

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eighty-Second Session
April 19, 2023**

The Committee on Commerce and Labor was called to order by Chair Elaine Marzola at 1:34 p.m. on Wednesday, April 19, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Elaine Marzola, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Shea Backus
Assemblyman Max Carter
Assemblywoman Bea Duran
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Daniele Monroe-Moreno
Assemblyman P.K. O'Neill
Assemblywoman Selena Torres
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblyman Steve Yeager (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Joe Steigmeyer, Committee Counsel
Cyndi Latour, Committee Manager



Julie Axelson, Committee Secretary
Garrett Kingen, Committee Assistant

OTHERS PRESENT:

Aaron D. Ford, Attorney General
Heather D. Proctor, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General
Adrian Hunt, Police Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association
Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office
Kevin Ingram, Executive Director, Private Investigators Licensing Board
Sarah Adler, representing New Frontier Treatment Center
Lesley Pittman, Member, Advisory Committee on Problem Gambling, Division of Public and Behavioral Health, Department of Health and Human Services
Barry Cole, Private Citizen, Reno, Nevada
Sheila Bray, Coordinator, Community Partnerships, Extension, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno

Chair Marzola:

[Roll was called and Committee rules and protocols explained.] I will now open the hearing on Senate Bill 32, which exempts persons engaged exclusively in transporting persons between certain states from provisions governing private investigators.

Senate Bill 32: Exempts persons engaged exclusively in transporting persons between certain states for certain purposes from provisions governing private investigators and related professions. (BDR 54-420)

Aaron D. Ford, Attorney General:

I am here to present Senate Bill 32. Before I do that, I would like to quickly give you information about the Office of the Attorney General. We consist of nearly 400 dedicated, hardworking individuals who are committed to enforcing Nevada law and upholding justice for the protection and benefit of our residents. I believe my job is to ensure justice for all Nevadans. As Attorney General, I have directed my employees of the Office to approach their work in the same vein. Hence, our motto, "Our Job is Justice." To support the mission of justice, I have adopted the five C's: constitutional rights, criminal justice and reform, consumer protection, client service, and community engagement. Each of these C's serves as a moral compass to guide the ways in which my office can serve Nevadans.

We are here today to discuss S.B. 32, a bill that supports client services and civil rights. Senate Bill 32 relates to the Private Investigators Licensing Board (PILB) and the extradition process. Extradition occurs when a person is located in one state and has a criminal

proceeding pending against him or her in another state; for example, untried criminal charges, time to serve on an existing criminal sentence, or parole or probation violations. Interstate extraditions often occur between neighboring states but can involve states on the other side of the country. If the person is wanted in the state of Nevada—and once that extradition is approved—the person must be transported from either a state jail where they are held based on Nevada's arrest warrant, or a state prison where they are currently serving time for other crimes.

The extradition process is dictated and controlled by *Nevada Revised Statutes* (NRS) 179.117 to 179.235. Transportation is governed nationally by Jeanna's Act. To transport the person, the Nevada prosecutor works with the local law enforcement agency. That law enforcement agency generally has two choices for transport, use their own officers or a prison transportation company, and therein lies the problem.

To explain it further, I would like to introduce my colleague at the Office of Attorney General, Post-Conviction Division Chief, Heather Proctor. Before she begins, Madam Chair, I would like to beg your indulgence and ask if I may be excused and allow my colleague to continue and finalize the presentation.

Heather D. Proctor, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General:

[Read from written testimony, [Exhibit C](#).] As Attorney General Ford stated, a law enforcement agency generally has two choices for transport: use their own officers or use a prisoner transportation company. Before I get into those differences, I would like to preface this by explaining that at this time, Nevada is in a crisis. We have no contract with a third-party prisoner transportation company. This is an important issue for law enforcement and prosecutors regarding the safe and efficient transportation of wanted persons between states in a cost-effective manner during an extradition. This issue has hit a crisis level.

As to the first choice, to use their own officers, a transport by law enforcement agencies requires a minimum of two officers and can take two to five days or more depending on the wanted person's current location and other considerations. Some agencies cannot utilize their own officers, either due to staff shortages and the burden of losing two officers for that length of time or lack of adequate equipment and vehicles to conduct an interstate or intrastate extradition.

For these reasons, some agencies instead use their second choice, a prisoner transportation company. A prisoner transportation company is a private, third-party company that transports prisoners between and within states. Some of these companies employ retired law enforcement officers to conduct transports. Because these companies travel between states, they must comply with a number of federal guidelines. Those guidelines include, as Attorney General Ford mentioned, Jenna's Act, which sets out minimum standards for background and drug testing for all potential employees of a prisoner transportation company, sets out required training for transport officers, places restrictions on the number of

hours worked by each transport officer; sets a mandatory officer to prisoner ratio; and specifies the minimum restraints such as shackles or handcuffs required during any transport. The U.S. Department of Transportation has statutes and regulations which set forth requirements for the transport vehicles.

Why is the Attorney General's Office involved in extradition transportation? Nevada is one of only three states in the country that reimburse local law enforcement for the costs associated with an extradition transport. Reimbursements do not include officer or employee hours but actual costs, such as flights, car rentals, meals, and fees for using a prisoner transportation company. As a result, the Nevada extradition officer—who is housed in the Office of the Attorney General—sets forth travel guidelines which local law enforcement are expected to follow in requesting reimbursement. Historically, those guidelines suggested that if a local law enforcement agency used a prisoner transportation company, the chosen company already have an existing vendor contract with the state. This permitted the state to ensure such vendors maintained mandatory licensures and provided uniformity and control for the costs associated with an extradition. Notably, the cost of an extradition has increased substantially post COVID-19, as many agencies and most prisoner transportation companies now move prisoners primarily using air transport rather than the now more costly ground transport.

The process of extending a state contract is lengthy and detailed. In the past, the state received multiple bids for prisoner transport companies to perform these services. Most of the companies already had required federal licenses and complied with federal regulations. Through the vendor bidding contract, State Purchasing Division, Department of Administration sets forth specific requirements for a vendor to qualify under Nevada law, which addresses the safety and security of transported persons, minimum liability insurance, and compliance with applicable state and federal licensing and certification requirements. However, as I mentioned at the beginning, the state does not have a contract at this time with a prisoner transportation company and has not for the past three years, despite interest from several companies to perform such services. This is because few companies are willing to obtain licensure prior to being awarded the state contract as required by PILB.

The Private Investigators Licensing Board requires all prison transportation companies to obtain a special state license as a private patrol officer. Such licensure requirements are found in NRS 648.140, but most companies do not wish to go through PILB licensure. The reason is they must do so before they know if they even qualify for, and have been selected to receive, a state contract. Second, the process for obtaining such a license is expensive, time-consuming, and invasive, especially when you consider a company may spend only a limited time in the state and must already meet existing federal requirements. The vendor contract process itself includes many of the protections afforded by such a license. According to our research, neighboring states do not require such licensure.

With no prisoner transportation company contracted with the state, all state, county, and city law enforcement agencies have been left scrambling to find alternative means to safely transport wanted persons, which has led to increased costs and strain on existing staff

shortages. A state-contracted, private transportation company provides a uniform process and, we hope, additional and validated choices which all state and local agencies may use. A state-based contract leads to increased uniformity and cost control by permitting the state increased negotiation power for cheaper rates due to higher transport volume. As a result, the state-based contract ensures any outside agency meets the mandatory requirements under the state vendor contract, which increases the safety and security of the transported persons, transported officers, and our communities.

I will note this struggle is not new. For nearly 15 years, the Attorney General's Office has attempted to work with PILB to revise their requirements. Historically, the PILB was not willing to ease this requirement. As a result, over the past decade, the state entered into a contract with only a single vendor, as only that vendor obtained a PILB license. That contract lasted several years.

The company had open employment, and while they employed some retired law enforcement, it was not a requirement. Because that company had a monopoly on extradition transports, they forced the state to renegotiate the contract multiple times, each time increasing the costs and mandatory provisions within the contract, and the state had little choice but to comply. During this time, we learned that throughout the life of their contract, the company was the source of multiple complaints by prisoners of mistreatment during transportation. Toward the end of their contract, the company failed to renew their PILB license. Based on these concerns, the state refused to renew the contract. As a result, the state has had no contract with a prisoner transportation company for the last three years.

Given the constraints on local law enforcement and the concerns for the health and safety of wanted persons and the communities through which these companies travel, the Attorney General's Office seeks to fully exempt prisoner transportation companies whose sole purpose is to extradite persons to, from, through, and within the state from the PILB licensing requirements. That proposed amendment [page 1, [Exhibit D](#) and page 2, [Exhibit E](#)] is contained in section 1 of S.B. 32.

We do not intend to simply drop the PILB licensing requirements with nothing in their place. The Investigations Division within the Office of the Attorney General can conduct background checks for the qualifying agent and corporate officers of these companies during the contract bidding process, consistent with the current PILB process. We also intend to adopt an annual reporting requirement for any company that obtains the state contract to verify the company continues to comply with existing federal laws and the provisions of the contract, including minimum insurance, training, man hours, and security measures. We also intend to include our local law enforcement partners in developing the requirements for these contracts through the state purchasing bidding process, as well as involving a representative of our local law enforcement partners in our annual review of the state contract vetting and selection committee. This will ensure law enforcement will have a stronger voice in vetting and selecting the companies they may choose and may use in the future.

In closing, the state and our law enforcement partner agencies are in crisis mode. We must have a safe, reliable, and cost-effective means to extradite wanted persons to and through Nevada for prosecution and to serve their sentences. The system is broken. Local agencies often lack the manpower and/or equipment to conduct a transport themselves. A company that can secure a state contract—one the state and local agencies can use—will lock in costs for all parties and permit the state to ensure the company meets the necessary requirements. Securing multiple contracts will avoid the adverse monopoly we recently experienced while offering agencies a choice of companies to work with. Such contracts serve to meet our most critical concerns: fiscal security as to the costs of extraditions; ensuring continued compliance with the applicable laws; and protecting those transported, our law enforcement personnel, and our communities.

Finally, I would note we did submit an initial proposed amendment to S.B. 32. Following our testimony in the Senate, the Legislative Counsel Bureau noted the language of the bill did not reflect transports through and within the state, as intended by the Attorney General and PILB. The current proposed amendment [page 1, [Exhibit D](#) and page 2, [Exhibit E](#)] clarifies the bill to comply with the intent of S.B. 32. With that, I am happy to answer any questions.

Chair Marzola:

Are there any questions? [There were none.] We will move to testimony in support. Is there anybody wishing to testify in support of S.B. 32?

Adrian Hunt, Police Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We are in support of S.B. 32. This bill will assist on opening up more extradition transportation for the state and local facilities. We want to thank Attorney General Ford for bringing this bill forward.

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association:

We would also like to thank Attorney General Ford for bringing this bill forward. We are in support of S.B. 32, which we believe will enhance our ability to provide safe, secure, and physically responsible extraditions throughout the states.

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:

We are testifying in support of S.B. 32. This bill will help us to streamline our very busy extraditions process.

Kevin Ingram, Executive Director, Private Investigators Licensing Board:

I am happy to testify in support of S.B. 32 with the proposed amendment [[Exhibit D](#) and [Exhibit E](#)]. The PILB fully supports this bill.

[A letter in support, [Exhibit F](#), was submitted but not discussed and will become part of the record.]

Chair Marzola:

Is there anyone else wishing to testify in support? [There was no one.] We will move to opposition. Is there anyone wishing to testify in opposition to S.B. 32? [There was no one.] We will move to neutral testimony. Is there anyone wishing to testify in the neutral position on S.B. 32? [There was no one.] Would you like to give any closing remarks? [There were none.] I will now close the hearing on S.B. 32. We will recess.

[The meeting recessed at 1:52 p.m. and reconvened at 1:53 p.m.]

Chair Marzola:

I will now open the hearing on Senate Bill 91, which authorizes a licensed clinical alcohol and drug counselor to supervise a certified problem gambling counselor intern.

Senate Bill 91: Authorizes a licensed clinical alcohol and drug counselor to supervise a certified problem gambling counselor intern. (BDR 54-57)

Sarah Adler, representing New Frontier Treatment Center:

I have a few remarks from Senator Roberta Lange, who is our sponsor, and then I will go into the bill. Senator Lange, as she presented the bill in the Senate, shared with the committee that, as you are aware, we live in a state with widespread health professional shortages including behavioral health professionals. She went on to note that Nevada lost almost 800 licensed clinical alcohol and drug abuse counselors (LCADC) between 2010 and 2020, with just 577 receiving licenses in 2020, compared to 1,300 we had before. That is one profession we are working with in S.B. 91 today.

Another is certified problem gambling counselors of which there are only 24 in Nevada currently. That workforce, as with many behavioral health workforces, is aging. At the same time, we had the Department of Health and Human Services researchers estimate more than 125,000 Nevada adults are problem gamblers, and about 2 percent of Nevada's youth may suffer from problem gambling before completing high school. Gambling disorders also disproportionately impact seniors, military veterans, and people struggling with other mental health issues and addictive disorders. Thus, she was willing to sponsor this bill.

I am pleased to be here today on behalf of our client, New Frontier Treatment Center, which is a certified community behavioral health clinic and residential treatment center for addictions in Fallon. They are engaged in problem gambling treatment. The good news is throughout our state there is a lowered stigma around mental health and addiction. The bad news is across those workforce professions in mental health and addiction, we have a severe shortage. That shortage includes certified problem gambling counselors. As stated already, we only have 24 of them currently in Nevada.

The path to counselor lies through internship, and it requires 2,000 hours of a supervised clinical internship. The good news is stakeholders in the problem gambling area have worked together to create funded internships. They have done a good job of recruiting Nevadans who seek to become problem gambling counselors. Back to our bad news, we

only have 11 problem gambling counselors who are qualified supervisors. We only have 5 among our certified problem gambling counselors who are eligible to become supervisors, who have worked long enough to be supervisors.

Another problem we have is a mismatch between where we have interns and where we have supervisors in our state. How do we make progress? I think the stakeholders in this work hit upon a very good solution, which is to allow LCADCs, with appropriate training, to become supervisors of problem gambling counselors. I consider LCADCs to be the absolute gold star in behavioral health professionals in Nevada. They have master's level training in both mental health and addiction.

To move to our bill, which is quite simple, section 1 adds to the authorized activities of an LCADC to supervise certified problem gambling counselor interns if they complete 30 hours of instruction related to problem gambling and if they complete 12 hours of training in supervising behavioral health interns. Section 2 simply makes conforming changes to the bill.

Speaking to the training, I want to share with you why the training is important. This came up in the Senate hearing because fortunately I think everyone is eager to increase the behavioral health workforce. I reached out to an expert in this area, Dr. Jeffrey A. Marotta, who is with Problem Gambling Solutions and is a consultant to the problem gambling unit at the Division of Public and Behavioral Health, Department of Health and Human Services. This is what he shared. Both gambling and substance use disorders have similar effects on the brain circuits of reward and motivation, learning and memory, and inhibitory control over behavior. However, there are important distinctions between gambling disorder and substance use disorder that impact treatment. Because gambling disorder is a process addiction and not a chemical addiction, it is much harder to spot and much harder for the client to understand how they can lose themselves in the addiction disease, which often contributes to high levels of shame, guilt, and poor self-worth. For these reasons, gambling treatment therapists are trained more heavily on monitoring for, documenting, and addressing a client's suicidology. Clinicians with training and expertise in treating substance use disorders have the majority of skills needed to effectively work with the individuals with gambling disorder. Because of some of the important distinctions between chemical addictions and process behavioral addictions, additional training is needed that focuses on treatment differences between types of addictions. With that Madam Chair, I sit ready for questions.

Chair Marzola:

How many interns do we have currently?

Sarah Adler:

That number is probably somewhere in my notes, but I do know there are approximately ten interested parties who would like to become interns. You have to have your supervisor in hand in order to enter the internship.

Chair Marzola:

We only have 11 supervisors. I believe that is what you stated, correct?

Sarah Adler:

Yes, people who are trained to be supervisors. Not all of them perhaps are active in supervision.

Chair Marzola:

Are there any questions? [There were none.] We will move to testimony in support of S.B. 91. Is there anyone wishing to testify in support?

Lesley Pittman, Member, Advisory Committee on Problem Gambling, Division of Public and Behavioral Health, Department of Health and Human Services:

The Nevada Advisory Committee on Problem Gambling members are appointed by the Governor, and whose mission is to support effective problem gambling prevention, education, treatment, and research programs throughout Nevada. We are here in full support of S.B. 91 and appreciate Senator Lange bringing it forward.

The Advisory Committee on Problem Gambling's vision is to improve the public health of Nevadans through a sustainable and comprehensive system of programs and services that reduce the impact of problem gambling. Nevada established the problem gambling fund via Senate Bill 357 of the 73rd Session. The Advisory Committee on Problem Gambling determines the ways the funds will be utilized to support four main areas of service: prevention and education, problem gambling treatment, research and evaluation, and workforce development.

Senate Bill 91 would help increase the number of supervisors for certified problem gambling counselor interns in Nevada, helping to grow the problem gambling counseling workforce and the availability of counseling to Nevadans throughout the state. Presently, there are just five treatment centers in Nevada, and they are all located in Clark County or in or near Washoe County. We know Nevadans who are unable to gamble responsibly reside in the remaining 15 counties in our state and believe the provisions of this bill will help bring greatly needed counseling services to those areas where in-person counseling services presently do not exist.

Currently in Nevada, there are 6 percent of individuals who exhibit the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* diagnostic criteria for gambling disorder. Sadly, only 1 percent of the population is accessing help. It is the hope that recently implemented programs will push more individuals to access services, and the workforce is a vital piece to facilitating the services that are needed.

Barry Cole, Private Citizen, Reno, Nevada:

This makes great sense, and the reason for that is it is the same neurobiology. You could substitute any addictive disorder for any other addictive disorder. You have heard me talk about working at the U.S. Department of Veterans Affairs in Reno. I was the medical

director for the addictive disorders treatment program, and our lead clinician was Dr. Julian Tabor, a world-renowned psychologist specializing in addictive disorders treatment. Yet, he was overseeing all of our interns and all of our therapists who were working with other addictive disorders. There is some interchangeability between addictive disorders and gambling disorders. It is the same neurobiology. From a physician's perspective, the same medications would probably be prescribed. I support this bill, and it is great because it is something different than, The problem is you ran out of money. Go home. This gets us a little further to helping people who have a problem gambling.

Sheila Bray, Coordinator, Community Partnerships, Extension, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno:

We would like to extend our support for S.B. 91. The University of Nevada, Reno School of Medicine is home to the Center for the Application of Substance Abuse Technologies. They are at the forefront of growing this workforce, and as the presentation identified, this is a dire need for Nevada. We would be in support of this and urge yours as well.

Chair Marzola:

Is there anyone else wishing to testify in support? [There was no one.] We will move to testimony in opposition to S.B. 91. Is there anyone wishing to testify in opposition? [There was no one.] We will move to neutral testimony. Is there anyone wishing to testify in neutral to S.B. 91? [There was no one.] Ms. Adler, would you like to give any final remarks?

Sarah Adler:

I thank you, Madam Chair and members of the Committee, for your attention to this bill.

Chair Marzola:

Thank you for being here today. I will now close the hearing on S.B. 91. I will now open up for public comment. Is there anyone wishing to give public comment? [There was no one.] That concludes our meeting for today. The meeting is adjourned [at 2:07 p.m.].

RESPECTFULLY SUBMITTED:

Julie Axelson
Committee Secretary

APPROVED BY:

Assemblywoman Elaine Marzola, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated April 19, 2023, submitted by Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General, regarding Senate Bill 32, presented by Heather D. Proctor, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General.

[Exhibit D](#) is a proposed amendment to Senate Bill 32, submitted by Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General.

[Exhibit E](#) is a proposed amendment to Senate Bill 32, submitted by Heather D. Proctor, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General.

[Exhibit F](#) is a letter dated April 17, 2023, submitted by Emily Osterberg, Director, Government Affairs, Henderson Chamber of Commerce, in support of Senate Bill 32.