies to collect sexual orientation and gender identity (SOGI) data like any other demographic information such as age, ethnicity, income, race and so on.

The requirement includes an option for individuals to decline self-reporting SOGI information to State agencies. In other words, they are not mandated to report. They do it of their own free will.

Overall, general data pertaining to the lesbian, gay, bisexual, transgender and queer (LGBTQ+) community across the Nation and in Nevada is becoming more readily available. However, that information is often fragmented.

We have learned from research that the LGBTQ+ community suffers disproportionately from negative health outcomes such as depression, cancer, high rates of smoking and comorbidity conditions. Just recently, the Williams Institute, a think tank at the University of California, Los Angeles, School of Law, released a study about the disproportionate impact of the Covid-19 pandemic on the LGBTQ+ community.

Further research illustrates individuals who dare to challenge traditional ideas of gender identity, including those who identify as transgender, also face employment discrimination.

In Nevada, specific data that references the well-being of the LGBTQ+ community and strategies for scaling up interventions to address growing needs is not available. I am hoping with the introduction and passing of S.B. 109, that trajectory will change.

By collecting SOGI data, we can better know the number of LGBTQ+ Nevadans in the State, the outcomes of the social determinants of health and how institutions provide services, support and information to Nevadans expressing diverse sex and or gender identities. Without this data, we cannot make realistic policy decisions. We cannot do that if we do not know the number. The best we can do is guesstimate. That is not good enough.

A few sessions ago, we were trying to determine how many veterans were in Nevada. The easiest way to do that was to get the Department of Motor Vehicles involved. Any time someone got a license, changed a license, registered a car or whatever, the form asked if the applicant was a veteran. The problem with that question was that many people who had not retired thought they were not veterans. We still did not have an idea of how many veterans were in the State. That question was changed from "are you a veteran" to "have you ever served in the military." We began to get a lot of information. Much of that data has helped the Department of Veterans Services to plan more proactively and put some realistic programs in place. I hope that will happen for the Department of Health and Human Services (DHHS).

For more than a decade, LGBTQ+ advocates in Nevada have been pushing healthcare providers, nonprofit organizations, schools and State agencies to collect SOGI data. Last year, the DHHS made it a practice to collect optional SOGI data during contact tracing for Covid-19.

In a memo to the Advisory Committee on Minority Health and Equity, Office of Minority Health and Equity, Richard Whitley, Director, DHHS, stated that DHHS is committed to greater data stratification across all vulnerabilities, abilities and demographics including those reflecting SOGI. Some other State agencies are collecting SOGI data, but the effort is not consistent.

The most crucial components of S.B. 109 are found in section 2 and section 4. Section 2 defines governmental agency as any State or local government. Section 4 requires governmental agencies to collect SOGI data, maintain confidential records of the information and use the data for certain authorized purposes.

These purposes are limited to demographic analysis, coordination of care, improvement of care and services, conducting research, fulfilling reporting requirements for federal and State law or the formation of policy for funding decisions. Section 4 also requires governmental agencies to submit an annual report with a summary of information to the Director of the LCB on or before December 31.

It is important to note that individuals still have the option of self-reporting. In other words, you do not have to provide that information if you are uncomfortable.

Some of you may remember S. C. R. No. 1 of the 32nd Special Session which urged active efforts by public health and other agencies to dismantle systemic racism magnified by the Covid-19 pandemic. When looking at the LGBTQ+ community and Black, Indigenous and People of Color (BIPOC) communities, some people identify with both of those communities. This data is also important to ensure good policy outcomes for Covid-19.

We have to make sure that health and social disparities experienced by Nevadans who identify as sex or gender diverse have good experiences with not just health care but with every agency in the State. After all, these people pay taxes in one way or another.

The collection of demographic data is meaningful given the immense underreported, underacknowledged, and misunderstood sufferings and needs of sex and gender diverse populations. Many favor this bill.

The bill may have a fiscal impact. I understand work was done to get that down to a more reasonable number. I know this is a policy committee and not a money committee, so when I make this statement, I am aware that this Committee cannot do anything about the fiscal note. I know the State is receiving considerable assistance from the federal government. If DHHS is collecting information, it might be able to share how it is doing that and what the results are. We might even be able to look to the State for some of the funding coming down for Covid-19. After all, we are talking about demographics that have been disproportionately represented negatively in the Covid-19 pandemic.

ANDRÉ WADE (Director, Silver State Equality):

Silver State Equality supports S.B. 109. I have submitted written testimony supporting S.B. 109 ([Exhibit C](#)).

KERITH CONRON, SC.D., M.P.H. (Research Director, Williams Institute, School of Law, University of California, Los Angeles):

The Williams Institute conducts independent, rigorous research to inform law and public policy. I have studied SOGI and gathered data about LGBTQ+ people for the last 20 years. I support S.B. 109 and the collection of SOGI data in local and state systems.

We know how to ask questions about SOGI. People know how to answer questions about SOGI and are willing to do so, including in Nevada. Nevada needs these data to effectively plan and implement government programs and services.

Questions about sexual orientation have been on federal surveys such as the National Health and Nutrition Examination Survey and the National Survey of Family Growth. That question has been added to state surveys such as the Behavioral Risk Factor Surveillance System survey and the Youth Risk Behavior Surveillance System survey for nearly two decades. Questions to identify transgender respondents has also been in use for two decades and has become more commonly included on publicly funded surveys in the last seven years.

The Williams Institute, in partnership with scholars from across the Country, published best practices reports for SOGI data collection in 2009 and 2014, respectively. These reports and other research show that SOGI can be measured accurately.

In 2019, almost 15 percent of Nevada youth self-identified as LGBTQ+ on the Nevada Youth Risk Behavior Surveillance System survey. This is consistent with what we see in almost every other state that includes these questions on their surveys and in many other data sets.

Between 2015 and 2017, about 5.5 percent of Nevada adults identified as LGBTQ+. I know this because I have access to a large data set called the Gallup Daily tracking survey. At this point, that percentage has probably increased because we have definitely seen an increase of a couple of percentage points over time in the United States as a whole and in several states.

In Nevada, SOGI questions were included in the Nevada Behavioral Risk Factor Surveillance System survey between 2014 and 2017. This is the State's large public health survey about adult risk behavior. Over 500 LGBTQ+ adults self-identified on those surveys across those years.

We requested those data from the Centers for Disease Control which archives all state behavioral risk factors on survey data. This will help show why it is so important for the State to be collecting these data on its own. It is particularly important to put that SOGI module back on the Nevada Behavioral Risk Factor Surveillance System survey so the State can do these reports itself and report to the public; even if it has to aggregate data over a few years.

In my experience analyzing federal and state data sets, more people will tell you about SOGI than will tell you about their income. They are definitely more willing to tell you about their gender identity than the number of sexual partners they have had. People are willing to answer questions about SOGI. I also like the option of allowing people to decline to provide a response. I expect reticence in the beginning when questions are put on forms and surveys. We find that people become more comfortable being asked and disclosing and you will see the LGBTQ+ percentage rise over time. Do not worry if things require time to standardize and get people comfortable. That will change.

On my point that Nevada needs these data, analyses we conducted of Gallup data show that LGBTQ+ people in this State are incredibly diverse. More than half of LGBTQ+ adults are people of color; including one-third who are Latino, and nearly one in five are multi-racial. More than one in five LGBTQ+ adults in Nevada over the age of 25 are raising children.

When we reviewed the Nevada Behavioral Risk Factor Surveillance System survey data, we found that before the pandemic, 23 percent of LGBTQ+ adults, two in five transgender adults and one in three LGBTQ+ people of color were living in poverty.

Recent work we and others conducted show that economic vulnerabilities experienced by LGBTQ+ people, especially LGBTQ+ people of color, have been exacerbated by the pandemic. Data we reviewed in 2020 for the United States as a whole showed that LGBTQ+ adults were more likely to be laid off or furloughed from their jobs, to report problems affording basic household goods and to have difficulty paying rent or mortgages than their non-LGBTQ+ counterparts.

For LGBTQ+ people of color, one in four reported increased difficulty paying for household goods and housing in the few weeks before the surveys at levels two to three times higher than what was observed among non-LGBTQ+ White people.

Sixty-three percent of LGBTQ+ people of color were very concerned about their ability to pay their bills as compared to 42 percent of LGBTQ+ White people and about one-third of non-LGBTQ+ White people.

Now more than ever, data about SOGI are needed to monitor the health and well-being of LGBTQ+ people and to ensure that services and programs are available to residences and are being used by them.

I have submitted a written statement supporting S.B. 109 ([Exhibit D](#)).

SENATOR NEAL:

Section 4 says that government agencies shall collect information related to the person's race or ethnicity. The way that reads it assumes they are already collecting that information. I have not seen race on the forms from all of the agencies that have put fiscal notes on this bill. This language is broad because it

is not just for employees and not just on applications, it is more than that. Would you please clarify section 4?

DR. CONRON:

I am not able to speak to the specific forms in the State. However, I can tell you that this is an opportunity to review the consistency of data collection and to think about adding questions about SOGI whenever systems are being updated. Most organizations and agencies update their demographic data collection from time to time. It is a moment in time to think about how data are collected about race and ethnicity as well as SOGI.

SENATOR NEAL:

Section 5 cites the public records statutes and many statutes are referenced in this bill. For example, *Nevada Revised Statutes* (NRS) 338 and NRS 360 contain taxation laws. Once a report goes to LCB, outside of the Office of Minority Health and Equity, what happens with this information?

SENATOR SPEARMAN:

We will be able to reach some entities and others we will not. We are trying to cover all the bases. The problem with our policies, not just for the LGBTQ+ community but also for BIPOC communities, is that much of the data we have is not based on actual facts and some of it is outdated. This is an effort to make sure that wherever these people go, if that agency is collecting data, it will ask that question.

SENATOR NEAL:

Apparently, we are walking into a new dimension. Every time I tried to get information, mentioned race, asked about race or talked about discrimination, my bills would be muted and killed.

SENATOR SPEARMAN:

It has been difficult to broach these subjects in the past. However, everyone in this building, bipartisan and bicameral, said yes to S. C. R. No. 1 of the 32nd Special Session. Are we just going to talk about it, or are we really going to attack the racism, sexism and homophobia that exists, not just in Nevada, but in the Country? I know we cannot fix everything in the United States, but there are some things we can certainly fix in Nevada.

Whenever I bring up things I know are happening to nonmajority communities, I am always accused of playing the race card. I am playing the hand that was dealt to me and the race card was in it.

That is where I am with this. This is information we do not have. We need this information. I am willing to work with you, Senator Neal, on other legislation to include those demographics. If we try to paint every demographic with the same brush that we paint the majority, we will fall far short of anything that looks like excellence. If you have a problem with section 5, let us have a conversation. If I need to amend S.B. 109, I am more than glad to do so.

SENATOR HANSEN:

Section 4, paragraph 4 says "without limitation." Is there going to be a check box for heterosexuals?

DR. CONRON:

Heterosexual is a standard response option in questions on sexual orientation. It is usually the first response option since most people choose that.

SENATOR HANSEN:

I was wondering if that was included in the categories because I did not see it on the list.

SENATOR SPEARMAN:

That is a good question, Senator Hansen. I hear that question when we want to include data regarding BIPOC communities. We are trying to solve policy decisions and implementation that affect a group of people about whom we have no information.

Many policy decisions, by default, are based upon White, heterosexual and patriarchal norms. It is like going to an ice cream store. It has vanilla ice cream. That is a given. However, is it wrong for me to ask if I can get butter pecan? No, because I already know it has vanilla. I want to find out what else is happening here. These are the questions we must ask because our world has changed. Nevada has changed. There are more people of color and more people of diverse cultures. It is not a matter of exclusion. These are some of the demographics we do not know about because most of the questions asked, even when we start talking about standardized testing, are based upon White,

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patriarchal, straight, heterosexual norms. We have to ask these specific questions to get specific answers.

SENATOR HANSEN:

You keep saying "bico." Does that mean bicolor? Does that mean Black and Brown?

SENATOR SPEARMAN:

It is BIPOC. That is the standard acronym used to refer to people who are of non-White ancestry. It means Black, Indigenous and People of Color. That acronym is used everywhere, not only in academia but also in legislative policy and medical terms.

SENATOR HANSEN:

Does it include Asians?

SENATOR SPEARMAN:

Yes, they are people of color.

SENATOR HANSEN:

White is a color too. You are trying to define a specific group of colors.

SENATOR SPEARMAN:

I am not going to belabor the point. When you start talking about White, that is a political construct. Be that as it may, we are talking about BIPOC. I will not split hairs. As I said before, we are trying to get information from a demographic that we do not have. We already have information for people that are in your demographic, White, male, heterosexual and part of the patriarchal norm. What we do not have is information on the demographics for BIPOC and certainly not for LGBTQ+ persons.

Senator Hansen, we can talk about this offline.

SENATOR HANSEN:

Senator Spearman, you and I are going to have to talk some more.

CHAIR DONDERO LOOP:

Senator Spearman, I received an amendment to S.B. 109 ([Exhibit E](#)).

SENATOR SPEARMAN:

In the proposed conceptual amendment, [Exhibit E](#), we are acknowledging the fact that there may be limited systems information. From the agency's standpoint, we want to ensure that it does not have to bust its budget trying to do this.

In some of the hearings I have been in with DHHS, it sounds like the data is being collected at some level in different areas of DHHS and the Division of Public and Behavioral Health (DPBH). It is my hope that, from a technical perspective, those who have to put this program together will look out on the horizon and see who is already doing it and what can be gleaned from them.

ALEX CAMBEROS (Battle Born Progress):

Battle Born Progress supports S.B. 109. There is a lack of data about the LGBTQ+ population in Nevada. This data will reflect my same-gender household. The DHHS has made efforts to record LGBTQ+ data but it is not enough, and collection efforts are not standardized across State departments.

Senate Bill 109 would require government agencies to collect SOGI data with an individual's consent. The data collected will help improve public services to people in Nevada and to have a better understanding of the number of LGBTQ+ Nevadans and the health and well-being needs of that community.

We cannot properly serve LGBTQ+ Nevadans if we do not have an accurate and efficient data collection process to address their public health and welfare disparities and improve care and services throughout the State. For these reasons and many others, we are asking you to support S.B. 109.

I have submitted written testimony ([Exhibit F](#)).

SHELLY COOLEY (Nevada Justice Association):

The Nevada Justice Association supports S.B. 109. Collecting SOGI information will help ensure that Nevada has an accurate picture of its population and will help governmental agencies better meet LGBTQ+ needs. Despite the federal government not collecting this information, it is important and is a great step forward.

DUANA MALONE:

I support S.B. 109 requiring governmental agencies to request certain person's information related to sexual orientation. I was shocked to learn that this data was not already being collected. My comments are coming from the perspective of a technology professional. I am an advocate of data collection. Good data statistics are indispensable for informed decision-making by all actors in society.

I manage a group of young people ages 14 to 24 in technology training. Our young group already collects much of the data being discussed in this bill. Youth and seniors are also impacted by this bill. We collect this data because we are responsible for reporting that we are serving members from underserved populations and communities. The only way we would know that we are complying with our program is by collecting data.

Going back to the Williams Institute, policy makers and advocates often operate without reliable information to understand the important aspects of the lives of sexual and gender minorities including socio-economic status, education attainment and the list goes on.

Data collection is important so that informed decisions can be made by policy makers. Most research targeting sexual and gender minorities has been conducted in the context of whether it is epidemiology or prevention research. It is not focused on anything beyond those that are assigned at birth. There is a general lack of research about people with intersex conditions. Almost all research is in a medical or clinical framework in those instances.

GARY WASHINGTON (Nevada Help Desk):

My interest in this meeting is that I was asked to use my expertise in helping to clarify the cost as quoted in the editing of recurring databases to the mandate of S.B. 109.

I oversee day-to-day administrative and operational functions of the company. I am taking notes to pass on to the chief operating officer, but in the meantime, I did a little research on gender identity and sexual orientation, which led me to include this in support of the bill.

Governments and civil society leaders are realizing that data about sexual and gender minorities are needed for a number of reasons; for example, in the sustainable development of goals and other priorities and identifying the impact

of stigma and prejudice on income, safety, education, health, family life, violence, migration and so on. Other reasons are identifying the preferences and life goals of sexual and gender minorities, evaluating the effectiveness of government and civil society programs meant to reach sexual and gender minorities and assessing government efforts to respect, protect and fulfill the human rights of sexual and gender minorities.

Research should consider integrating methodologies to gather data by the demographic characteristics of individuals of diverse sexual orientation, gender identity and intersex status because all people have a sexual orientation and gender identity. These methodologies can be used to collect data about the sexual orientation and gender identity of all members of any given population.

Some research has been initiated by adding components about SOGI to ongoing survey programs such as the National Youth Survey or National Health Interview Survey. Other research has undertaken that independent research effort. Any research should conform to relevant standards regarding human subject research and should take into account ethical and safety considerations.

We have made efforts to include these fields into our database. It has been quoted that it might take three years to five years to make these changes to the database. That is something that would not be tolerated because those changes need to be made now. Three years to five years to add those fields to our databases would not work.

TIFFANY TYLER-GARNER, PH.D. (Children's Advocacy Alliance):

The Children's Advocacy Alliance supports S.B. 109 because of our commitment to ensuring data-driven policy making and resource allocation. It is important to note that in our role we service a KIDS COUNT member for the State where we routinely compile and provide data products to support leaders in making informed decisions about issues impacting children. As a part of that process, we routinely conduct data collection in areas of health, education, economic well-being, early learning and child safety.

This proposed legislation is an opportunity to more fully account for the experience of Nevadans, the social determinants of health or allow us to understand the economic trajectory for certain communities. We would find this information helpful, particularly as we strive to craft policy that not only accounts for the experiences of all Nevadans but allows us to identify disparities

or inequities. Those could be targeted so we can fully become the State we hope to be in every community as a part of the process.

I say ditto to what other speakers have noted, particularly the expectations or duty to more fully account for the experiences of Nevadans. I also want to affirm that there is great value in talking about the experiences of Nevadans in a more general way. There is a significant benefit in unpacking these issues from several lenses as we not only craft policy but look at resource allocation, service delivery and a number of other issues tied to representation in this State.

I have submitted written testimony supporting S.B. 109 ([Exhibit G](#)).

STEVE FISHER (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

I know this is not a fiscal committee. The proposed conceptual amendment will provide the Division of Welfare and Supportive Services, DHHS, the additional time necessary for staff to make modifications to our electronic systems. Therefore, we will be able to remove the fiscal note.

LISA SHERYCH (Administrator, Division of Public and Behavioral Health, Department of Health and Human Services):

All of the agencies within the DHHS have worked with the bill's sponsor to ensure that the bill can be executed without General Fund monies. The main challenge for DPBH is the time frame for full implementation. As the bill is written, DPBH would be unable to execute the requirements without the General Fund, but if the timeline can be extended, DPBH is confident current and future grant funding could support the addition of the variable. The DPBH sees value in the addition of these SOGI variables because they can identify disparities that could better direct resources and intervention.

In addition to the amendment language provided by Senator Spearman, without relying on the General Fund, DPBH requests that the requirements to collect such information not occur until January 1, 2025. The reason we need that time is because we cannot request the federal Women, Infants and Children funds until January 2022 at which time it will take approximately 18 months to 24 months to implement.

Should this amendment be incorporated, DPBH does not project a need for any General Fund monies, and the fiscal note in its entirety can be removed.

I have submitted written testimony ([Exhibit H](#)).

SENATOR SPEARMAN:

I want to reemphasize that not having this data and making policy is like being invited to a pot luck dinner, bringing barbecued ribs and finding out the dinner is for vegetarians and vegans. You did not know and when you get there whatever you have is irrelevant.

I am willing to work with DPBH to determine what the timeline should be. I will bring others to the table who have done this before with similar systems and see how we can help get it done.

CHAIR DONDERO LOOP:

I will close the hearing on S.B. 109 and open the work session on S.B. 12.

SENATE BILL 12: Requires certain notices before the termination of a restriction relating to the affordability of certain housing. (BDR 25-372)

ALYSA KELLER (Policy Analyst):

I will summarize S.B. 12 as contained in the work session document ([Exhibit I](#)).

Amendments were proposed at the hearing by Senator Julia Ratti and subsequent to the hearing Proposed Amendment 3134 to S.B. 12 was submitted and contains all proposed amendments to the bill, page 2, [Exhibit I](#). These are the same amendments reviewed and discussed by the Committee at its last meeting on Wednesday, March 24.

CHAIR DONDERO LOOP:

We heard this in a previous work session but it was rolled so we could get some questions answered.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 12.

SENATOR NEAL SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

* * * * *

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

The Nevada Disability Peer Action Coalition is a group of people with different disabilities in support of S.B. 109. We see people as people and consider this an awesome bill.

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CHAIR DONDERO LOOP:

Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 3:58 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Marilyn Dondero Loop, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 311	B	1	Bill Brewer / Nevada Rural Housing Authority	Presentation
S.B. 311	B	6	Katie Coleman / Nevada Rural Housing Authority	Presentation
S.B. 109	C	1	André Wade / Silver State Equity	Written Testimony
S.B. 109	D	1	Kerith Conron / Williams Institute, School of Law, University of California, Los Angeles	Written Testimony
S.B. 109	E	1	Senator Marilyn Dondero Loop	Proposed Amendment by Senator Patricia Spearman
S.B. 109	F	1	Alex Camberos / Battle Born Progress	Written Testimony
S.B. 109	G	1	Tiffany Tyler-Garner / Children's Advocacy Alliance	Written Testimony
S.B. 109	H	1	Lisa Sherych / Division of Public and Behavioral Health, Department of Health and Human Services	Written Testimony
S.B. 12	I	1	Alysa Keller	Work Session Document