

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-Second Session
May 9, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 8:07 a.m. on Tuesday, May 9, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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 Selena Torres, Chair
Assemblywoman Bea Duran, Vice Chair
Assemblyman Max Carter
Assemblyman Rich DeLong
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Bert Gurr
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Richard McArthur
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senate District No. 1
Senator Skip Daly, Senate District No. 13

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Asher Killian, Committee Counsel

Minutes ID: 1044



Judi Bishop, Committee Manager
Lindsey Howell, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Noé Orosco, Program Manager, Silver State Voices
Timothy Smith, Member, City of North Las Vegas Charter Committee
Jovan Jackson, Private Citizen, North Las Vegas, Nevada
Shelbie Swartz, representing Battle Born Progress
Marla Turner, Private Citizen, North Las Vegas, Nevada
Jessica Munger, Program Manager, Silver State Equality
Yessenia Moya, Private Citizen, Las Vegas, Nevada
Donna Darden, Member, City of North Las Vegas Charter Committee
Cesar Carbajal, Private Citizen, North Las Vegas, Nevada
Laura Martin, Executive Director, Progressive Leadership Alliance of Nevada
Marlene Lockard, representing Service Employees International Union Local 1107
Quentin Savvoir, President, Las Vegas Branch, National Association for the
Advancement of Colored People
Leonardo Benavides, Government Affairs Manager, City of North Las Vegas
Pamela Goynes-Brown, Mayor, City of North Las Vegas
Ryann Juden, City Manager, City of North Las Vegas
Fernando Romero, President, Hispanics in Politics, Las Vegas, Nevada
Stephen Wood, representing Nevada League of Cities and Municipalities
Nicole Rourke, Director, Government and Public Affairs, City of Henderson
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Warren B. Hardy II, representing Urban Consortium
Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,
City of Reno
Kelly Crompton, Government Affairs Manager, City of Las Vegas
Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada
RaeAnn Peterson, Private Citizen, North Las Vegas, Nevada
Lisa Mayo, Private Citizen, Las Vegas, Nevada
Thomas Morley, representing Laborers' Union Local 169; and Laborers' Union
Local 872
Mary Walker, representing Douglas County; Lyon County; and Storey County
Will Adler, representing Storey County
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager,
Washoe County
Greg Esposito, Public Relations and Government Affairs Director, Plumbers,
Pipefitters & Service Technicians Local 525; and U.A. Local 350
Bill Wellman, Division Manager, Las Vegas Paving Corporation
Stacey Lindburg, President, C and S Company, Inc., Las Vegas, Nevada
Glen Leavitt, Director, Government Affairs, Nevada Contractors Association

Alexis Motarex, Government Affairs Manager, Nevada Chapter, Associated General Contractors of America

Mac Bybee, President and CEO, Nevada Chapter, Associated Builders and Contractors

Ronald Young, Assistant Business Manager and Membership Development Representative, International Brotherhood of Electric Workers Local 357

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber

Brett Harris, Labor Commissioner, Office of Labor Commissioner, Department of Business and Industry

Brian Reeder, representing Nevada Contractors Association

Chair Torres:

[Roll was taken. Committee protocol was reviewed.] I want to let the Committee know we will begin with Senate Bill 184 (1st Reprint) today. Additionally, because I know this is a lengthy conversation we are going to have as a body, I would like the Committee to know that during the hearing, we will allow for a 15-minute presentation from the presenters of the bill. That will be followed by questioning. Then we will take 20 minutes of testimony in support. That will be followed by a 15-minute presentation from the opposition—from the City of North Las Vegas. That will be followed by a 20-minute block of time for testimony in opposition. I do not believe there is a neutral presenter. If there is, please let our staff know, and we are happy to allow the same amount of time. Then we can go into neutral testimony. I do not expect to have a significant amount of our conversation there today.

At this time, I will open the hearing on Senate Bill 184 (1st Reprint). Senator Spearman, when you are ready, you may begin.

Senate Bill 184 (1st Reprint): Revises the Charter of the City of North Las Vegas. (BDR S-5)

Senator Pat Spearman, Senate District No. 1:

My district only encompasses North Las Vegas. I am pretty sure that by now, most of you have either heard, read, spoken to me, or spoken to someone else about what the bill does. I will start off by saying four things. Then I would like to read some comments and some thoughts to you.

I want to start off by saying, this is not a contest to be won or lost by any elected official. This is actually bringing the voices of the people who elected us into view and their expecting us to do their bidding. This is about the people who cannot hire attorneys, so they vote for us so when we come to this place, we can speak for them. This is about the people who only make \$35,000 or \$37,000—under \$50,000 a year—who do not have the same choices in terms of where they want to live as we do.

When I was retiring from the military, I would come back and forth between Las Vegas and Washington, D.C. I will never forget, I made my third visit here, and the Realtor was taking me around. She took me to Summerlin, a master planned community. She took me out to

Henderson and some spots in old Las Vegas. I said to her, Show me something in North Las Vegas. This is what she said: Why? I said, Because I would like to see something in North Las Vegas. She said to me, Colonel, you can afford to live anywhere; why would you want to live there? Summerlin is a master plan. She started talking about Henderson and all those things. I said, Because I really want to look at North Las Vegas.

At the time, I was getting ready to assume pastoral duties at the United Methodist Church. In talking to a lot of the people who were already there, I learned a number of reasons why North Las Vegas probably needed someone like me and something like our church to be there so we could lift people up. I said, Show me something in North Las Vegas. She could not understand it, but we did look. I looked at several different places and eventually settled on a place that was a new development—I would guess two or three years old—and lived there.

I passed through the United Methodist Church. We rescheduled our Bible study from Wednesday night to Thursday night, because Wednesday was the night the city council met. I encouraged people to make sure they were involved with the city and city activities, because if you are not involved in the place where you live, there are a number of things that may go on that may or may not benefit you.

I was so involved with things that were going on in North Las Vegas—and not just North Las Vegas, but also Clark County—there were several people who came to me in 2012 and asked me if I would run for this seat. I had no intentions to whatsoever. I was in the final phase of my doctoral work and was starting to write my dissertation. For me, it would have been an interruption, but they kept talking to me. I talked to family and friends. They said, We really think you need to do it, so I did. Surprise, surprise—I won. Since 2012, it has been my personal pleasure to represent the people of North Las Vegas in a number of ways.

One of the things we have done here as a state I believe helps people in North Las Vegas is, I had the pleasure of passing, along with Patricia Arquette, a bill that brought pay equity to the state. She came in, and we testified together. We were able to get that across the finish line. In 2017, I brought back the Equal Rights Amendment after people kept telling me, It is just a stunt, and you will never get it across the finish line. We do not need an Equal Rights Amendment, because we have this, this, and this. I said, I beg to differ, because there are some things that are not happening. I lift those as a couple of ways I have tried to serve the people of North Las Vegas. I will not be here next session. I am retired, and my family is telling me I ought to act like it.

For me, Senate Bill 184 (1st Reprint) is a bill about equity and equality. Some of the issues addressed in this bill draw a straight line to issues I saw and worked to overcome in my military career, my personal life, and during the early days of the civil rights movement. As some of you may know, I was among the first 15 students to integrate a high school in the heart of Alabama, about 25 miles from Montgomery. That happened in 1969; 1954 was when *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) was settled. Why did it take all the way until 1969 for some of the schools in Alabama to integrate? It is because

they were forced to do so after the law became effective. The state would not do it so the federal government said, You will. Some of you know Ruby Bridges. The only reason Ruby Bridges was escorted into school—my niece wrote about this and won an essay contest—was because of civil rights.

I have served as a pastor for more than 50 years. I have been a military chaplain and a hospice chaplain, and I was in several other areas. For those who do not know, I have been fighting for civil rights my entire adult life. My first elected position was in college, as I served as the chief justice of the student government association at Norfolk State University. Following college, I entered the military, where most of my working career involved improving rights and lives in the military for soldiers, refugees, and former prisoners of war.

One of my assignments included serving with the Department of Defense Equal Opportunity Management Institute to train in human relations, human and civil rights relations, equal opportunity, equal employment opportunity, and diversity to enhance mission readiness by fostering positive human relations throughout the Department of Defense. This extraordinary opportunity led me to a position serving as the equal opportunity officer for an entire military police brigade at Fort Hood, Texas, where I oversaw the climate and civil rights issues in the military police brigade—and as the equal opportunity officer in the army operations center at the Pentagon.

I was asked to do so by the chief of staff when he looked at my background in equal opportunity and saw my assignments and the things I had done. He asked me, We do not have anyone serving in this capacity. During this particular war, we need to make sure everyone who is working on this staff understands equity, understands culture. We have to make sure we do away with the hatred that is becoming very pervasive towards Muslims and people in the Middle East. I said yes.

Much of the work involved fixing discriminatory housing and discrimination in terms of police, military police operations, and other things. Primarily, it was looking at the climate of the battalion, the brigade, and the operations center. My job was to see if there was anything that needed to be fixed, to suggest to the commanders below the Pentagon level—and then to the chief of staff—what we could do to fix this, because we have to have equity and equality in the military, otherwise we go nowhere.

I was also assigned to become the operations officer at the Cuban boat lift resettlement operation. Some of you may not have been born at that time. My whole duty was to make sure those who were coming into the United States from the boat lift operations were treated equitably. I had some experience working with refugees. I also had some experience working with our United Nations assignment in Korea to make sure prisoners of war were treated fairly.

You will hear a lot of things about what this bill may do extraneous to what the bill actually suggests doing. Let me say this: All these experiences came together, and that is the lens I have brought Senate Bill 184 (1st Reprint) from. I might also add, and you will hear from some of the people testifying that this was not my idea. This was the idea that was brought to me by several other individuals. They asked me to do so, and so I have done it.

Chair Torres:

Senator Spearman, I apologize, but if we could make sure we get to the bill—I have three other bills today as well, and our time is running. I would like if we could get to the details of the bill. I will note though, out of fairness to all parties, if I extend time for the Senator, then I have to extend time for the City of North Las Vegas as well.

Senator Spearman:

I will end. I do not know if the 15 minutes included the people who are going to testify or not.

Chair Torres:

As was noted in the email that was sent to your staff, the 15 minutes includes the presentation for the bill. We will allow testimony in support afterward.

Senator Spearman:

Let me hurry to the bill. It does four things, and I will submit my testimony. I just think it was important for you all to understand why I did this.

The bill does four things. Number one, it expands the North Las Vegas City Council. Number two, it requires the city manager to become an actual resident of North Las Vegas. We have an amendment pending that will apply it to city managers moving forward, but not to the current city manager. Number three is to look at a diversity audit to make sure the people who are working for the citizens of North Las Vegas actually mirror the residents of North Las Vegas. Finally, the bill requires the city to develop a diversity supply chain. That is what the bill does, and it is all about equity. It is about civil rights. It is also about silver rights.

I will stand for questions if you have any, and I will submit my testimony. Again, this bill is not about me, and it is not about any of the other "elected officials" in this building or elsewhere. This bill was brought for the people who do not have choices. I can move out of North Las Vegas. I can move out of Nevada. I can move out of the country. Most of you on the dais have choices about where to live. This bill is about the people who do not have a choice where to live. They want to make sure they have adequate representation. That is it.

Chair Torres:

At this time, I will invite Committee members for any questions.

Assemblyman DeLong:

I have a couple of questions. I will ask my first, and you can go around. You had just mentioned there is an amendment, and I do not see that.

Senator Spearman:

It is an amendment that just came to me last night. The amendment actually grandfathers in the current city manager and is just moving forward. I might also say the city charter requires that now, but it also has a loophole. The city council can grant you a waiver to do that.

Assemblyman DeLong:

Are we hearing the bill with or without the amendment?

Senator Spearman:

You are hearing the bill without the written amendment. Since it came to me so late, I am mentioning it now so when you get it, you will know what it is.

Chair Torres:

To confirm for Committee members, out of transparency, I have not yet received anything written either. As soon as my office gets it, we will make sure we send it to Committee members.

Assemblywoman González:

You were talking how the bill does four things. It expands it from one city manager to four city managers? No? Sorry, I missed that.

Senator Spearman:

It expands it from four city council members to six city council members for a city with a population above 274,000.

Assemblywoman González:

My other question is, why is this just about one city? Why are we not looking at all city charters? In this building, I think we look at the state, for all. What does that look like? What is the history? Would you be open to expanding this—you know the argument about making sure everyone has representation—so all folks have representation in the council?

Senator Spearman:

I brought this bill at the urging of citizens of North Las Vegas, whom I represent. I do not represent Henderson. I do not represent Reno. I represent North Las Vegas. The people who brought this bill to me brought it to me because they said they wanted this to happen, and they did not think it would. Members of the North Las Vegas Charter Committee continued to ask me to bring this bill. I did not hear from the charter committee of Henderson. By the way, Assembly Bill 55 of the 81st Session gave each city a charter. When the city did not act, the charter committee came to me and asked again, Will you please bring this bill?

Assemblywoman Thomas:

I have several questions, actually. You mentioned the charter committee in your last statement. I was reviewing the charter committee video. I watched it once, twice, and I wanted to see if the charter committee, during its session, was able to bring any of what you have said in this bill forward—expanding the wards. What I did discover was, towards the end of their session, members had suggestions that for the next meeting, they would bring that up. I am not understanding when you say you were impelled to bring this bill forward, which would include the provisions of the city manager. I did not see or hear that in the review of the charter committee video.

You say to us that you have an amendment that came to you last night. I recall during the Senate hearing, you mentioned this provision of the city manager, saying the state has deemed it necessary for the city manager to live in the City of North Las Vegas—because that is your bill. That is saying the state has determined this, not the city council, because in the original charter—section 4, subsection 1 of your bill—it indicates the city council can waive the residency of the city manager. However, from what I am reading, you are stating the city manager must live in the city regardless of what the city council has to say. These are some of the questions I have regarding this bill.

I understand you said you will have an amendment coming forward, and I appreciate your saying that. Most people on this dais know I have a heartburn with the state overreaching. To me, local government should be able to decide what the people they govern need and want. If the people of North Las Vegas came to that charter committee meeting—and I only saw one person there in the audience—I did not see people coming forward with a [unintelligible] for changing some of the things I have read in your bill.

Senator Spearman:

Let me first state that I shared with the attorney who is representing North Las Vegas that I would not make any changes unless the people who asked me to bring this bill concurred. I got concurrence last night at about 11:30 p.m. or 11:40 p.m. That is why it is so late. I talked about it, but I promised them I would not make any changes unless they concurred. That is why it came to me that late.

With respect to overreaching, there are bills in this body right now that are saying to cities what they should do, what they can do, and what they ought to do. With respect to the charter committee—and I will stop talking so you can hear their words, not my words—the charter committee actually wanted other meetings to discuss these same things. This is not about me. This is not about anybody except the people who wanted this to happen but did not have another meeting of the charter committee so they could say that. You will hear from members of the charter committee who will say the same thing.

With respect to local government, as I said at the start of my testimony, Alabama had local government that said, We are not going to desegregate. The federal government said, Yes, you are going to do it. When a lower government does not do, then it is the responsibility of the next level of government to do.

Assemblywoman Thomas:

When, again, I reviewed the meeting of the charter, I saw suggestions were made, because they had an agenda, just like we have an agenda here, and you know this. They were not barred from having another meeting. I did not hear that in there. I did not hear the city manager say, You are barred from having another meeting. I want to put that on the record.

Senator Spearman:

I will not respond to that. I will let the charter committee members answer the question, because I was not there.

Chair Torres:

I believe those are public meetings. I am sure we can request that the City of North Las Vegas make those available to Committee members so we can review those.

Assemblywoman Taylor:

Senator Spearman, thank you for starting your Tuesday morning with the hardest-working committee in the Nevada State Legislature.

Senator Spearman:

You have a bill in my committee too, right?

Assemblywoman Taylor:

I do. I am so sorry. You are right—the second-hardest-working committee.

I have a couple of questions. Obviously, I am not from the south—meaning the southern part of the state. I am not from the South either, by the way, but my mama is. Anyway, being from Reno, I am going to try to make some comparisons between the City of Henderson and the City of Reno. If you do not know some of these answers, we can probably get them, but I think you do. Sizewise, which one is larger, the City of Reno or the City of Henderson? They are about the same, but I think Henderson has surpassed Reno as the second-largest city. Am I correct about that?

Senator Spearman:

In order of population, it is Las Vegas, Henderson, then North Las Vegas.

Assemblywoman Taylor:

Reno is number four—okay. Sizewise, that helps me from a comparison standpoint. Do you happen to know if our city charter requires that the city manager live in Reno as compared to Henderson?

Senator Spearman:

I will answer that question with a caveat. I did have an opportunity to speak to two council members. They told me yes, but I have not read your charter.

Assemblywoman Taylor:

I know this answer, obviously: The number of council members in Reno is seven. That is a part of your bill as well. I was trying to find this answer and could not: Do you know if we started with seven, or did it grow over time?

Senator Spearman:

I do not know what the inception was for Reno. I know in my first session, we brought a bill that would add another ward, because of the at-large system and what it cost people to run at-large versus on the ward system. That bill did not go through, but eventually, I think you all came back to it. You went to six wards, and one was at-large. Recently, you came to this body—surprise, surprise—to say whether or not it would stay at-large or go to a sixth ward. This body accepted the fact that six wards would be enough, plus the mayor. I am just saying.

Assemblywoman Taylor:

We do not know if it has grown over time, but I know we have that number. You are right—it went from ward voting to citywide, and so on. I wanted to have some bases of comparison for Reno versus Henderson.

Assemblyman D'Silva:

I have said this many times, whenever you present in front of our Committee here: You are one of the great champions of equity and civil rights. I wanted to touch on the question Assemblywoman González asked. Again, this was about the bill focusing on North Las Vegas. If you are talking about civil rights and equity, what about some of the other boards, particularly the City of Las Vegas and Clark County? Clark County has a 30 percent-plus Hispanic population but no representation. I was wondering what your thoughts were on some of these other boards, with the City of Las Vegas and Clark County being particular focuses.

Senator Spearman:

They may have issues, but as I said before, it was people from North Las Vegas who asked me to carry the bill. I did not hear from anyone in Henderson. I did not hear from anyone in Reno. I did not hear from anyone in Sparks. It was the citizens of North Las Vegas. That is who I represent, and that is why I brought the bill.

Assemblyman DeLong:

Given the way this hearing has been set up as far as the structure of support, opposition, et cetera, as well as some of the questions, it seems like it is a pretty contentious proposal. Have these ideas been vetted in any of the political campaigns that have been run in the City of North Las Vegas, whether in a mayoral race, such as when you ran, or any other council races?

Senator Spearman:

Let me say this: Yes, I did run for mayor. In case you have not heard, I am glad it turned out the way it did. I am honored to live in a city serviced by the first African-American mayor.

Was it brought up? No, it was not, because I was running for mayor, and I did not bring up this particular issue. It was something that continued to come to me. Some people even asked me, If you win, who is going to carry that bill we are supposed to have that will expand the city council? I said, I do not know. I did not deal with it at all.

Chair Torres:

At this time, I am going to defer to our chief Legal Counsel. He is going to chime in and add some clarification regarding the questions about the Reno City Charter. He is online with us, if members have specific questions for Legal—I know that was a question asked of me before the hearing—we can still defer to Legal.

Asher Killian, Legal Counsel:

I apologize for not being in the room with you, but I hope to be back soon. Section 3.020 of the Reno City Charter is the section that controls the residency of the city manager for the City of Reno. Section 3.020, subsection 2 requires the city manager to actually reside within the state or become an actual resident of the state within six months after the date of his or her appointment. It contains no requirement for the city manager to reside in the city, just a requirement that the city manager reside within the state of Nevada.

Chair Torres:

I would like to ask a follow-up to that. Are there any city charters that do state that the city manager has to be a resident of that specific city?

Asher Killian:

I can do some quick research on that and get back to you.

Chair Torres:

Let us know when you are ready, and we will go back to you.

Assemblyman Koenig:

I do not have a question, but I know in Fallon, the manager has to live within the city limits.

Chair Torres:

Members, are there any additional questions? It does not appear there are any at this time. I will invite anyone wishing to testify in support of S.B. 184 (R1). The time is now 8:38 a.m. We will have 20 minutes of support testimony, so we will go until 8:58 a.m. Is there anybody wishing to testify here in Carson City in support of this legislation? I do not see any here in Carson City. We will begin in Las Vegas.

Although I said we would allow two minutes per person, I will just run the clock. Once those 20 minutes are up, they are up, so please be respectful of any others who might be in the room.

Noé Orosco, Program Manager, Silver State Voices:

[Read from [Exhibit C](#).] Silver State Voices leads the Let Nevadans Vote coalition. We are here in support of S.B. 184 (R1).

During the last redistricting cycle, coalition partners worked tirelessly with community members to develop community of interest maps. We also advocated for revisions to the proposed maps. My organization requested and received the North Las Vegas redistricting shape files on October 18, 2021, just two days before the city council discussed the proposed maps. Due to the delayed census data being released, the current boundaries were approved at the following city council meeting.

It is worth noting that tomorrow this Committee is scheduled to work session Senate Bill 16, the Carson City Charter, which also discusses redistricting if there is a population deviation of more than 5 percent in any ward. The North Las Vegas Charter also references this 5 percent deviation, and if we use the most recent Census Bureau estimates and free redistricting software, currently, there is a 7.5 percent deviation in North Las Vegas wards.

Since the 2020 Census, North Las Vegas has increased by nearly 10,000 residents. Only four other cities in the nation have seen a higher increase. Further, when compared to other cities of similar size, it is clear the increase is needed to provide adequate representation. Increasing the number of wards from four to six is a positive move that reflects the growth of North Las Vegas and helps ensure all communities have a voice in their governance.

We urge you to support S.B. 184 (R1).

Timothy Smith, Member, City of North Las Vegas Charter Committee:

I believe, firmly, in what the prior speaker also said, and I support this measure. This measure is fair and equitable across the board, and this will do things to help people. I am a disabled veteran, and I am deeply disappointed that the committee I sat on and was appointed to by Pamela Goynes-Brown was not able to complete the work. The other work we were trying to consider was an additional school district—one of our own. It would be one we could be proud of, that we would be able to substantiate. It could have fully functioning attack fire stations, which would be able to help in the event of emergency up at Apex Industrial Park. There are many other issues this committee was not allowed to do and was not allowed to bring forward. There was one issue, and one issue only, and that was an additional judge for a committee.

This committee should be able to do its work and not be stymied by its city officials. This is deeply disappointing. We can do things better in North Las Vegas. We have. We built the very first, one-of-a-kind veterans' resource center, which is located on East Centennial Parkway. I know it is not an issue that is before you now, but this is something we were able to accomplish in the City of North Las Vegas. It makes me extremely proud. I want to be continually proud of this, and I strongly support S.B. 184 (R1).

Chair Torres:

Is there anyone else in Las Vegas? I am not seeing anyone else in Las Vegas. I will go to the phone lines. Is there anyone on the line wishing to testify in support of S.B. 184 (R1)?

Jovan Jackson, Private Citizen, North Las Vegas, Nevada:

I am in support of this bill. I actually ran for the North Las Vegas City Council last year, and this was something that was brought up during the town hall meeting. This is not something that was just brought up during the session. This is something the city charter has been wanting. They have been wanting to expand the city council. I even sat next to Councilman Scott Black when the city charter mentioned this. This is not something new. I think my biggest fear is that this does not get passed, and two years from now, nothing gets done; the city charter is silent.

Like what Senator Spearman is saying, this is coming from the charter committee; this is coming from the people. Like I said, I heard this when I ran for office in 2022. I do not want voices to be silenced. Like she said, this is a civil rights issue. This is a matter of democracy. It is a matter of making sure our voices are heard. I think with Ms. Goynes-Brown, we have seen that she was elected mayor, but she did not even have the power to appoint someone to her seat. We need the representation in North Las Vegas. We need to make sure our voices are not silenced.

Shelbie Swartz, representing Battle Born Progress:

We are in strong support of S.B. 184 (R1), and we thank Senator Spearman for bringing forward this critical measure. The 2020 Census showed that nationally, Nevada is the third-most diverse state, with the fourth-most Asian American Pacific Islander residents and the fifth-most Latino residents. With so much diversity in this great state, we think it is important to increase the number of council members on the city council of the City of North Las Vegas. Any time we get the chance to expand our democracy, we try to put our best foot forward.

Marla Turner, Private Citizen, North Las Vegas, Nevada:

I am a lifelong resident of Nevada. I am a four-year resident of North Las Vegas. I am in support of S.B. 184 (R1) for all the various reasons, all the different components in the bill. You will find that in the statement under your resources tab on the Legislature's website [Senate Committee on Government Affairs, March 27, 2023, [Exhibit J](#)]. What I really want to speak about today is the charter committee. You are going to hear from some who will say this bill is premature, that it is an overreach, and that what it seeks to do should be done by the charter committee and the local authorities.

However, what I want to stress is that the North Las Vegas Charter Committee really did try to do this. They were shut down, either by staff or administration. They tried to come back and were shut down again. We have already heard Senate testimony from various members of the charter committee—and one this morning on this very point—who left feeling completely thwarted and frustrated. At some point, we have to allow people another venue

to get their concerns heard if they tried to be accepted under the required method and were turned away. This bill is that way. You will see all my other reasons under the resources tab. I kindly urge you to support this bill.

Jessica Munger, Program Manager, Silver State Equality:

Silver State Equality is Nevada's statewide LGBTQ+ civil rights organization. We are in strong support of S.B. 184 (R1).

Yesenia Moya, Private Citizen, Las Vegas, Nevada:

I am here in support of S.B. 184 (R1). I testified in support during the last committee hearing. It was important to me then, and it continues to be important to me now, that it is on record that this is another opportunity—or another avenue—the folks on the charter and the people of the City of North Las Vegas have tried to bring this forth. I am urging the Legislature to please be part of that democracy where we need checks and balances. If the people cannot get what they want through one avenue, this is another avenue. We are coming to this place because they have been trying to do this and have been blocked from doing this within their own capacity. They are coming to you, as the Legislature, as the body of power in the state who will continue to listen to the voices of the people. I urge you, like the many other callers, to please not silence the people of the City of North Las Vegas and to help expand their democracy.

Donna Darden, Member, City of North Las Vegas Charter Committee:

I would like to offer my support for S.B. 184 (R1) and urge you to vote yea. I want to clear up some confusion centered around this legislation. The North Las Vegas Charter Committee was only permitted to conduct two meetings. One was a private orientation meeting, and the other was a public hearing. At the public hearing, city staff controlled the agenda, presenting only A.B. 55 of the 81st Session. We were forbidden by the city staff from discussing any other charter revision ideas during our public hearing. When we attempted to conduct additional public hearings to review and potentially amend the city charter, the city staff deliberately prevented us from conducting additional hearings before the September deadline for bill draft requests. We have never been permitted to conduct additional hearings. I was told several times by city staff that our job was done, and a committee hearing was not required. In short, we have not had the opportunity to meet to date to discuss, amend, or recommend any amendment to the city charter. In short, we have been blocked from performing our sworn duties.

Additionally, you will hear from current city council members and outside lobbyists that this issue should go to the charter committee first. The charter committee would have been very happy to discuss this; however, the same city leadership willfully impeded our abilities to perform our duties and hear any amendments to the city charter unless it was submitted by city staff. Based on testimony that was presented before the Nevada State Senate, city leadership would never permit us to discuss increasing the city council. Members of the city council were not notified of the existence of this charter committee until late January or

early February of 2022—more than seven months after A.B. 55 of the 81st Session, which established the charter committee, took effect. The charter committee was finally established more than ten months after the law went into effect.

In conclusion, my support for S.B. 184 (R1) stems from knowing it will provide well-needed representation for the people of North Las Vegas by increasing the city council from the current five members to seven. That is based on the population, which is larger than Reno—which has seven council members. North Las Vegas is overdue for an increase.

Chair Torres:

Could you please wrap up your testimony?

Donna Darden:

I totally support S.B. 184 (R1).

Cesar Carbajal, Private Citizen, North Las Vegas, Nevada:

I am calling in as a lifelong resident of North Las Vegas. I think this bill is very important, because we do need greater representation in North Las Vegas. We are the most diverse city in Nevada, and we deserve more than four representatives to represent our city. The average city council size around the nation is eight. Again, we have four. Imperial, California, with a population of 21,000, has three city council members. We have a population of 275,000 people.

We need to do better for our people, our residents of North Las Vegas. We have a number of issues to address in our city. We have a housing issue. We have an income inequality issue here in North Las Vegas. There is the poverty—about 20 percent of North Las Vegas residents live below the poverty line. We have an income inequality gap. We have a wage disparity issue we need to address. There are a lot of issues we need to look at, and I think we can do that with more representation, with more city council members. That is it. I urge you all to support S.B. 184 (R1).

Laura Martin, Executive Director, Progressive Leadership Alliance of Nevada:

I have been a resident of North Las Vegas for the last eight years. At the Progressive Leadership Alliance of Nevada, we believe our democracy is most vibrant when people are participating in it. By increasing the number of seats on the council, residents of North Las Vegas will have a more representative city council. In addition, the City of North Las Vegas is full of diverse and vibrant cultures. It is essential that those who are serving the city in the position of city manager truly understand the community they are representing as well. They should be a resident.

By requiring the city manager to prepare an annual diversity study and establish a supplier diversity program, we can ensure all voices of the community are part of the local government. North Las Vegas should be for the people, not for corporations who want to

turn empty, neglected lots into warehouses or build yet another chain restaurant. As our state's only majority-people of color city, we should be a model of democracy, not a banana republic. We urge your support of Senate Bill 184 (1st Reprint).

Marlene Lockard, representing Service Employees International Union Local 1107:
We are in support of S.B. 184 (R1).

Quentin Savvoir, President, Las Vegas Branch, National Association for the Advancement of Colored People:

I come to you today on behalf of our branch members, a majority of whom live in North Las Vegas and would benefit from there being a greater and more representative city council. Nationally, the National Association for the Advancement of Colored People (NAACP) has long had a role in ensuring there is adequate and equitable representation for communities of color—specifically Black people—on city councils. The NAACP played a historic role in passing the Voting Rights Act, which political scientists, researchers, and academics would tell you played an essential role in increasing the amount of representation we see on city councils across the country. North Las Vegas continues to underrepresent communities of color, and Black people specifically. It truly begs the question: If we had greater representation on the council, would our communities be facing the issues they are facing—i.e., Windsor Park? I urge your support of this bill.

[[Exhibit D](#) and [Exhibit E](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Torres:

With 4 1/2 minutes left on the clock, I will invite anybody else here in Carson City wishing to testify in support of S.B. 184 (R1). I do not see anyone in Carson City. Is there anyone else in Las Vegas wishing to testify in support of S.B. 184 (R1)? I do not believe there is anyone.

At this time, we will invite the City of North Las Vegas up to do their opposition presentation.

Leonardo Benavides, Government Affairs Manager, City of North Las Vegas:

I am here today to address concerns the City of North Las Vegas has with S.B. 184 (R1), as well as various statements that have been made about this bill during the legislative session. During the last legislative session, the city proposed changes to its charter, and this institution expressed concern with making changes without community involvement. To this end, last session, the Legislature created the City of North Las Vegas Charter Committee, composed of council and legislative appointees, including an appointee from the sponsor of this bill. Notably, none of the proposed changes contained in the bill were presented to the charter committee, nor were they discussed with the city council prior to the bill being published on NELIS [Nevada Electronic Legislative Information System].

The charter committee's involvement should not be optional, as it is designed to have robust conversations about substantive charter changes. For example, when the charter committee met last year, staff asked the committee to consider amending the charter to add a hearing master. The committee voted not to recommend this amendment. The city accepted the will of the committee and did not pursue the amendment. Despite statements that have been made during the session, the city—and specifically me—have encouraged those conversations to make sure the committee understood expectations and what recommendations could be brought forward.

While I greatly appreciate the work of the Legislature, I understand the limitations of the institution brought on by the time pressure of having only 120 days to consider legislation. I believe significant changes to a city charter are best discussed in the community before they are presented to this body for consideration. While the process was not perfect, to completely overlook and radically alter a city charter after only one interim with the charter committee would be a disservice to the whole process.

Before I pass it on to Mayor Pamela Goynes-Brown, I will show you a short video [[Exhibit F](#)] with some highlights and notes from our charter committee meeting in June.

[A portion of [Exhibit F](#) was shown.]

At the June 27, 2022, meeting, the charter committee was advised several times they could make any recommendations and there was no limit to the number of recommended changes to the city charter.

What follows here are some snippets from that video. We can also provide the full video to the Committee afterwards, as it is available on our website.

[A portion of [Exhibit F](#) was shown.]

What I want to note to the Committee is that agenda item number 5 was written broadly to enable committee members to discuss any possible changes. Number 5 reads, "Discuss Possible Charter Changes and Staff Recommended Changes, and Affirm Recommendations to City Council Regarding Revisions to the North Las Vegas City Charter. (For Discussion and Possible Action)."

[A portion of [Exhibit F](#) was shown.]

We agree.

[A portion of [Exhibit F](#) was shown.]

To clarify, by this time, agenda item number 5 was closed. However, when members brought potential changes, we gave them the option to reopen the agenda item in order to properly absorb Open Meeting Laws.

[A portion of [Exhibit F](#) was shown.]

As you can see, they chose not to reopen it. I now give the rest of my time to North Las Vegas Mayor Pamela Goynes-Brown.

Pamela Goynes-Brown, Mayor, City of North Las Vegas:

I am the proud mayor of North Las Vegas. I want to thank you, Chairwoman and this Committee, for your fairness and giving us time to address this bill. I want to thank Leonardo Benavides for correcting and getting the actual facts on the record. The video speaks for itself. The charter committee had a meeting on June 27, 2022, and staff invited them several times to have more meetings if they proposed charter changes.

The facts of [S.B. 184 \(R1\)](#) are very simple. Last year, the bill sponsor and I ran against each other to become mayor of North Las Vegas; 65.7 percent of the voters voted for me, and 34.2 percent voted for Senator Spearman. Following the election, she introduced this bill to try to make specific changes to the operations of the city she was not elected to run. The media has correctly characterized this bill as overreach and underhanded. Leading Nevada political commentator Jon Ralston tweeted, "State senator loses bid for North Las Vegas mayor, then goes back to Carson City and proposes bill to try to impose stuff on woman who defeated her. You can't make this stuff up."

Let the record reflect that many of the callers who testified on this bill were listed on the bill sponsor's C&E [Contributions & Expenses] reports as paid campaign staffers or were volunteers of her campaign for mayor. In fact, on NELIS under the "Exhibits" tab for this bill, there is an exhibit titled "Presentation of Lawsuits in North Las Vegas," submitted by Senator Spearman [Senate Committee on Government Affairs, March 27, 2023, [Exhibit H](#)]. The metadata on this exhibit shows the PDF document was created by Marla Turner, who was a paid campaign member of the bill sponsor's campaign for mayor.

A few months ago, the residents of North Las Vegas spoke very loud and extremely clear when they overwhelmingly elected their mayor. In an era of election denial, where fanatics and extremes challenge the bedrock of our democracy by attacking the U.S. Capitol, the 13 members of this Committee are being asked to subvert the will of the voters and essentially deny the outcome of the election.

[Senate Bill 184 \(1st Reprint\)](#) was originally framed in much different terms. However, once opposition grew, the bill suddenly became about civil rights. As a Black woman, and the first Black mayor elected in the state of Nevada, I testify to you today that this bill is not about civil rights. The last-ditch effort to shut down debate and intimidate opposition by using the sacred and cherished movement of civil rights is disgraceful and disheartening.

As many of you know, this has been a very difficult session for North Las Vegas. Our community and staff have been under constant attack by a couple of people with deeply personal motives. Indeed, after the Governor announced his intent to veto this bill, Senate Bill 246 was quietly amended to include more changes to the North Las Vegas City Charter. I am very grateful for those in this building who apply a critical eye and a thoughtful and open mind to the underhanded, despicable attacks on our residents and public servants. The belligerence, animosity, and contentions must end. It does nothing to serve our residents.

I want to thank you all again for the opportunity we had at the beginning of the session to make a presentation to you about our wonderful city. When I was first elected to council, the city was nearly bankrupt, and our residents were facing increased taxes and cuts in city services. When facing financial challenges, governments usually borrow more money to increase taxes. We decided to try something new and different when we set out a strategy that prioritized attracting new businesses and helping existing businesses grow so we could build a new tax base to solve our revenue shortfall. Our strategy succeeded and we almost tripled the size of our tax base, saving the city and allowing us to start increasing services and programs for our residents.

During the height of the COVID-19 pandemic, our city was at the forefront of assisting our residents and businesses. We collaborated with the municipal court and reopened the Community Correction Center to promote restorative justice and create a therapeutic court system. We created a revolutionary small business center that has serviced more than 1,100 small businesses, 75 percent of which are minority-, veteran- or woman-owned. We revamped our city website to make it easier for residents to navigate and access our city in multiple languages. We broke ground on the Veterans and Community Resource Center near the Department of Veterans Affairs. We are looking forward to opening the Delores Huerta Resource Center, making a profound impact in our community. Almost daily, residents come up to me and tell me how proud they are of our community and how amazed they are to see the transformation of our city.

Our residents overwhelmingly reelected our two council members in the past election, and I was fortunate they selected me to move from the council to the mayor's office. Senate Bill 184 (1st Reprint) was written to change the council and management team after voters affirmed they resoundingly approve of the leadership at the city and the incredible success they have delivered and continue to deliver. I understand and respect your discretion as legislators to change our charter, and I believe the changes in S.B. 184 (R1) are changes that should be discussed first in our community and in the charter committee.

Our neighbors are well-represented by our council. We have a minority-majority population that is represented by a minority-majority council and served by a minority-majority leadership team. Statements that our communities of color lack a voice in city hall are misleading and false. The truth is that 40 percent of our council is Hispanic, and our community is 42 percent Hispanic. Twenty percent of our council is African American, and

22 percent of our community is African American. This is wonderful and should be celebrated. I am so proud that the racial diversity of our council almost perfectly mirrors that of our community.

I know you are all very busy, and I appreciate your service to our community and state. I am thankful for the many people in this building who seek to build, lift, encourage, and construct bridges of understanding. Differences of opinion are part of this process. It is important to manage honest differences of opinion with mutual respect and dignified dialogue as we seek respectful ways to resolve complex issues and enlightened ways to work out disagreements with the goal, ultimately, being how to best serve our constituents.

Voters in southern Nevada just elected three new mayors during the last election, yet this bill singles out only our city and allows other new mayors to start running their city at the local level without proposing significant surprise changes to their charters a few months after they took office. Trust me, I think it is wonderful that they are trusted to govern. I am asking you to please trust me too. Electing our state's first Black mayor is a glorious milestone for Nevada, and I am honored and humbled by this historic first. Now I am simply asking you to treat me like all the other newly elected mayors and let me govern.

Chair Torres:

I will remind the Committee, given the remarks from the City of North Las Vegas, that despite the Executive Branch's decision on a piece of legislation, the Legislature's responsibility is obviously to legislate. We will continue to look at the policy regardless of what another house has done or what the Executive Branch may do. At this time, members, I will open it for questions.

Assemblywoman Duran:

My question is, when was the last time you redrew the lines for the council wards? How quickly can this be done?

Ryann Juden, City Manager, City of North Las Vegas:

We draw the council lines following a census, which is best practice across government. I believe that there is a letter submitted to the record from Brookings Mountain West [\[Exhibit G\]](#), which testified in opposition to this bill in the Senate. They clearly laid out the reason why lines are drawn when they are drawn. Whenever you have the freshest, most accurate census data, that is the appropriate time to draw lines.

As far as how long it takes, it depends. You have to hire a consultant. You have to put it out for bid, bring in a consultant, and hire the consultant. Then the consultant has to work through the process. One of the things in North Las Vegas, as the mayor mentioned, is the diversity of the city. From metropolitan regions, it is also the third-least-segregated region in the entire country. That is really a hallmark of North Las Vegas, but what it does is, it makes it difficult for a demographer to go in and find communities of interest that are compact enough to draw districts to provide a voice to that community. It is a more difficult process in North Las Vegas.

Assemblywoman Duran:

Do you recall the last time the wards, or the lines, were drawn?

Ryann Juden:

Yes, they were drawn following the 2020 Census.

Assemblywoman Taylor:

I have a couple of questions. Thank you to the city manager for sharing when lines are typically redrawn. I am wondering if the council ever considered, since lines would be looked at, if that would be the appropriate time to expand the council, because your city has grown so much?

Ryann Juden:

Great question. The city charter limits the number of council seats. If there was permissible language in the charter that would allow the council to enlarge its size, it could have been something they considered, but because the charter limits the number of council seats, it was not something they would be able to consider.

Assemblywoman Taylor:

I think an obvious question is, why were there not more meetings of the charter committee? One of the people who phoned in said it took 10 months before that happened. It sounds like they have had maybe one or two meetings. Thank you for bringing all the information you did, because it is actually very helpful. Based on some of the comments, at some point they said they wanted to talk about more things, but when they were given the chance, they did not. That is kind of confusing to me as well. Can you help me with the charter piece?

Leonardo Benavides:

As I mentioned, this is our first time with the charter committee. I think one of our good senators mentioned at the Senate Committee on Government Affairs that the first time you set up a committee, it will not be without any bumps and hiccups on the road. We have to go through the resolution process. We have to go through the appointment process, figuring out what that looks like. We looked at other cities for best practices for what the best way to make sure would be, because some of the ways the charter bylaws were set by state law were a little hazy. It was like, Okay, this certain so-and-so person is appointed by the Assembly or Senate minority. Is that one-to-one? Is it all a leadership thing? These were questions we were trying to figure out within the process. Not to mention, we were also still coming out of COVID-19, and we were still dealing with a lot of emergency regulations there. Yes, I think it took a bit longer than it would have when we first set up the charter committee as opposed to what we are looking forward to in terms of that.

Once we had the charter committee and we brought forward the proposed changes, we did have Open Meeting Law orientations with all the members beforehand, just to make sure they had an understanding of what the charter would look like. We made sure they had a copy to look at and try to get a feeling for what Open Meeting Laws implied. As you saw from that video, we tried to be very helpful in guiding them along and making sure we

explained that process to them if there was something that was not clear. We tried to give them every option at that time about, Hey, we want to have further discussion; we want to hammer out further details and look at that. The opportunity was there, but it was not presented at the time. They basically quashed the motion to bring any recommendations forward to the council at that time.

Then, there was nothing else from the chair or any member to discuss that that I heard of before the deadline for when the bill draft requests (BDR) were due. That is the timeline I made clear to the charter committee as well. I really did not hear anything about wanting to have another meeting until after the election—almost the end of December, at that point. The discussion was, did that make sense as we were gearing up for the legislative session, where potentially, changes might be made to charters? I do not think the charter committees were built with that intent.

Obviously, at the end of the day, the role of the charter committee is to help with the charter recommendations we bring forward to the legislative session for the BDRs. There were some conversations especially regarding having more continual meetings after this legislative session.

Assemblywoman González:

Now we have heard both sides. I was curious, does the City of North Las Vegas have any intent to expand their charter? Also, was this something you heard on the campaign trail as well? Is this something the citizens of North Las Vegas want?

Pamela Goynes-Brown:

To the second part of your question, no, there was not any conversation on the campaign trail. I knocked on doors almost daily. I talked to constituents via phone, email, and text messages. That conversation never came up.

Ryann Juden:

I can imagine when the charter committee meets again, they will be discussing the points of this bill. They are free to do it. The members of the Legislature have appointees to the committee, in case someone did not hear about it. You heard from several charter committee members, and I am pretty sure they will be talking about it.

Assemblywoman Thomas:

I appreciate your putting some of the discrepancies we heard earlier on the record. My question has to do with something that Mayor Goynes-Brown said about fiscal insolvency, because I think you were explaining how the city was able to turn itself around. I was wondering if you could expound on that.

Ryann Juden:

That is true. It was surprising to me, during this hearing for this bill and other bills, that Senator Spearman stated it was A.B. 503 of the 77th Session that orchestrated and developed the plan to save the City of North Las Vegas. In fact, the title of that bill from 2013 was read into the record by Senator Spearman.

It reminded me of a story. As a young father, I would take my son, who was three or four at the time, to Home Depot or Lowe's to go on an errand. I learned quickly that I would rather take him to Lowe's than Home Depot, because Lowe's had this grocery cart. I do not know if you have ever seen it. It was blue, and it looked like a NASCAR [National Association for Stock Car Auto Racing] vehicle. I could put him in it, because he would not face me; he could face outwards. There was a little steering wheel he could steer on that cart. He did not hate going to the lumber yard, but he hated sitting in the cart. However, when I sat him in that cart, he was perfectly fine. We could go through the store no problem. One time, we got done. We went up to the cashier, and the cashier looked at my little boy and said, Did you help your dad get everything he needs? Did you get him safely through the store?—something to that effect. My son stood up a little in his chair and said, I did; I made sure my dad got everything he needed.

Whenever I heard the Senator talked about A.B. 503 of the 77th Session, I thought about that story, because A.B. 503 of the 77th Session did nothing for the City of North Las Vegas—no more than that little wheel on the shopping cart helped the cart get around Lowe's. Assembly Bill 503 of the 77th Session, for context, was brought on the 115th day of the 2013 Session. With five days left in the session, the City of North Las Vegas came to the Legislature and said, We need money. We are running out of money. We need to go back into our utility fund to access more money. That is the representation they made to this body. I came into the city about four months later, and our team quickly identified that the City of North Las Vegas had given a misrepresentation to the Legislature. They had submitted information that was not accurate. We were horrified to hear this. In fact, I think to this day, North Las Vegas gets a bad rap in this building because of those misrepresentations and lies from 2013. I was not there; my team was not there. The council was not the same council.

I can tell you that we have never used the provision of A.B. 503 of the 77th Session at all. In fact, it was a difficult conversation the mayor and council had to have with stakeholders in January 2014. It was widely publicized in the media. You can see it. We talked to the Committee on Local Government Finance and said, We are not going to use this. We talked to Chairwoman Kirkpatrick, who at the time of the bill being passed was in legislative leadership. She was Speaker of the Assembly. We said, We are sorry, but you guys have been lied to. We are not going to use the provisions of that bill.

In fact, Senate Bill 78 of the 79th Session was the plan that saved the City of North Las Vegas. That was submitted by the City of North Las Vegas in a BDR in the 2017 Session. I know the people who worked on that bill. I know the hard work they put into that. I know

their names. I know the sacrifices they made. That was the bill we brought to this legislative body. We worked with the Legislature to help them understand the tools we needed to be able to save the City of North Las Vegas.

I am thankful this body gave us those tools. I testified about this a few months ago when we did a presentation before this Committee. Those tools were essential for us to use to save the City of North Las Vegas.

It was disheartening to hear that—as the city manager, I want to defend our people and our staff against any allegations that A.B. 503 of the 77th Session had anything to do with saving the City of North Las Vegas. There is a theory in political science; it is within the rational choice theory. It is called credit-seeking. It is something that is used a lot by political scientists to help explain why choices are made in a political arena such as this. I believe that if you are going to take credit for something, or say that the Legislature or you in particular, orchestrated or developed the plan to save North Las Vegas, you had better cite the right bill.

Assemblyman Nguyen:

I am trying to wrap my head around the process. I think Mr. Benavides said earlier that the council is limited from changing the seats because of the charter limitation. As I understand it, through this process, the charter committee would then make the decision to recommend anything back to the council. Is that how the process works?

Leonardo Benavides:

That is correct. The City of North Las Vegas cannot just change the charter outright. Any changes have to be brought forward to the legislative session. Prior to this past interim, there was no charter committee to be involved in the process. That was just added this past interim. A lot of the spirit of the charter committee and how it was brought forward was copying what the City of Henderson does with its charter committee. It is a collaborative body. At the end of the day, the charter committee works on those recommendations on what they see fit—should we be changing the charter? The council has the final say on whether they will accept them, go another way, or just not move forward. As I noted earlier, the charter committee denied the staff-recommended changes we brought forward. We respected that process. That is the process we are looking at now.

Assemblyman Nguyen:

As a former planning commissioner in Clark County, that was my first time serving on a county body that follows Open Meeting Laws. Sometimes we get thrown so many things—processes, rules, procedures. When everyday people like us get up to those roles, sometimes we are like deer in the headlights, because we are like, Wait, whoa, this rule, that rule—that is why we have counsel and staff. I appreciate all the staff support, but I think it is still unclear to everyday people, even looking at this video and the Legislature from outside, just observing what is going on. The process is still sometimes very daunting even at the charter committee level, or for anybody in the state in terms of volunteer members who serve outside of elected officials. Even in that, sometimes we get a lot of education quickly, and we did not have a lot of knowledge.

With that said, I am a bit concerned about the transparency. On your city record, the last time the charter committee met was in 2022. Is that correct? For some reason, I cannot find any minutes, and the last meeting that took place was in 2022. Right now, we are looking at May 2023, yet there are still no minutes established for that particular meeting.

Leonardo Benavides:

I will double-check on the minutes. I know the video should be available, but I will double-check with our city clerk's office. We can get that to the Committee.

Assemblyman Nguyen:

We want to be as transparent as we can in the processes so folks—and a member like myself—can understand how things work. I was going through your awesome website—you have a lot of new technology, so I am sure you kept up with all of this. When I clicked on every single committee, there were minutes that followed really quickly, but I feel like the charter committee got lost in the shuffle and did not get the attention it should. The committee itself is so important and does so many important things regarding the city charter.

Yes, if you could send the Committee the minutes, I would love to see the proceeding and whether everybody understood their position or not. Sometimes when there are so many things thrown at them and the meetings have so many people, it is hard for folks to understand how the process works. We do truly want adequate representation, and we do want our citizens to get involved. We want to support our mayor and government in doing the things they are supposed to do, but sometimes we need to make sure everyone is on the same page. Through this bill, it sounds like not everyone is on the same page.

Chair Torres:

I have a couple of questions I am going to direct towards our Legal Counsel that expand on the piece of legislation we are looking at today. On page 7, lines 3 through 8 of the bill, there is some language regarding the city attorney I am going to ask our Legal Counsel to clarify. I wanted to see how this language compares to the role of Legislative Counsel Bureau Legal Counsel with us so I could get that understanding. If we want to begin there, I am sure there will be other questions for you, Mr. Killian.

Asher Killian, Committee Counsel:

The language you are referring to in section 6, subsection 8 generally makes the city council and the mayor the organizational client of the city attorney. The city attorney represents the council and mayor in an organizational capacity rather than a personal capacity. We have a similar relationship between the Legislative Counsel Bureau and the Legislature. The Legal Division of the Legislative Counsel Bureau represents the Legislature as an institutional client. We represent individual legislators solely in their official capacity as constituents of that organizational client. We cannot provide advice or counsel to members of the Legislature on personal issues—on legal issues unrelated to their legislative service.

Obviously, the ambit of the Legislature is slightly larger than that of the city council. There are relatively limited matters that come before the city council, whereas the Legislature writes the law. It has a much broader range of issues on which it could request advice, but the fundamental relationship between the legislative counsel and the Legislature and between the city attorney and the city council and mayor as contemplated in this bill are the same. Both attorneys would represent the entity as an institutional client and the elected members who are constituents of that entity solely in their official capacity as a result of their being constituents of that organizational plan.

Chair Torres:

I have another question to build off Assemblyman Nguyen's question. Do we require public bodies to post minutes? If not, that might be something this legislative body looks to in the future. I am wondering if that is currently a requirement.

Asher Killian:

Yes, somewhat. Under *Nevada Revised Statutes* (NRS) 241.035, subsection 2, within 30 working days after the adjournment of a meeting of a public body, the body is required to publish either minutes or an audio recording of the meeting. One of those two things has to be done within 30 working days. Either they have to produce and publish minutes, or they have to produce and publish an audio recording of a meeting. That section of law is not clear about whether a video recording counts as an audio recording, but just applying common sense, if audio is fully available as part of a video recording, that would probably satisfy the requirements of the law. Theoretically, under NRS 241.035, subsection 2, as long as that audio recording has been posted, there is no requirement to additionally produce minutes.

Chair Torres:

That might be something we as a body look to in the future when we are thinking about the transparency of meetings. I wanted to go back to the question we had asked earlier regarding the residency requirements for city managers in other jurisdictions.

Asher Killian:

Yes, there are three cities organized under a charter that require residency for a city manager: Boulder City, under section 26 of its charter; Sparks, under section 3.020 of its charter; and Henderson, under section 3.110 of its charter. However, Henderson's residency requirement is waivable. In addition, for cities organized under general law, NRS 266.400 authorizes those cities to impose a residency requirement on a city manager. For all the cities organized under general law, based on whether those councils have chosen to adopt an ordinance establishing a residency requirement or not, residency may be required for the city manager.

Assemblyman D'Silva:

I have a quick question about the composition of the charter committee. You mentioned the Legislature also has a role in deciding who those individuals are. Who actually goes about appointing the members of the committee?

Leonardo Benavides:

There are 13 members in the charter committee as imposed by the law and now the charter bylaws. Seven are appointed by the council members. Six are appointed by the legislators. Each council member gets one appointee, except the mayor and mayor pro tem get a second additional appointee. For the legislators, there are two charter committee members appointed by the Senate Majority, one by the Senate Minority, two by the Assembly Majority, and one by the Assembly Minority. They are concurrent with the terms of the elected officials.

Chair Torres:

Members, are there any other questions? It looks like we are good. At this time, we are going to hear testimony in opposition to S.B. 184 (R1). I am going to go back and forth; I will probably begin in Las Vegas this time. I do not think I am going to have a full 10 minutes in Las Vegas. Then I will come back to Carson City, and then I will go to the phones.

I will give 20 minutes for opposition. I will allow testifiers to talk on, but I will let you know if you are going on a little long, just to make sure we have time. At this time, we will begin in Las Vegas.

Fernando Romero, President, Hispanics in Politics, Las Vegas, Nevada:

Buenos días. I am here to voice my opposition of S.B. 184 (R1). It is very alarming to see a few members of the Legislature sound a four-alarm fire to an area where no fire exists, yet insist that there is a fire. No one from the North Las Vegas City Council has rung any alarms, for there is no reason to do so.

Ironically, the Las Vegas City Council, with six wards, has council members that represent an average of 108,533 residents. Each of the four—I repeat, four—Henderson city council members represents 79,500 residents. Each of the four council members for the City of North Las Vegas represents 65,750 residents. If S.B. 184 (R1) were to pass, then each of the six council members would represent only 46,834 residents.

Each of the seven members of the Clark County Board of Commissioners represents 323,637 residents out of a population of 2.3 million residents, of which 39.7 percent are white, 32.3 percent are Latino, 12.3 percent are Black, 10.3 percent are Asian Americans, and 4.1 percent identify as "other." There are 2.3 million residents represented by one Black commissioner and six white commissioners. Members of this Committee, that is where the four-alarm fire is. I ask that we all scratch from S.B. 184 (R1) the words "City Council of the City of North Las Vegas" and pencil in "Clark County Board of Commissioners," to be tabled to the next legislative session. Let us put out the blaze where it really exists. No doubt the residents of color in southern Nevada would deeply appreciate this. For everyone's sake, please oppose S.B. 184 (R1). *Muchísimas gracias.*

Chair Torres:

Muchas gracias. Is there anybody else in Las Vegas in opposition to the bill? It does not appear there is anyone, so I will come back to Carson City. If there is anybody else in Las Vegas, please approach the table.

Stephen Wood, representing Nevada League of Cities and Municipalities:

We are in opposition to S.B. 184 (R1). As many of you know, in the past the Legislature has prescribed in statute how amendments to city charters should come before you. The process the Legislature created in North Las Vegas—as well as Henderson, Carson City, Sparks, Mesquite, and Reno—is a bottom-up approach where charter review committees made up of residents appointed by city councils and state legislators alike consider potential charter changes. The changes can be brought forward by members of the public, city officials, and members of the committee alike. If the charter review committee has determined that changes need to be made, they make recommendations that are taken to the council, who can then submit a BDR to the Legislature. The charter bills for both Reno and Carson City were previously mentioned during this hearing. Both of those bills followed this process. Senate Bill 184 (R1) undermines that process and the validity of the work of a charter review committee.

The North Las Vegas Charter Committee did not have an opportunity to review and consider these recommended changes in an open meeting where the residents of the city—the people this bill impacts—could weigh in and have their voices heard before the changes were sent to the Legislature. The city council never had a chance to review these amendments either, a duty the people of North Las Vegas elected them to do.

The Nevada League of Cities and Municipalities is seriously concerned about the precedent this bill sets by circumventing the charter review process, the ability of the residents to go to city hall and participate fully in these discussions, and the responsibility of the council to those they represent. A letter expressing a similar sentiment was signed by 19 of Nevada's mayors and was submitted to the Committee for your consideration [[Exhibit H](#)]. As you consider S.B. 184 (R1), we urge you to also consider the reason for the process, which allows residents and city officials alike to recommend changes to the way their own communities are governed.

Nicole Rourke, Director, Government and Public Affairs, City of Henderson:

Madam Chair, with your permission, I would like to read a statement on behalf of Mayor Michelle Romero [[Exhibit I](#)].

Chair Torres:

Please proceed.

Nicole Rourke:

[Reading from [Exhibit I](#).] I join my fellow mayors in strongly opposing S.B. 184 (R1), because this legislation takes away the ability for residents of North Las Vegas to fully participate in a decision that will have long-lasting consequences for their community.

A change of this magnitude should not be forced upon North Las Vegas but should come through the charter review process. This was not the case with S.B. 184 (R1). As the mayor of a charter city, I understand how important it is to involve the public in discussions about changing a city charter, especially when it comes to questions about representation on a city council.

I would urge this Committee to reject the effort being made to short-circuit the charter review process and all it offers by way of public input and to reject S.B. 184 (R1), so it can be the residents of North Las Vegas, joined by their mayor and city council, who ultimately decide whether or not to seek the charter change this bill would require. This is the pathway that respects the role of the community and honors the tradition of long local decision-making in matters of such great importance.

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

The Vegas Chamber continues to oppose S.B. 184 (R1). We represent the employers located in North Las Vegas, and we are the voice of business in North Las Vegas. We believe the city council has been focused on turning the city operations around in the last eight years, and they have been successful in those endeavors. Their staff and council leadership is commendable for what they have done. The council is engaged, focused on making it a better community, and has engaged with its constituents. The council is accessible, and you regularly see that at city council meetings.

The Vegas Chamber has regularly participated in council meetings for over a decade and sees on a regular basis the work they do. We do not agree with expanding the city council size at this time, as proposed in section 2, subsection 1. We feel softly opposed to the proposal of the restriction of the city attorney's duties in section 6, subsection 8. We believe sections 3 and 4 should be done by local government ordinance by the council and should not be placed in the city charter. While we do appreciate the conversations this bill has created, we ask this Committee to vote no on S.B. 184 (R1).

Warren B. Hardy II, representing Urban Consortium:

The Nevada Urban Consortium is made up of the Cities of Las Vegas, Reno, Sparks, Henderson, and North Las Vegas. We do not dispute the fact that the Legislature has the authority to make these changes and interject itself into matters of charters. I think the Legislature has historically done a wonderful job setting up the parameters and allowing for the precedent of local governments to decide their future after approval by the Legislature as appropriate.

We are not here to express an opinion on the items related to the charter change to S.B. 184 (R1). We are not here to opine on any of the provisions of the bill. We are here with concerns about the precedent.

We have a process that has historically worked very well to allow for charter committees and charter commissions. We have spent some time making sure cities have effective charter committees. As the video you have seen today indicates, the charter committee in North Las

Vegas is working as intended and should be allowed to do its work. Rather than opining on the provisions of the bill, I would simply ask the Committee to allow long-standing precedent to stand with regard to charter changes.

Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager, City of Reno:

I wanted to say ditto to all the other comments from the local governments. I think I am in a unique position, because we are beginning the process of redistricting for the City of Reno and our sixth ward tomorrow. I know that is a long and arduous process. It is important we have those conversations beforehand with our charter committee and our community to make sure community input is given and we can keep our communities of interest together.

Kelly Crompton, Government Affairs Manager, City of Las Vegas:

I will also ditto my local government colleagues and just say these changes are best left to the government closest to the people, which is the city government.

Chair Torres:

Right on time. We have the opportunity to go to the phones. Is there anyone on the line wishing to testify in opposition to S.B. 184 (R1)?

Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:

I want to highlight a very strong membership of North Las Vegas at the Latin Chamber of Commerce with many businesses that exist in North Las Vegas. Our primary concern is that we believe this should be happening at the local level, not the state level. Matters of city government should always be decided at a local level. While this bill may have good intentions, these issues need to be addressed at the local level, where decisions being made are by local government, the individuals most closely connected to the community, not state government. For those reasons and many that have been mentioned, the Latin Chamber of Commerce opposes this bill.

RaeAnn Peterson, Private Citizen, North Las Vegas, Nevada:

I am a lifelong Nevadan. I have lived in the original section of North Las Vegas for 62 of my 63 years. I am against S.B. 184 (R1). I feel it unfairly targets the City of North Las Vegas and that concerns about how many constituents are represented by a single council member should be addressed statewide. It should not just be done by controlling one city—specifically, the City of North Las Vegas, of which I am a resident. I think things need to be done fairly and across the board to all cities within the state of Nevada.

I also agree especially with Mayor Goynes-Brown about the positive things she said about North Las Vegas. It truly makes me sad when people stand up and say things that are negative—and many times not true—about North Las Vegas. It is a great city. I have great representation through my city councilman, and my city council is diverse. I do not think it needs to be changed, and I ask you to vote against this bill.

Lisa Mayo, Private Citizen, Las Vegas, Nevada:

I was in the queue for a long time on the support side of the bill. I wanted to get my testimony in.

Chair Torres:

I apologize. In the interest of time and being fair, we allowed 20 minutes of support testimony, and we hit our 20 minutes. We encourage you to send your written remarks to our Committee staff.

Lisa Mayo:

Okay. I have done that.

[[Exhibit J](#) and [Exhibit K](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Torres:

Are there any other callers wishing to testify in opposition to S.B. 184 (R1)? [There was no one.] Is anyone wishing to testify in neutral to S.B. 184 (R1)? I do not see anybody here in Carson City wishing to testify in neutral. Is there anyone in Las Vegas wishing to testify in neutral? [There was no one.] Is there anyone on the line wishing to testify in neutral to S.B. 184 (R1)? [There was no one.]

At this time, I will invite Senator Spearman up for any closing remarks.

Senator Spearman:

I will not be long. I am just going to ask a question. We have heard a lot of things about why it should not be done, but I have not heard anyone say that it should not be done. Is this good for the people?

I have heard a lot about adequate representation, but I would submit to you that there is something on YouTube that was put together by the University of Nevada, Las Vegas, Boyd School of Law, Lift Up Windsor Park. If the representation was there, one of my colleagues would not be fighting today trying to get a bill passed to get money for the residents whose houses are sinking. This has been a 40-year battle.

You also heard from Jovan Jackson who did say he heard this when he was knocking on doors. I got this request from Mikey Kelly, a fellow veteran, in 2020. I decided not to do it in 2020 because the state redistricting was going to happen, and we did not need to muddle it up. They asked me again in 2021. I did not do it then.

I would encourage the Committee members to go back to the overview of S.B. 184 (R1). You will see that it is BDR S-5, which means that Senate Bill 184 (1st Reprint) came at the very end of the 2021 legislative session. It was not something that was, quote, Thunk up after November. Bill Draft Request S-5. You all know what that means. The lower the

number, the quicker the BDR was in. The BDR actually came at the end of 2021, when I asked one of our former members of the Legislative Counsel Bureau, who is now retired, to put it in, because they continued to ask me if I would do it.

The people who came to the table to oppose the bill—all of us are dressed really nice, you know? We have business suits. We can afford to have the time off to come and do this. The people I am asking you to think about are the folks who are at work right now; the people who are struggling with \$15 an hour to pay their rent; the people who, when they go home this evening, are probably going to be searching through the pillows of the couch trying to make sure they have gas money. The people who asked me to do this could not afford to come here today.

For those who think this is a grudge match—please. I was telling some of my friends, You would not believe what people are saying. They said, Surely, nobody believes that. I said, Yes, some people do. They do not know me. I am really not that petty, and quite frankly, I have not concerned myself with the last race—so much so that I did not know until Mayor Goynes-Brown said it. I did not even know what it was, because after the election was over, I was done. I do not need some type of grudge match to make my life. I shared with you all just a few things I did while I was in the military. I did not share all of them with you, but if I showed you some of my officer efficiency reports, you would know I got a full life. I do not need to do this kind of stuff to bring, quote, credibility to me. I do not need to do this at all.

Is it good for the people? Really, is it good for the people? As a company commander, I had to make a lot of difficult decisions. Some of the decisions I had to make involved the lesser of two evils, but I always sided on the choice that would benefit my soldiers, because it really was a matter of life and death.

I put my own career on the line at Fort Hood, because one of my soldiers, who was an E-4 and had been doing the job of an E-6 mechanic for nine months, lost it because of lack of sleep. He had a nervous breakdown on one of the field exercises—live-fire exercises. He was then court-martialed by the brigade commander, who was a full colonel. I went to my battalion commander and said to him, Sir, I cannot support this court-martial. He said, The colonel is for it. I said, I understand that, but I cannot support this, because this is a soldier who was put in a situation not of his own choosing. He was an E-4.

When I came in support of him, in contrast to what the brigade commander was asking, I was also admonished by the judge to be very careful as to what I said, because my career was on the line. I knew that as well. I saw that E-4 again about eight years later at Fort Sill, and he was an E-8. I heard somebody behind me calling me Captain Spearman. I thought, Okay, last name, but wrong rank. He ran up to me, and he thanked me. He said, My career would have been over.

For those of you who are thinking I am so small-minded and do not have a life beyond this or beyond the mayor's race—in 30 years, none of us are going to be in this building holding any kind of power. Life will move on, and we should do that. The people who I am speaking for are the people who could not take time off of work today to come and talk to you. After everything is peeled back, ask yourself the question. The essence of the argument of the bill they brought to me—and asked me to bring—is, they wanted more representation. They wanted adequate representation. They wanted fair representation.

You can ask all the questions you want about "process." Like I said before, there were a whole lot of questions about "process" when we were trying to get the right to vote, "process" when we were trying to get fair and equal housing, and "process" when I was at the Pentagon trying to make sure people were not unfairly castigating Muslims and people from south of the border. People always had questions about "process," but at the end of the day, it was about what is right—what is right for the people.

The person who testified was unfairly characterized as a paid staffer. No, she was not. Marla Turner was not paid at all. For those who think that because someone supported me and my campaign—I could say the same thing about the people who work for the City of North Las Vegas. It is their job to do that. I do not. I do not impugn their integrity. I figure they are coming up here because they want to.

Be very careful as you deliberate.

Chair Torres:

Thank you, Senator Spearman—if you could start wrapping up.

Senator Spearman:

I am done.

Chair Torres:

At this time, I will close the hearing on S.B. 184 (R1). We have three more bills today. I will invite Senator Daly up. We will be here until about 5 p.m., right Senator Daly? It will be an all-dayer in the hardest-working Assembly Committee on Government Affairs. Senator Daly, which bill would you like to begin with? We will go in numerical order.

At this time, I will open the hearing on Senate Bill 81 (1st Reprint).

Senate Bill 81 (1st Reprint): Revises provisions governing regional planning.
(BDR S-536)

Senator Skip Daly, Senate District No. 13:

I am here to talk about Senate Bill 81 (1st Reprint). I did submit an amendment [[Exhibit L](#)] after working with a few people after it passed out of the Senate. I am going to work off of that one.

Here is a bit of background: I believe it was 2019 that we passed the bill for the regional planning. We are talking about five counties in northern Nevada: Washoe County, Storey County, Lyon County, Douglas County, and Carson City as a region. We wanted to try to bring the counties together a bit more to try to adjust some of the growth issues, development issues, and various things on that. Right after that, we had COVID-19 and a couple of things. I do not think it worked as well as I intended. The counties did their part. They put in their reports.

As we come back here, we are trying to make a few changes. I want to make it so each county is not making an individual report; there will be one joint report, which is my intent. We are still going to have the five counties. We are also going to consult with the cities. We also added some legislators on there for some guidance and context so if there are recommendations on legislation, we have some people who were there at the meetings who can put in bills.

After we had the meeting in the Senate, I was approached by a couple of the counties—they can come up and speak for themselves. They wanted to put an emphasis on the I-80 corridor, which borders three counties. It is largely in Washoe County. It has a little stretch in Storey County. Then it goes into Lyon County. It is all in relationship to some of the activity that is happening in Storey County. If you have ever had to go out there, and there is one little hiccup, you are in an hour or two-hour delay. It is an issue that is important to everybody. That is why we made the change in section 1, subsection 1, paragraph (d) [page 1, [Exhibit L](#)].

Again, I was approached by some people from Lake Tahoe who wanted to add in the "architectural conservation and preservation planning" in section 1, subsection 2, paragraph (a), subparagraph (1) [page 1]. I said, No worries.

Under transportation, in section 2, subsection 1, paragraph (a), subparagraph (4), we put more emphasis on I-80 [page 1]. My understanding is, the Department of Transportation (NDOT) has twice-a-year planning reports they make. We want to engage with NDOT on that, look at those reports, and get some input so there can be some recommendations to alleviate some of those types of concerns.

On the first page of the bill, in section 1, subsection 2—I was reading it again this morning—we took out the word "separate." My intent there—and I do not know that we have made it clear—was, we do not want individual reports from the county. I think we should add the words "joint report." We are going to have the five counties. They will come together and consult with all the agencies and make a recommendation. There will just be one report. That is my intention.

In section 1, subsection 3, it says they can consult with any of the other organizations. We added in the Office of Economic Development and the Department of Transportation over on the Senate side. We changed a typo from "school district" to "school districts."

We are hoping to have one report that comes in; we define who is on the panel in section 1, subsection 4. It includes the legislators. There are two from each house—one from each party in each house. They are ex officio; they do not have a vote on what would or would not be in as recommendations in the final report. In section 1, subsection 6, we have it that no one is entitled to any pay for this on the legislative side of it.

I know I will be the only senator who meets the criteria—the definition—representing the region from my party and my house. Unfortunately, right now I am the only one. I hope after the next election, we will have more than one.

I do not want to take up too much time. I know there will be some people who have concerns. However, I believe there is an opportunity for these five counties to do some good and make some recommendations to try to address some of these issues. It is not just about I-80; there are a variety of things we can talk about. Then, we will hopefully make some productive observations and recommendations to the Legislature in 2025. I am happy to answer any questions.

Chair Torres:

I know you served on a Government Affairs committee in this body, but you did not have the privilege of serving on the hardest-working Assembly Committee on Government Affairs. We are happy you could join us this morning. Members, are there any questions on S.B. 81 (R1)?

I have a question, actually—maybe more of a recommendation. We did not have the opportunity to meet in detail ahead of this hearing. One of the things I noticed is that in section 1, subsection 2 of the bill, we require that the reports be prepared and submitted to each legislator who represents that region. After the last legislative session, we created the interim committees that now look like the committees here. It made sense to me that we might also require that they present this information or provide that report to the interim committees. I do not know what would be most appropriate. We could do either the Joint Interim Committee on Government Affairs or Growth and Infrastructure. They are probably both appropriate. Do you think that would make sense?

Senator Daly:

I am open to that. It is a report; we can print off another copy and send it to wherever you like. Yes, we were trying to get to the legislators who represent any portion of those districts. Obviously, if you wanted to send it to the interim committee, I am assuming—seeing as how we are Government Affairs committees in both houses for this particular legislation—that it would go to the Government Affairs Committee. For whatever recommendation, we do not know what committee those might go to. I am open to sending it to whomever you would recommend.

Assemblywoman Taylor:

The five counties will come together and do one report instead of separate ones. Then you have some criteria around who gets to be in the group. Outside of those, is that the real objective of this bill? It is not how the five reports just have one so you make sure the five committees are working together and so on. Is that the crux of this?

Senator Daly:

Previously, it was bifurcated. There were two reports. Each county would give their individual report, and then there would be a joint report. I think it is going to be better if we are trying to get people to work together. That is why we have the simple majority vote of the county managers—just the five—because when I first drafted it, legislators and cities could have voted. There was concern that somebody would be diluted on their representation. I said, Fine, we will just make it the county managers.

I do not know that it is going to be as useful for each county to make the report. I think the joint report after the deliberations with the five county managers are going to do that. We use the county managers. We do not involve the elected officials from the counties, so you can have frank open discussions of various things. It would not be the elected officials so they would not be considered a public body for this particular purpose. The one joint report is just going to be more efficient.

Assemblywoman Taylor:

That is the intention; that is really what we are getting at. Okay. I wanted to make sure I did not miss it.

Assemblyman Nguyen:

This is designated for the northern part of the state. As a southerner, I have seen some of these efforts through the Southern Nevada Regional Planning Coalition. There is a similar effort that is done in the south. But the difference here is, I see you are involving appointment from the Legislature. I apologize if I missed this during your presentation, but do you think that added steps? That is the difference I see from the northern part, versus a certain makeup of the body. In my opinion, they have had gatherings very seldom in the last 10 years I have been following county government. Do you think adding this additional layer of appointees from the state Legislature would help and somehow make this a much more proactive process?

Senator Daly:

Yes, I think it will. You have the five counties. We had different personalities in the past. There was resistance to this the last time we passed it. I think I failed to mention this is a short period. It is four years. It sunsets. The previous one sunsetted, but I think with COVID-19 and things, it did not get the results I would have been hoping for. Putting the legislators on there—me and some others from the north—is meant to be twofold. I will be able to hear and see where we are going and see if we are on track. Hopefully, I can guide and give some input. If they are not meeting and are just giving it lip service, I will know that too. That is why we have it on there.

We originally had it where they could vote. Like I said, we changed that. We only had two, and we expanded to one from each party from each house. I think we will be covered on that. I believe having the legislators there would help give some input. Then, of course, if they had a recommendation that needed a bill draft request, they would have people with some buy-in who attended.

Assemblyman Nguyen:

Would the cost to set this meeting up, all the preparation of this report, and all of these things, be divided equally among the five counties? The legislators do not have to contribute to this process?

Senator Daly:

No, the legislators will not. The counties have been working together. They have done a couple of these before, from my understanding. You can ask one of the county people, if they come up. My understanding is that they have worked that out amongst themselves. They rotated the meetings, and they prepared the joint report in the past. I am assuming they will do it the same way they did before.

Chair Torres:

Members, are there any questions? It does not appear there are any additional questions at this time. At this time, I will invite anyone wishing to testify in support of S.B. 81 (R1).

Thomas Morley, representing Laborers' Union Local 169:

We are in support.

Chair Torres:

I do not see anybody else wishing to testify in support of S.B. 81 (R1) here in Carson City. Is there anybody in Las Vegas wishing to testify in support of S.B. 81 (R1)? It does not appear there is. Is there anyone on the phone line wishing to testify in support of S.B. 81 (R1)? [There was no one.] Is there anyone wishing to testify in opposition to S.B. 81 (R1) here in Carson City?

Mary Walker, representing Douglas County; Lyon County; and Storey County:

Douglas County, Lyon County, and Storey County are three of the rural counties included in this bill. We are opposed to S.B. 81 (R1). However, we do appreciate Senator Daly for meeting with us and hearing our concerns. Our major concern is on section 1, subsection 4 of the original bill. When leadership is selecting the members to serve on this committee, in the 30 years I have been lobbying for local governments, it is typical that the Majority Leader of each house, or the Speaker, appoints whichever members are going to be there from their party. Then you have the Minority Leaders, who would also appoint. It is fair and square. It is very evenhanded.

However, what this bill does is, it changes that long-standing protocol. Instead, it would be the Senate Majority Leader and the Speaker who would appoint both the Democrat and Republican members. Because our rural counties are represented by Republicans, we are

concerned about if we are going to get appropriate representation. For example, what could happen is, you could get four people who are all from Washoe County, and the other four counties would not have representation. Those are the types of things we are concerned about. We would appreciate your consideration.

Will Adler, representing Storey County:

We would first like to thank Senator Daly for all the work he has done on S.B. 81 (R1). Senate Bill 81 (1st Reprint) is the continuation of a regional planning group that goes on today between the five counties mentioned in the bill. At the beginning, we had a lot of concerns with the structure of the bill or how it was put together. At this time, we would like to say that the bill has come a long way and has actually improved in many ways.

Sadly, at this time our commission feels the need to oppose the bill still, because we do not feel the need for this regionality or this continued communication, as we already do such actions. The previous bill created a stimulus between the counties, and we already have these conversations going on at this time.

We would like to mention that we appreciate the addition of focus on Highway I-80 and the continual need to improve that traffic corridor, the tools this committee will now have at their disposal to increase our ability to get information on that, and the timeline on its improvements. I want to thank Senator Daly for his change to the bill but sadly have to oppose it at this time.

Chair Torres:

Is there anyone else wishing to testify in opposition to S.B. 81 (R1)? I do not see anyone here in Carson City or in Las Vegas. Is there anyone on the line? [There was no one.]

Is there anyone wishing to testify in neutral to S.B. 81 (R1)?

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:

Washoe County is neutral on this bill but does want to thank Senator Daly for all of the work he put in and the many meetings he had with local governments to hear our concerns. Washoe County did have some significant concerns with the bill as introduced. Senator Daly, as he described today, did work through those with us. I wanted to come forward, because there were some new amendments [[Exhibit L](#)] brought forward to the bill today, to indicate Washoe County is supportive of those amendments, particularly the focus on I-80 and the amendments to address issues in the Tahoe Basin.

Chair Torres:

Is there anyone else wishing to testify neutral here in Carson City or in Las Vegas? It does not appear there is anyone. Is there anyone on the line wishing to testify in neutral to S.B. 81 (R1)? [There was no one.]

Senator Daly, do you have any closing remarks?

Senator Daly:

I believe we worked very hard. I worked as hard as I could to address as many of the concerns as I could. I was hoping to get people at least to neutral. I know some of the concerns were brought forward to me by Storey County, so we worked through them and put them in.

In regard to the one issue on who appoints—no rule. The Majority Leader can appoint both. The people who are going to be on that have to be from and represent some part of the area. In theory, it could happen that people are all from Washoe County, but I do not believe that will happen. If I have a chance, I will make recommendations that it does not. I do not think that is much of a concern.

I know they say some of the counties have been working together, and I hope that is the truth. Maybe we will see that, but I think we have to go through this process, try to identify those issues, and make some recommendations to this body. I do not think we can do that without some catalyst to make that happen.

Chair Torres:

At this time, I will close the hearing on S.B. 81 (R1). I am going to take a moment of personal privilege and move into a one-minute recess [at 10:21 a.m.].

[Meeting reconvened at 10:30 a.m.]

Let the record reflect that Senator Daly is here with us and ready to present. He has been ready all day. I think he actually might have gotten to the Legislative Building at 5 a.m. He was doing some push-ups and pull-ups and getting ready. Now he is here and ready to go. During the plank challenge of one of our special sessions in 2020, Senator Daly won—no surprise. At this time, I will go ahead and open up the hearing on Senate Bill 82 (1st Reprint).

Senate Bill 82 (1st Reprint): Revises provisions related to public works. (BDR 28-535)

Senator Skip Daly, Senate District No. 13:

Specifically on public works, this bill addresses the Apprenticeship Utilization Act, which Senator Brooks proposed in 2019. When I originally drafted this bill, we started talking with some of the stakeholders about various things, and we had several meetings. We have not come to a 100 percent agreement with everybody, but I did make a lot of movement.

We are changing this process from a job-by-job criteria—or threshold—to an annual one. You have to meet the goal, or try to meet the goal, on an annual basis. I believe you will hear some of the contractors come up and say that will be easier for them to manage if they need to move an apprentice from one job or position to another. They are just going to look at the total number of hours they worked on public works in a year and then, how many hours were performed by apprentices on that number of hours. They may have zero apprentices on one

job and additional apprentices on another one. They can manage that based on the complexity of the job and the hazards of various things on that job. They can manage that work better.

This bill will eliminate or take away the provision in section 1, subsections 1 and 2, which are for vertical and horizontal construction. It is no longer based on the number of men on the job, because it is not on a per-job basis. It is just going to be total hours over the course of the year.

In section 1, subsections 3 and 4, there was no change from the original bill. I will just note that the idea for subsection 5 came from subsection 4. It is that if an apprentice graduates while he is on a public works job, he is not automatically laid off. He can still be recognized as an apprentice and utilize his apprenticeship for the remainder of that job.

We had a lot of discussion on section 5. I guess this is the hang-up for quite a few people. This is a portion of the bill I believe is one of the more important parts. If an apprentice graduates, and he was not on a public works job or whatever, we set it up so that if an apprenticeship chooses—and they do not have any other apprentices available—they could potentially send someone who has graduated within the last three years to a contractor who is signatory to a collective bargaining agreement with that particular union. They can be recognized for up to three years after that. They have to be paid the prevailing wage rate as a journeyman for all other purposes.

Let me explain that to you again. Say they call and say, We are requesting an apprentice. That program and that craft do not have any workers or any apprentices to send. If they have an apprentice who had graduated in the last three years, they could send that person out. They would be recognized and counted towards meeting their apprentice utilization.

I will explain that a bit further. As many of you know, in my previous job before I retired last June, I was a business manager for the Laborer's Union Local 169 for 21 years. We worked under this provision, under the old way. We would receive requests from contractors. We would send back the notification that says, Yes, we think we can fill your job. They would call back and say, This is the date when I need somebody. We would then dispatch the worker—the apprentice—to the job, or we would say, We do not have any. Then they would have to go through the public body to the Labor Commissioner to request a waiver.

That whole waiver process is not going to be in play anymore. We are not going to have to deal with the public bodies. I think some of the contractors will tell you as well that each public body was doing it differently and interpreting it differently. It just created some turmoil. I have experience using the process we had. I think this will be smoother.

It has many of the same elements. The contractor is required to call in and request apprentices. We have language in section 1, subsection 7, paragraph (a), subparagraph (2) that says they have to do that not earlier than 10 days before the job starts and not later than

5 days after they started. We had contractors who would send in a notice because different public bodies were interpreting it differently. You had to put it in a time of bid. We are getting five requests from somebody who is just bidding on a job—they do not know if they are going to get the job. They are not going to get an order to proceed for another 30 or 60 days, if they are the ones who actually get the job.

There is a lot of wasted time and paperwork. We are saying, Look, contractor, when you have the job, 10 days before you start and not later than 5 days after that. Then, if we are unable to get an apprentice on the first attempt in any program, they have a continuing duty, because they have 12 months to try to comply with the number they are trying to hit—the 10 percent or the 3 percent, based on vertical or horizontal. They have an ongoing duty to call once every 30 days, unless they have an apprentice and think they are going to meet the mark they are trying to hit. Then they would not have to continue to call. We are trying to set some of this stuff up—coming from how this actually worked before and what we are trying to do—to make it easier for contractors to manage and easier for the apprenticeship programs to manage as well.

Subsection 5 would allow a person who has graduated within the last three years to potentially be dispatched to a contractor who has an agreement with that particular craft for up to three years afterward. That is only if there are no apprentices.

Talking with some of the unions, all the apprenticeship programs are slightly different. This is only if they allow it; they do not have to do it. When some of the people come up and say they do not like that part, I would just say, the fact that it is there for other people to take advantage of and use it does not hurt you—if you do not want to, do not. I do not know why you have such heartburn over it.

In subsection 7, you can see the proposed amendment [page 1, [Exhibit M](#)] and that we are trying to make clear on what a "good faith effort" is. A contractor has to maintain the records that he submitted the form—the Labor Commissioner has a form called a request for availability—to the appropriate apprentice-able craft or apprenticeship program to request an apprentice. The union will either send an email back, or they will sign and send the form back to you that says, Yes, we are going to send you some people. They usually send additional information on how you dispatch as well. They would have to document that they are making these efforts in order to utilize the apprentices and comply with the law.

If the union does not respond, we have language in the bill about that as well. Somebody said, How do you prove a negative? I said, Send a follow-up email that says we have not heard from them. Keep that chain. The contractor has to prove he is unable to meet the percentages he is looking for as his "good faith effort" to comply. If you make a "good faith effort," you will not get any of the penalties that are in there.

The Nevada Chapter Associated General Contractors (AGC) in the north and I believe the Nevada Contractors Association (NCA) in the south wanted to make sure that for the "good faith effort," there was some discretion by the Labor Commissioner to be able to do that. The

"good faith effort" to comply is as determined by the Labor Commissioner, because we are not trying to have it cast in stone. There has to be some discretion in looking at how much effort you made, et cetera.

As we continue to go forward, we have language regarding what a "good faith effort" means, what your "good faith effort" is, and how you would go about doing that—like I said, 10 days before and not later than 5 days after. Then, did they make a "good faith effort" or refuse to do so? If an employer is signatory with the union he is requesting from, they already have a collective bargaining agreement, and they have an obligation to make the contributions to the trust fund. If it is a nonsignatory employer, they still have to comply. The union or the apprenticeship program still has an obligation to try to send them apprentices. If they do, there has to be a written agreement under the trust funds in order for that employer to make the contributions to the trust fund.

There is a form that is set out. The Labor Commissioner helped draft it—north and south, it is pretty uniform, with slight variations for each union. That has to be on file in order for the union to dispatch and for the contractors to pay the contributions in. If they refuse to sign that form, that is not going to be counted as a "good faith effort." They are required to sign it, and if they do not, they are not doing their "good faith effort."

In subsection 8 [page 2, [Exhibit M](#)], again, the AGC asked, and I talked with the Legislative Counsel Bureau, and they said that it really does not make that much difference. The supporting documentation is the supporting documentation. Did you send in the form? Did you receive something back? Did you get an apprentice dispatched? Did you make the "good faith effort"? Did you make the continuing calls in once every 30 days if you were not able to get an apprentice the first time? Whether it "must be" this particular information or "may be" this information, what the information is going to be is, either you have it or you do not. "Must" or "may" did not make any difference, so I said, This is just an example, then, of some of the information you should be collecting.

Subsection 9 was something that, again, the contractors asked me to put in. We coordinate. A lot of times, we will get these requests ahead of time—several weeks. We do not know if we are going to have somebody. If there was a request that was put in, and the union did not have anybody at that particular time or in their apprenticeship program, but they have someone 10 days later, we need to coordinate with the contractor. We cannot just send a guy out blind. He thinks there is nobody coming; he is going to have to make another request in the 30-day timeframe. If we have somebody in between, we need to coordinate with the contractor, coordinate with the employer, on that level.

I might have passed over subsection 10. The other thing we are asking people to do is, they are going to send in an annual report. The contractor is going to send in an annual report on how many hours he had on vertical construction, how many hours he had on horizontal construction, how many hours on vertical were done by apprentices, and how many hours on horizontal were done by apprentices. Then you are going to measure that to see if you hit the percentage—the 10 percent or 3 percent.

Subsection 14 is meant to be an additional penalty to the ones outlined in the subsections coming up. If you fail to turn in that report at all, you will get an additional penalty. That is where you make no effort. That is where we made one of the changes. If you made no effort, then you can get the additional penalty [page 3, [Exhibit M](#)].

Then there is a schedule. This was suggested to me by the contractors, again—the percentages, if you meet them, and the different levels of increasing penalty if you did not hit the target numbers you wanted to hit. Section 14 is that additional penalty—I am sorry, I got ahead of myself.

Section 16 clarifies that if you are a contractor who is already a signatory to an agreement with the union sponsoring the program, you do not have to sign those single-job agreements. The contractor who is not signatory does.

I will stop there. I probably confused you. There are a lot of moving parts. You have to understand how it all works. I am happy to answer any questions. Hopefully, I can clear a few things up. We spent a lot of time on this to try to get it to where it is. Not everybody is happy, so we are probably somewhere in the middle.

Chair Torres:

I did hear from a number of people that you had pretty regular work sessions. The AGC met with me ahead of this bill and helped walk me through it too. At this time, I will go to the members. Do you have any questions?

Assemblyman Carter:

I have questions and serious concerns about section 1, subsection 5. It seems like we are trying to turn apprenticeships from five-year programs into seven- or eight-year programs. The original intent—and I have talked to Chris Brooks—was to create a pipeline. That is what we have been talking about in all these areas. Subsection 5 appears to subvert the purpose and intent of this original piece of legislation.

I am also concerned that it appears it only applies to union contractors. Should legislation not apply to everybody equally? I am very confused as to how this subsection got put in here, classifying journeymen as apprentices. If you could help enlighten me, I would appreciate it.

Senator Daly:

I will do my best. Again, as I said, if you go to section 1, subsection 4, that is where the language that journeymen can be recognized as apprentices for the continuation of that job was. We are not trying to extend the length of a program. The length of a program is set up in the apprenticeship standards as well. We did have a lot of discussion on this. We are not trying to extend the length of the program—program length is in the standards you have.

This language is if there are no apprentices available and you are trying to help a contractor get to his number. I will have one other explanation for you. We had some concerns with crafts—electricians and a couple of others—who said, Well is this not going to subvert and take away from apprentices getting out on the job? That is why we added in the language that it was only if there is no apprentice available. They have to call that program, and they said, Is there an apprentice available? That is the only criterion time you can do it. If you still do not want to, the union or the apprenticeship program has to agree that they are willing to send the journeyman in that deal.

Not every program is the same. I know electricians have a five-year program—I believe they do, anyway. Not everybody does. I know the laborer's program is a two-year program. It is a different scenario, and not all of them are the same. We have a union that is in a situation where they do not have any other apprentices, and they have people who maybe just got laid off because they graduated. I had that happen once on one of our projects. A guy graduated, and the contractor laid him off the next day. We said, No, he gets to finish that job.

We have small contractors as well, where there may be no apprentices available. He only has a six-man crew. The apprentice graduates; he cannot get any more apprentices. He is not going to be in compliance. He can then utilize that guy for a period of time into the future until he can get an apprentice. On the next job, he has to call again. You would have the ability to say, All right, you can continue to use the guy; we still do not have anybody for you. It creates some flexibility.

Like I said, we have seen people be laid off when they graduated. We do not want to have that situation. We put flexibility into it. That is why I said earlier, in my opening statements, that the fact it exists does not hurt anybody if they do not want to participate or if they have an apprentice. It just creates another option for a different program or apprenticeship program if it is going to benefit the worker, the apprentice, the program, and the contractor; we will go from there.

Your final question was about how it only applies to union contractors. I am not as familiar with how the nonunion programs work. I did not know how to write some language. I asked early on if someone could give me some; they never did. I promised the Associated Builders and Contractors (ABC) Nevada that if they come up with some language in the interim, I will save a bill, and we will address it next legislative session.

I hope you can appreciate this—I did not want to have a situation where a program did not have any apprentices. They only had the journeymen. I did not want to put anyone in a situation where they would have felt obligated to send a journeyman to a nonsignatory employer. That is why it is only for a signatory employer. I do not know if that satisfies you or not, but those are the answers.

Assemblyman Carter:

I am trying to avoid speechifying like they do down in the Senate. My concern is still that this is putting implied, encouraged language into collective bargaining agreements (CBA)

and possibly countering what apprenticeship documents say. Typically, in the skilled trades, once you term out, you now are on the dispatch program for the union. The apprenticeships do not dispatch journeymen. I am trying to understand why we are trying to legislate implied terms of CBAs and apprenticeship agreements.

Senator Daly:

I do not believe this language changes anything in anybody's apprenticeship standards. I do not believe it changes anything in anybody's collective bargaining agreement. In fact, I am certain that it does not do either. The language creates an option for a program if they want to use it—if it is beneficial to the worker and their program—only if there are no apprentices available. I can tell you, for ours, when we did this, we ran out of apprentices routinely, especially in the summertime. I do not think we had apprentices on the out-of-work list where we had any backlog at all more than a week, and that was in February. Some of these options can be useful to the employers and the unions.

If you do not want to use it, then do not. Nobody is forcing anybody to do it. It does not change any terms, any collective bargaining agreement, or apprenticeship agreement. It is just about whether or not they would be recognized, for the purposes of meeting the percentage. They still have to be paid the full prevailing wage if they are already graduated, et cetera.

Assemblywoman Taylor:

Thank you, Senator Daly, for spending the morning with us. I have a quick question. This has come up in several bills. When you talk about how the builder or the contractor has to show a "good faith effort," what is required for that to happen?

Senator Daly:

It is outlined in the bill, but in order to show good faith, the contractor has an obligation to make a request for availability. That is just the name of the form. They have to make a request. It is per craft, and per employer. The general contractor has his obligation—if he employs laborers and carpenters, then he has to call for laborers and carpenters. If it is an electrical subcontractor on a project, and they need electricians, they have to call the electrical craft. They send the form in. They can email it; generally, they come over emails. They can fax it. It has certain information: This is the job, this is the type of work, these are the dates, do you have apprentices? At the bottom of that form, there is a spot for the apprenticeship program or the union to check the box that says, Yes, we have apprentices available. They sign it, and they send it back. The "good faith effort" on the part of the employer is to make the requests.

There are the time periods. If they do not get anything back from the union—the union does not say or do anything—after five days, that is considered a denial. In the old process, you would have been able to put in for a waiver. Now that is a denial. They do the best they can to document that. They have an ongoing obligation—because it is now over the course of a year that they have to meet this, not just job-by-job—to continue to send in that request every

30 days if the union still does not answer or has another person coming up. There are steps they would take: making those requests, documenting the response, and documenting whether they got an apprentice.

If they have and can show that, they go to the Labor Commissioner at the end and say, I put this in on every single job that I had, and I did not get any response. That, or they say, I did get a response, and I had apprentices who were sent to me, but I did not meet my percentage; it is because I was denied or did not get the information on these other ones. That is where we have some discretion of the Labor Commissioner. If you make an adequate "good faith effort", you will not get any penalties. If you make a half-hearted "good faith effort," you will probably get some of the penalties. If you make no effort, you will get the penalty.

Assemblywoman Taylor:

It has come up often, and I knew there was a process they had to continue. How it ended up—that gives me what I need.

Chair Torres:

Are there any additional questions? [There were none.] I think Assemblywoman Taylor said, Thank you for spending time here. I think you should really be thanking us for having the privilege to spend your morning with the Assembly Committee on Government Affairs. I think Senator Daly concurs. He nodded his head—let the record reflect that he agrees.

Assemblywoman Taylor:

I think he is going to skip that.

Chair Torres:

We might be 2.5 hours in, but we are still here for a good time. At this time, I do not believe there are any additional questions. We will go ahead and invite anyone wishing to testify in support of S.B. 82 (R1). We are at three hours now. It is 10:55 a.m.

Thomas Morley, representing Laborers' Union Local 169; and Laborers' Union Local 872:

We are in support.

Greg Esposito, Public Relations and Government Affairs Director, Plumbers, Pipefitters & Service Technicians Local 525; and U.A. Local 350:

One common thing I have noticed whenever Senator Daly presents a bill is, many people get to the table and compliment him on how hard he has worked to make the bill good for all involved. If he would just stop writing such omnibus bills, maybe he would not have to work so hard. However, this is no exception. He met with the stakeholders from week one. Out of the gate, this bill was terrible, and we opposed it very strongly. Fortunately, through his hard work and diligence, it has gotten to a place where we do not hate it as much as we did. That is where we are at this time.

Bill Wellman, Division Manager, Las Vegas Paving Corporation:

Las Vegas Paving Corporation is Nevada's largest contractor. I have been a part of this legislation since 2011. I was part of it in 2019, and frankly, was opposed to it when Senator Brooks brought it forward. This new legislation is much needed, because the current legislation passed in 2019 does not work as intended. Doing it project by project is extremely cumbersome. It is subjective in its interpretation, monitoring, and penalties. It is also not creating the apprentice utilization this whole process is intended for. We have the most robust apprentice program. We had it in 2011 when we started this process. We do today and are proud of it—but it needs to work.

While not perfect, S.B. 82 (R1) will fix many of the current problems, one being safety issues. Not every project can have an apprentice. For those of you in from southern Nevada, we are currently paving I-15 at night from the Spaghetti Bowl to Craig Road. It is a high-speed freeway. It is not behind a barrier rail, because we open every lane every day for traffic. At night, we close it to one or two lanes only. We cannot have an apprentice on such a project. They are learning how to work around equipment and people. Frankly, the hardest thing there is to do is protect somebody from themselves if they are uneducated that way. This will help. That way, we get rid of the need on each and every project for safety reasons, because frankly, whatever the law might say, we will not compromise safety. We will pay the penalty. I do not think that is fair.

It removes the third parties—the local entities that do the policing today.

Chair Torres:

Could you start wrapping up your testimony.

Bill Wellman:

Okay. It reduces the number of waivers needed, and it puts it back under the contractor's responsibility. We are the ones who are penalized if we do not meet these obligations. That is why we are asking for it to be on an annual basis. Let us build our organizations and our workforce as we need and see best for the work we do.

Stacey Lindburg, President, C and S Company, Inc., Las Vegas, Nevada:

C and S Company is an underground utility throughout southern Nevada. This is such a needed bill right now. As a small, DBE [Disadvantaged Business Enterprise] union contractor in the state of Nevada, this is something we deal with on a daily basis. It is such a point of conversation, because it is hard to manage. As a small contractor, where I have five guys on a crew, we use the apprenticeship. We use it with or without the rules, because we believe in it. We believe in bringing our skilled help out.

I have let 5 guys go on a 60-guy crew, because they term out on their apprenticeships, and I have to bring somebody else in. I was also faced with six fines on projects where it was not safe. I do not dig for utilities; I dig around utilities. I do not put in streetlights; I install streetlights, and it is dangerous. Depending on a 5-man crew, I cannot have somebody out there who is not skilled. I take the fine versus somebody's safety. The way it works right

now, if I have a larger project spread out in different crews, I can use more apprentices and have skilled help for them with my other guys. This is a good thing for the small contractor. It is good for the apprenticeship, because I can actually take my best guys and put apprentices with them instead of on a five-man crew, which puts an apprentice in a bad situation for my company—and for them as well. I hope you approve S.B. 82 (R1).

Glen Leavitt, Director, Government Affairs, Nevada Contractors Association:

We represent 450-plus contractors, subcontractors, and industry affiliates primarily in southern Nevada. I always take pleasure in testifying in this Committee, because I get these amazing looks from all of you. The Nevada Contractors Association is in support of S.B. 82 (R1). Our contractors are, ultimately, responsible for fulfilling the requirements of this legislation. As it eases the burden on the contractors who operate in good faith, we support this bill.

Alexis Motarex, Government Affairs Manager, Nevada Chapter, Associated General Contractors of America:

The Nevada Chapter of the Associated General Contractors represents both signatory and open shop construction companies in northern Nevada. We, too, are here in support of S.B. 82 (R1). The sponsor has worked since before the session started with any stakeholder who showed up, voiced concern, had questions, or needed clarification. We appreciate how hard he worked to get this bill from where it started to where it is today. It is not perfect, but it is miles better than what is currently in statute. Meeting the terms of the Apprenticeship Utilization Act falls squarely on contractors and subcontractors. We have vetted this bill with our members, the ones required to comply with the law and the only ones who will face the consequences if they do not, and they are in support.

This does not change the fundamental purpose of the Apprenticeship Utilization Act to require the use of apprentices on public works projects so they get hands-on, real-world experience. This bill simply makes the process for contractors to comply cleaner and easier. Flaws and all, this bill is a vast improvement over the existing Apprenticeship Utilization Act. We should not let the perfect be the enemy of the good, and we urge your support.

Chair Torres:

At this time, I will invite anyone else wishing to testify in support of S.B. 82 (R1). I do not see anyone here in Carson City or in Las Vegas. Is there anyone on the line wishing to testify in support of S.B. 82 (R1)? [There was no one.] Is there anyone who would like to testify in opposition?

Mac Bybee, President and CEO, Nevada Chapter, Associated Builders and Contractors:

My organization runs apprenticeship programs for open shop contractors. Associated Builders and Contractors programs are state-approved and federally recognized. Electrical, plumbing, sheet metal, low voltage, carpentry, and operating engineers are all of our apprenticeship programs. Apprenticeship is extremely important to my members and to ABC as an organization.

This legislation amends utilization requirements on public works in a problematic way. The Apprenticeship Utilization Act was enacted with the intent of encouraging workforce development through the use of apprentices, whether they be union or open shop. That was its purpose. Senate Bill 82 (R1) would allow journey workers—graduates of apprenticeship programs—to qualify as apprentices. Apprentices are beginners in a trade. Journey workers are graduated craft professionals. There is a difference. Journey workers are already working on public works in every trade. They are already on the job site. Those jobs cannot work without them. There is not an additional incentive needed to place a journey worker on a job site. They are actually in high demand, and anybody who is skilled in their trade is working today—open shop or union.

I think many of us who have been involved with apprenticeships can agree that the Apprenticeship Utilization Act has not worked as well as we had hoped. Getting people to look at construction as a viable career path is difficult, but we try, we attract, and we try to get the best people we can. However, that does not make a trade for an apprentice and a journey worker the same, because it is not.

I want to thank Senator Daly for his willingness to meet with us and talk over these issues. He has made a lot of amendments, and I hope we can continue to have this conversation and create further modifications.

Ronald Young, Assistant Business Manager and Membership Development Representative, International Brotherhood of Electric Workers Local 357:

I represent over 4,000 members of the International Brotherhood of Electric Workers Local 357. We stand in opposition to S.B. 82 (R1) as written, because we feel section 5 of the bill will circumvent the purpose of this law, which is to increase the demand for the next generation of trade workers in Nevada. I am a journeyman wireman, and I went through an apprenticeship. I understand people's concerns about safety. However, I can tell you from my own personal experience that learning how to handle the dangerous situations of a job site through an apprenticeship is what allows me to not only safely navigate the job myself but teach upcoming generations how to navigate those same issues going forward. Construction is a dangerous trade, and we need to know how to handle it properly and safely. We thank Senator Daly for meeting with us on multiple work sessions to address our concerns. He has done a lot of work on the bill. It has improved tremendously, but this is something we feel very strongly about.

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

The Vegas Chamber continues to have concerns about the apprenticeship piece of this bill. We trust the proponents of this bill to keep working on this legislation to get it where it needs to be.

Chair Torres:

I do not see additional opposition to S.B. 82 (R1) here in Carson City, and I do not see anybody in Las Vegas. Is there anyone on the line wishing to testify in opposition to S.B. 82 (R1)? [There was no one.] Is there anyone wishing to testify in neutral to S.B. 82 (R1)? It looks like we have someone in Las Vegas.

Brett Harris, Labor Commissioner, Office of Labor Commissioner, Department of Business and Industry:

Our office provides the enforcement on the Apprenticeship Utilization Act. I wanted to be here to answer any questions if the Committee has them.

Chair Torres:

Members, do you have any questions? I do not believe we have any questions at this time. Is there anyone on the phone line wishing to testify in neutral to S.B. 82 (R1)? [There was no one.] At this time, I will invite the bill sponsor for any closing remarks.

Senator Daly:

I appreciate the back-and-forth, the support, and the opposition. I worked long and hard trying to get this—all the ideas and how this is really going to work—to move forward. From my point of view, I think we have reached that point. I have done as much as I can to try to get at some of the stuff.

To address section 1, subsection 5, which seems to cause the most angst: It is not new. We have the Apprenticeship Utilization Act in the state of Nevada, which is relatively new. We are trying to make an adjustment and change it from per job to an annual basis. However, the idea in subsection 5 that apprentices are equal to journeymen and vice versa—at the risk of alienating some of you, you just need to look at California and what they do. If you have ever graduated from an apprenticeship program, you count towards the threshold or the percentage you are required to have on that. They do not care which program you graduated from. Our apprentices can go to California if they have graduated, and they are going to be counted as meeting the apprentice utilization requirement regardless. This is not new. This is just trying to take a baby step, at least here in Nevada, to see how this works. It is going to give a better opportunity. People are not going to have to be laid off.

You do have the contractor—C and S came up—small crews, where they have their crews set. They have an apprentice, but then when he graduates, he no longer fits in on that crew. Those crews go from individual jobs to individual jobs. Now you can manage that over the whole course of the year. We were getting requests from contractors under the old way that said, We are going to be on the job for two days. They needed an apprentice for less than eight hours, and they had to call us in. We had to try to send somebody out and various things, and it was not efficient. We had full employment. Unless they were not willing to go out of town, every apprentice we had was working, and we were unable to fill apprentice positions.

I was just in the laborers' union hall last week. Every open position they had on the board up there was for apprentices. We are not going to be undercutting any actual apprentice utilization with this measure. It is actually just going to be more efficient. With that, I am hoping you will approve the bill with the amendments [[Exhibit M](#)] we provided here today.

Chair Torres:

We will close the hearing on S.B. 82 (R1). At this time, we will open the hearing on Senate Bill 433 (1st Reprint).

Senate Bill 433 (1st Reprint): Revises provisions relating to prevailing wages. (BDR 28-541)

Senator Skip Daly, Senate District No. 13:

Senate Bill 433 (1st Reprint), from its original version, has been pared down to just a couple of sections. The "section 3" throughout the bill is the only reason it is more than one page. What we wanted to try to do is have the Labor Commissioner adopt by regulations what type of factors might be utilized on this.

I will tell a story. In section 3, subsection 3, we are trying to establish that the Labor Commissioner is not bound by any determination or finding of a public body relating to the applicability of just *Nevada Revised Statutes* (NRS) 338.013 through 338.090. Any determination made by the Labor Commissioner as to the applicability of prevailing wage is a final order for the purpose of judicial review. Whatever determination the Labor Commissioner may make is subject to judicial review, whichever side of that you are on.

The genesis of this language was—I can tell you 100 stories if you like, but I am sure you do not want that at this late hour—you have awarding bodies or agencies, redevelopment agencies. You had examples from the Carson Tahoe Regional Medical Center from 15 years ago, et cetera, where a local jurisdiction was making a determination that prevailing wage did not apply. The law may have said it does if you are issuing financing bonds through a county, but they made a determination that it does not apply. What we want to do is say, Hey, the Labor Commissioner is really the only one who has to enforce it. They should be the only ones who have to do that.

Recently, in the City of Sparks, they did a redevelopment job. They traded a parking garage worth \$950,000 for 50 floors on the bottom. They made a determination on their own, through their legal counsel, that prevailing wage did not apply. They did not make a finding, but they determined it did not apply. When a complaint was filed with the Labor Commissioner, the Labor Commissioner ruled against them and said, No, prevailing wage applies. When we went to court on appeal, the judge was saying, If the city council would have made a finding, then they do not know the Labor Commissioner would have been able to overrule their finding. I thought to myself, I can make a finding that the Chair of the Committee is six feet tall—close but not quite. It would clearly be an erroneous finding. Only the Labor Commissioner should be able to make the additions.

Somebody making a finding is not going to make any difference. I think it would be fraught with trouble. The labor committee has to establish who has authority to enforce the law. The Labor Commissioner has to be able to make the determination. We have to do it off the factors that would be adopted by regulation. Whatever decision is made by the Labor Commissioner is subject to judicial review. If she made an error, the court would decide. If she made the right decision, the court would affirm.

That is basically the bill. I took all the other stuff out except for these two things. I am happy to answer questions. There are no simple and no easy bills, but it is pretty straightforward.

Chair Torres:

At this time, I will invite any Committee members' questions. It does not appear we have any questions. At this time, I will invite anyone wishing to testify in support of S.B. 433 (R1). We do not appear to have anybody here in Carson City. Is there anyone in Las Vegas wishing to testify in support of S.B. 433 (R1)? I do not see anyone. Is there anyone on the line? [There was no one.] At this time, is there any opposition to S.B. 433 (R1)?

Brian Reeder, representing Nevada Contractors Association:

Nevada Contractors Association (NCA) represents the commercial construction industry in southern Nevada. Nevada Contractors Association is opposed to S.B. 433 (R1), but we want to be clear: NCA supports prevailing wage and always has. It has fought to make sure all public works are constructed using labor that is paid prevailing wage.

Nevada Contractors Association opposed S.B. 433 (R1) in the Senate, because it listed several factors the Labor Commissioner must consider when determining if a construction project is subject to the laws governing prevailing wage. However, these projects could be private sector projects, not public works. The reprint of this bill does not include the list, but the requirement for the Labor Commissioner to develop such factors remains. Nevada Contractors Association believes this bill is overly broad and could have a negative impact on private development in southern Nevada. For that reason, NCA is opposed.

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

We believe this bill is overly discretionary for this position. We agree with the parameters that are currently set.

Chair Torres:

Is there anyone in Las Vegas wishing to testify in opposition to S.B. 433 (R1)? I do not see anyone. Is there anyone on the line wishing to testify in opposition to S.B. 433 (R1)? [There was no one.] At this time, I will invite anyone wishing to testify in neutral to S.B. 433 (R1)?

Commissioner Harris, I imagine you are here in neutral for questions.

Brett Harris, Labor Commissioner, Office of Labor Commissioner, Department of Business and Industry:

Yes, that is correct.

Chair Torres:

Members, are there any questions? [There were none.] I have one quick question while you are here. Could you describe what the current process is, and how this piece of legislation is going to change that?

Brett Harris:

To me, the biggest thing is that NRS Chapter 338 does not define public money. In terms of what is considered public money for the purposes of applying prevailing wage, I think it is trying to address that lack of definition.

Chair Torres:

Members, are there additional questions? It does not appear there are any. Is there anyone on the phone line wishing to testify in neutral to S.B. 433 (R1)? [There was no one.] I will invite Senator Daly up for closing remarks.

Senator Daly:

I want to point out some of the opposition testimony. If you were not listening carefully, I want to make sure you hear it loud and clear. What Mr. Reeder said was, The NCA supports prevailing wage on public works projects. They are apparently now in opposition to prevailing wage on other, quote-unquote, private projects, where we already have an existing law. I can look it up. It is in at least half a dozen, if not more, places. You have NRS 279.500, which says if a public redevelopment agency provides incentives of over \$100,000, the prevailing wage applies to the same extent as if the public body had awarded the project itself.

The projects in the Sparks Marina, under that, are all prevailing wage. There are STAR [Sales Tax Anticipation Revenue] bonds, if the city or county sells bonds in order to help facilitate private development. The Target in Sparks was built under prevailing wage. It was not a public work, right? It was not defined. All of those, if they help a private development with incentives that already exists, requires the payment of prevailing wage.

If you did not listen to what the NCA said very carefully, they said they support it for public works. If something does not meet the definition of public work but also has these incentives, there are also several sections of law where prevailing wage is applicable and should be applied. We have public agencies trying to make determinations without authority over, Hey, I do not think it applies. They can make whatever finding they want. We have to have the person who enforces law be able to make that decision for judicial review, look at what the law says, and say, Does it apply or does it not apply? What are those factors we need to develop by regulation?

That is it, unless you have another question for me, but it is news to me today that the NCA is opposed to prevailing wage.

Chair Torres:

At this time, we will close the hearing on S.B. 433 (R1). I thought after my first cup of coffee, I would wake up a bit more. I cannot get used to this 8 a.m. start time.

I will go ahead and move on to public comment. [There was none.] Members, do you have any remarks?

Assemblywoman Duran:

As long as you do not make this 8 a.m. start time a daily habit.

Chair Torres:

Otherwise, the Committee might revolt and just show up at 9 a.m. anyway.

Tomorrow, May 10, 2023, we will be having three bill hearings. We will be meeting in Room 3143. We have not been there in a while. We also have a work session on nine bills. Please make sure you take the time to review the work session document. We will make sure that is sent out to the Committee members shortly. Please note that the committee manager sent out a note that if you would like a binder, please let them know. They have noticed many of our Committee members are not using them. Please let the Committee staff know if you would like a physical copy—and if you could reply to that email immediately, that would be helpful. Tomorrow, we will be meeting at 9 a.m. Assemblyman McArthur, do you have any closing remarks? There are no closing remarks from Assemblyman McArthur today. The meeting is adjourned [at 11:23 a.m.].

RESPECTFULLY SUBMITTED:

Lindsey Howell
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony, dated May 9, 2023, submitted by Noé Orosco, Program Manager, Silver State Voices, in support of Senate Bill 184 (1st Reprint).

[Exhibit D](#) is a letter dated May 9, 2023, submitted by Tracey Smith, Senior Team Leader, Faith Organizing Alliance, in support of Senate Bill 184 (1st Reprint).

[Exhibit E](#) is a letter dated May 9, 2023, submitted by Darlene Anderson, Private Citizen, in support of Senate Bill 184 (1st Reprint).

[Exhibit F](#) is a copy of a video, submitted and presented by Leonardo Benavides, Government Affairs Manager, City of North Las Vegas, regarding Senate Bill 184 (1st Reprint).

[Exhibit G](#) is written testimony submitted by David Damore, Interim Executive Director, The Lincy Institute and Brookings Mountain West, in opposition to Senate Bill 184 (1st Reprint).

[Exhibit H](#) is a letter signed by multiple Nevada mayors in opposition to Senate Bill 184 (1st Reprint).

[Exhibit I](#) is written testimony presented by Nicole Rourke, Director, City of Henderson, on behalf of Michelle Romero, Mayor, City of Henderson, in opposition to Senate Bill 184 (1st Reprint).

[Exhibit J](#) is a table titled "NV City Residency Requirements," dated May 9, 2023, submitted by David Damore, Interim Executive Director, The Lincy Institute and Brookings Mountain West, regarding Senate Bill 184 (1st Reprint).

[Exhibit K](#) is material submitted by David Heller, President, Main Street Communications, Davenport, Iowa, consisting of the following:

1. Executive Summary of David Heller, President, Main Street Communications, Davenport, Iowa
2. A letter to Les Lee Shell, Chief Administrative Officer, Clark County, dated May 11, 2021, signed by David Heller, President, Main Street Communications, Davenport, Iowa
3. A table titled "Schedule of Existing Contracts: Budget Year 2021-2022"
4. A comparison of salaries of the mayor, council, city manager, assistant city manager, chief of police, and fire chief in the City of North Las Vegas and the City of Reno
5. A table titled "City of North Las Vegas Proposed Redistricting: Race for the Population 18 Years and Over: 2020," dated October 13, 2021

[Exhibit L](#) is a proposed amendment to Senate Bill 81 (1st Reprint), submitted and presented by Senator Skip Daly, Senate District No. 13.

[Exhibit M](#) is a proposed amendment to Senate Bill 82 (1st Reprint), submitted and presented by Senator Skip Daly, Senate District No. 13.