

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

**Eighty-Second Session
June 2, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:05 a.m. on Friday, June 2, 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 Dallas Harris, Senate District No. 11
Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6
Senator Dina Neal, Senate District No. 4

Minutes ID: 1281



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Asher Killian, Committee Counsel
Sarah Delap, Committee Counsel
Judi Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

A'Esha Goins, Vice President, Las Vegas Branch, National Association for the Advancement of Colored People
Richard McCann, representing Nevada Association of Public Safety Officers
John Abel, Director, Governmental Affairs, Las Vegas Police Protective Association
Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance
Carlos Hernandez, representing Nevada State AFL-CIO
Michael Huynh, Private Citizen
Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities
Dora Martinez, Private Citizen, Reno, Nevada
Jovan Jackson, Private Citizen, North Las Vegas, Nevada
Leonardo Benavides, representing City of Las Vegas; and Urban Consortium
Stephen Wood, representing Nevada League of Cities and Municipalities
John Johnson, Private Citizen, North Las Vegas, Nevada

Chair Torres:

[Roll was taken. Committee rules were explained.] Welcome to the Assembly Committee on Government Affairs. We have four bills today. We will be hearing them out of order. We will open the hearing on Senate Bill 225 (2nd Reprint), which revises provisions governing peace officers.

**Senate Bill 225 (2nd Reprint): Revises provisions governing peace officers.
(BDR 23-651)**

Senator Dallas Harris, Senate District No. 11:

Good morning, Chair Torres and members of the Assembly Government Affairs Committee. Thank you all so much for hearing Senate Bill 225 (2nd Reprint) this morning. To my right is my esteemed colleague, Assemblywoman Shondra Summers-Armstrong. Before we get started, Madam Chair, I would just like to state on the record that I would like to submit an amendment to add Assemblywoman Summers-Armstrong as a cosponsor to this bill. This is something she and I have been working on ever since we participated in the National Conference of State Legislatures Legislator Police Academy.

In its most simple form, this bill ensures that if you have been decertified in another state or even in this state, or if you have resigned in order to avoid being decertified, you will not be a police officer here in the state of Nevada. We have seen time and time again where officers who exhibit what are sometimes really unprofessional behavior can simply pick up and move and go get a job as a police officer down the street in another state. We are going to make sure that does not happen here in Nevada. I am going to turn it over to my copresenter for a few words, and then we will be happy to answer any questions about the bill.

Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6:

Last year, we went to that conference in Colorado about policing. It was extremely insightful for those who do not have a lot of history in policing like me. It was a really good opportunity to learn from people who are in the business and also to learn from other states how they conduct business. I sat at a table with a lovely gentleman from Arkansas, which is where many of my family members are from. We got into a conversation about police behavior and recruitment, and about how people move about. One of the things we found so interesting is, they already have laws in place that prohibit anyone who has been fired for misconduct, who is retiring to avoid firing, or resigning to avoid firing, from being certified. Senator Harris and I began to talk about this in the interim and thought this would be an interesting piece of legislation to bring to our state. We know we are an attractive place for people to come to live because of our tax structure, our beautiful weather, and because Nevada, she is a beautiful place to live. However, we also want to ensure that the folks who come here are the folks we want to be policing our communities. We hope you will consider this legislation favorably. If you have any questions, we are here to answer them.

Chair Torres:

Members, are there any questions?

Assemblywoman González:

If folks are coming from another state, how would we get the information that they have resigned before getting decertified?

Senator Harris:

There are two ways. If you are decertified and you are in a state that participates in the National Decertification Index, the Peace Officers' Standards and Training Commission (POST) will be checking that National Decertification Index for every person who comes in. That Decertification Index is voluntary, which means there are some jurisdictions that do not participate, so on the back end, in case we do not catch that when you want to become POST-certified, this bill will require you to fill out an affidavit that says you have not been decertified in another state and that you have not resigned in lieu of decertification. If you falsify that affidavit, that is also reason for your certification to be revoked.

Assemblywoman Taylor:

Thank you for being here and thank you for bringing this really important bill. I am sure all of us became more aware of this as an issue as we saw incidents happening across our country. Here is my question: If you have been decertified or retired or resigned in lieu of—how does decertification work?

Senator Harris:

It works much like a licensure. You have a license; if you mess around, the board that certified you will revoke that license. When you go get a job and they ask you whether you are certified, you would no longer be able to say yes. In our state, POST offers that certification, and without that, no local law enforcement agency can allow you to be a police officer. It would work very similarly to if you were a cosmetologist and you lost your board certification. You would not be able to work in any salon in the state.

Assemblywoman Taylor:

Thank you for that answer. I am going to go a little further. Where someone has resigned, how will POST find out?

Senator Harris:

There are two pieces in this bill that would apply. When someone is in the state, first, if an investigation is initiated there will be a notification to POST. They will know, Hey, this officer is under investigation for certain misconduct. If they resign, the law enforcement agency is, under this bill, required to submit a final adjudication to POST of that investigation. The officer may resign, but the investigation continues and once that investigation is complete, POST will be notified of the results of that investigation.

If you are in another state, POST is not going to be notified. However, if you resign in lieu of, you are going to have to come here and write out an affidavit as part of your application that you have never resigned in lieu of and/or are not on the decertification index already.

Chair Torres:

I definitely agree that if you have been let go, if you have resigned because of some incident, if you have been disciplined because of misconduct, we should not be inviting you. The only concern I have—I see here where there might be a group of individuals who are unfairly targeted. Oftentimes, when we hear about these situations, they are officers of color who are in an environment not conducive to a positive work environment, and they end up being let go or being accused of something that others are doing. That is the only gap I see here. I am wondering if you could talk about what the decertification process looks like, because I want to make sure that the process is just.

Senator Harris:

First, let us separate being fired and being decertified. The two do not always come together. A law enforcement agency may choose to release you, but that does not mean you have reached the level of losing your certification in any given state.

Violating policies and procedures, being tardy to work on multiple days, those are generally not acts that will result in a decertification. I cannot guarantee you what the laws are in every state about what result in decertification, but they are generally the more egregious types of acts for the state to say, We are going to take away your certification to be a peace officer. The goal here is to not target those folks who may lose their job for the plethora of reasons that people may be let go in an employee-employer relationship, but to ensure we are not allowing in the worst of the worst.

I will also note that police unions in this country are fairly strong. If you lose your certification after all of your rights have been enforced through your union, chances are it is not for something small. I had a conversation with POST. I will be honest with you all. When I first approached POST, I said, Listen, can you give me a list of reasons why someone would be decertified and why we may not want them here? They responded to me, If they have been decertified at all, we do not want them. Essentially, the reasoning behind that is if you cannot follow the rules in another state, even if they are slightly different than the rules in our state, why would we be comfortable in knowing you are going to come here and follow our rules? That is where we have landed on this piece of legislation, Madam Chair.

Assemblywoman Thomas:

Thank you, Senator Harris and Assemblywoman Summers-Armstrong, for bringing this piece of legislation before us this morning. There is more to this bill. I am looking at the cannabis portion of the bill, which we have not discussed. Could you give us additional information on that?

Senator Harris:

What it says is once you have decided to be a peace officer, you probably should not be using marijuana. We are not going to allow officers to use marijuana as they carry out their duties. If you are employed at a law enforcement agency, you are not supposed to be using; but we need to put a reasonable limitation on that. If you were smoking up five years ago when you were in high school, that does not necessarily tie to how good of a police officer you are going to be, especially if you were of age in a state where it was legal to do so. However, it is very important—especially when we are looking to determine what kind of judgment a person has—it is completely and utterly reasonable to ask, Since you decided to become a cop, since you put in an application, have you been using? That is what this bill would do.

Assemblywoman Thomas:

Thank you for that explanation. Would that be a cause of decertification?

Senator Harris:

If you were using while employed; is that your question? That is actually a very good question. I do not know whether that is on the list of reasons for decertification or whether there are other steps and disciplinary measures that would be put into place. I have to ask POST; they would be best suited to answer that.

Chair Torres:

Building off of that question, are there instances right now where applicants are being disqualified and deemed not eligible to be an officer because they used cannabis before they became an officer?

Assemblywoman Summers-Armstrong:

That is actually the reason why this is here. It is actually a disqualifier. We know that it is legal in our state, and it is acceptable under the laws we have put in place. We do not want that to be something that is going to exclude people who can bring cultural competency and equity and diversity into the force, just because they have used when it was legal, and they were of age to do so. We want our police forces to represent our communities, but we also know that once you have decided to be an officer, that is the time for you to comply with the culture of policing in our state and not partake any longer.

Chair Torres:

Thank you. That helps clarify it. It is to prevent something that is already being done from continuing. It is just to make sure those policies only occur while you are actually doing the job, because you might not know at age 15, 21, or 22 the career you are going into eventually.

Assemblywoman Duran:

Section 4, paragraph 7 says, "'Screening test' means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance," but in our contract and according to our attorneys, the best determination is your blood. Why would you have the rest of those tests when blood is the most accurate test?

Senator Harris:

Marijuana may not be the only thing they are testing for. We wanted to ensure law enforcement agencies, as they are hiring folks, can drug test them. If that is the issue, you want to make sure they are not using any type of illicit drugs. We are not going to prohibit you from putting them through a drug test as a condition of employment as long as you drug test everybody. If that is the policy you want to take and you do not want to take anybody's word for it, you can do that.

You are correct that blood is best for certain things, especially when it comes to things like cannabis use. Urine tests can also be useful for other substances as well.

Assemblywoman Duran:

Your blood does contain all those. That is just the most accurate because there is GC-MS [gas chromatography-mass spectrometry] testing; the results may take a little longer.

Senator Harris:

I am not going to disagree with the science. My inclination is that the Legislative Counsel Bureau Legal Division probably took this from another place where we already have a definition of what drug testing is and simply applied it here.

Assemblywoman González:

This conversation just sparked a question for me. I thought we were one of the first states to enact that you can no longer prescreen for marijuana. How would that work in this situation?

Senator Harris:

You are correct, except we have exempted certain industries; law enforcement agencies would be one; people who drive commercial trucks is another. There are some areas that we exempted for certain reasons.

Assemblyman Hibbetts:

Thank you for being here. Going back to the decertification portion of the bill, during your conversations with POST, did you ask or were they able to provide you the number of peace officers who are decertified on an annual basis in our state? Obviously, we are not going to have it from other states.

Senator Harris:

No, I did not get those numbers. I can make sure I follow up with you on that though.

Assemblyman Hibbetts:

That would be wonderful.

Assemblyman Carter:

Does our state actively participate in the National Decertification Index? I see it is referenced in the bottom of the bill, but it also appears there are problems with not every state fully cooperating and complying with that database.

Senator Harris:

I believe POST does currently participate, but of their own volition. If we pass this piece of legislation, they will in fact be required to participate.

Chair Torres:

Members, are there any additional questions? The hardest-working body in the Nevada State Legislature was here until well into the evening. We had a lot of questions, but we are finally done. At this time, we will move on to support. I invite anyone wishing to testify in support of S.B. 225 (R2) to come up when you are ready.

A'Esha Goins, Vice President, Las Vegas Branch, National Association for the Advancement of Colored People:

We just want to say we support this bill.

Chair Torres:

I do not see anyone else here in Carson City to testify in support. Is there anyone in Las Vegas? I do not believe there is. Is there anyone on the line wishing to testify in support of S.B. 225 (R2)? [There was no one.] We will move on to opposition. Is there anyone wishing to testify in opposition to S.B. 225 (R2)? I do not see anyone here in Carson City,

and I do not see anyone in Las Vegas. Is there anyone on the line wishing to testify in opposition of S.B. 225 (R2)? [There was no one.] At this time, we will go to neutral. Is there anyone wishing to testify in neutral to S.B. 225 (R2)? When you are ready, you may begin.

Richard McCann, representing Nevada Association of Public Safety Officers:

I am also a member of Nevada Law Enforcement Coalition. On a personal level, I really do not like neutral, but I want to be heard on this thing. We need to police our own. There is no one who hates a bad cop more than a good cop. We absolutely give a tremendous amount of respect to Senator Harris and all the work she has put into this thing. It has gone through a lot of iterations. She has had input from Las Vegas Metropolitan Police Department (Metro) and a lot of other groups. We respect that tremendously.

We had to be heard on this to show our neutral position but, quite frankly, we are supportive of anything that helps us police our own, because that is where we are in this life. We need to do that. Cops need to take care of themselves. They also need to police themselves. So, we are in neutral, but a positive neutral.

John Abel, Director, Governmental Affairs, Las Vegas Police Protective Association:

I want to thank Senator Harris for amending this bill for us in the very beginning; that is why I am in neutral. I am also here to answer questions about the decertification process and how Metro handles their hiring and firing. I am well versed in that as I am one of their union reps.

I will also tell you that Metro's stance on marijuana is changing. I had someone who was permanently disqualified a couple of years ago who approached me and asked me to help him because he still wanted to be a police officer. He was disqualified for marijuana, and because I helped him, he had his disqualification reviewed. He starts the Police Academy in August.

With that, I am neutral. If you have any questions, please ask.

Chair Torres:

Thank you. I think the question we had that Senator Harris started toward answering but that you might give more context to is, what kind of incidents can an individual be decertified for?

John Abel:

For obvious reasons, truthfulness is a very big issue for police officers; truthfulness, committing a felony crime, some misdemeanor crimes, domestic violence, things like that.

Assemblywoman Duran:

People deserve a second chance. If their honesty and those things have been an issue, what conduct, if any, would help them get their certification reinstated?

John Abel:

I am not sure I understand the question. We have a discipline process; if they can go into internal affairs and, if they are accused of violating truthfulness, can prove they were not untruthful, if they have witnesses that say they were not untruthful, or if body camera video exonerates them—but I do not believe we have anybody. For Metro's hiring process, when someone selects to hire with Metro, they have to fill out an affidavit that allows Metro to get their entire discipline file from their other agency. If there are any kind of discipline proceedings, Metro typically does not hire them. If they refuse to fill out the affidavit, then they will not be hired by us. I hope that answered your question.

Assemblywoman Duran:

It does somewhat, but as I am saying, once a person loses their certification, based on what you said, is there any chance they can get it back other than being truthful?

John Abel:

I do not think so because once you are untruthful, you are untrustworthy to Metro.

Chair Torres:

Truthfulness is one of the items that would decertify an officer.

John Abel:

I believe so because Metro will actually terminate you if you are untruthful.

Chair Torres:

What does that process look like? I apologize for putting this on you. We just want to be clear. We are asking questions because we know you are one of the experts we have in the room.

You could be accused of not being truthful. I do not know enough about this system to have confidence that this is a fair and just process that allows individuals to fully partake of it. Could you give us a little more context to what that looks like?

John Abel:

If you are accused of untruthfulness, typically an internal affairs investigation proceeds. They call you in for an interview. They give you your *Garrity* protections, and then they present the evidence the department has that you were untruthful. They could have witness statements; they could have body-worn camera footage. I know a lot of times body-worn camera evidence is used. Then the officer is asked questions as to why he was untruthful. If he does not provide a good enough answer as to why he was untruthful, then Metro will terminate him. It happens all the time. Once you are untruthful and Metro terminates you, I do not believe you can be a law enforcement officer anywhere else in the state.

Chair Torres:

I appreciate that. I am happy to continue these conversations offline. My concern would be if there—I do not say this of our Nevada police, but in other states—are police forces taking advantage of certain officers in certain positions, I could see instances where, on a false accusation, officers would be let go and accused of untruthfulness. If those processes are completely internal, there is no other process for that.

John Abel:

In over five, almost six, years that I have been with the police union as a rep, I have never seen it, because we fight pretty staunchly for our officers. If we think there is a targeting of an officer, we do not stand for it, and we have actually filed lawsuits to help them. It has not happened while I have been a union rep, but I cannot speak for other agencies.

Assemblywoman Thomas:

I appreciate that context. My question has to do with the National Decertification Index. Is that part of the Federal Bureau of Investigations (FBI) background investigation, or are there two separate investigations?

John Abel:

That I have no idea about.

Assemblywoman Thomas:

When a prospective employee wants to be a police officer, do you not do an FBI investigation?

John Abel:

I would assume that yes, Metro as a part of their background investigation does do that, but I do not have that information in front of me to 100 percent confirm that.

Chair Torres:

I do not believe we have any other questions. Thank you for your neutral testimony and for letting us badger you with questions. I appreciate it.

I do not see anyone else in neutral for S.B. 225 (R2) here in Carson City or in Las Vegas. Is there anyone on the line? [There was no one.] I invite the bill sponsors up for closing remarks.

Senator Harris:

Thank you so much for the time, Chair. I wanted to point the Committee's attention to *Nevada Revised Statutes* (NRS) 289.510. That is the statute that empowers POST to promulgate regulations about what type of conduct results in decertification. That is outlined in regulation by POST. Again, that will vary from state to state, but for our state you are going to want to look at NRS 289.510 and the associated regulations.

To Assemblywoman Thomas's question about the National Decertification Index and whether it is maintained by the FBI, it is not. The National Decertification Index is actually maintained by what could be described as a trade association of POSTs across the country. They are not all called POST, but they are the standards and training commissions for police officers in each state. They have an association that maintains a website and this decertification index. It is separate from the FBI.

I want to thank the Committee for their time. This bill is the best way to ensure that if you have risen to the level where your certification is revoked after the due process that we afford law enforcement officers in this state and in this country generally, it is likely we do not need you here in our state, on our streets, policing as well.

Chair Torres:

We will close the hearing on S.B. 225 (R2), and we will open the hearing on Senate Bill 319, which revises provisions relating to public employees.

Senate Bill 319: Revises provisions relating to public employees. (BDR 23-953)

Senator Dallas Harris, Senate District No. 11:

Good morning again, Chair Torres and members of the Assembly Government Affairs Committee. I am happy to be here to kick off Senate Bill 319 with my good friend Mr. Richard McCann who, with your permission, will carry the weight on this one as I have to return to the Senate Committee on Finance.

Richard McCann, representing Nevada Association of Public Safety Officers:

Good morning, Madam Chair and members of the Committee and staff. First, I wish to thank Senator Dallas Harris for sponsoring this bill, together with many cosponsors: Senators Spearman, Buck, Dondero Loop, Goicoechea, Ohrenschall, Pazina, and Scheible, and joint sponsor Assemblyman Yurek. Now that I have kissed up enough, *Nevada Revised Statutes* (NRS) 288.425 states that for the purposes of collective bargaining, a state "employee" is defined as someone who is either (a) a classified service employee or (b) is employed in the state system of higher education in the classified service.

Nevada Revised Statutes 288.515 created bargaining units in 2019 for 11 separate occupational groups of employees. One of those 11 bargaining units is category II peace officers. You are all aware of that, I am sure, by the history of what we have all gone through this session and in the previous session. There are category II peace officers, however, who are left out of collective bargaining. Those would be gaming control officers. They are sworn peace officers. They are category II, but why are they left out? Because they are unclassified state employees. They do not meet the current definition of being in state collective bargaining.

Section 1 of Senate Bill 319 in front of you merely seeks to add one sentence to the definition of an "employee" solely for the purpose of allowing them to collectively bargain. Section 1, subsection 1, paragraph (b) is inserted to include category I, category II, or category III peace

officers who are unclassified employees. Pursuant to current law, which is NRS 463.080, subsection 4—for those wonks among you who like to write these things down—Gaming Control Board employees, with the exception of clerical employees, are unclassified employees.

That same statute, NRS 463.080, also requires that the Gaming Control Board "establish, and modify as necessary, a comprehensive plan governing employment" of its people. That means the Board can permit collective bargaining for its peace officers as we are attempting to do here in S.B. 319. For the past four years, gaming control agents, such category II peace officers as they are, have been sitting by patiently while other category I, II, and III peace officers have been benefiting from collective bargaining and they, the gaming control people, have been left out.

Now, someone asked me at one point in time whether putting these folks into the bargaining unit would make them classified employees, make them go from unclassified to classified. That was a great question I did not know the answer to. I reached out to Gaming and was informed by its Administration Division that putting them into collective bargaining will not make them classified employees. That can only be accomplished legislatively with changes to NRS 463.080, and that is not the purpose of this bill, so they will remain unclassified within the section of collective bargaining. We believe it is time for category I, II, and III, unclassified state employees to be permitted to engage in collective bargaining like their peace officer brethren. For this reason, we ask you to support S.B. 319.

Chair Torres:

Members, are there any questions?

Assemblyman DeLong:

Thank you, Mr. McCann, for the presentation. I have a couple of questions. One is, are there category I or category III peace officers who are unclassified?

Richard McCann:

I am not aware of anybody other than gaming control people who are unclassified in the category I, II, or III area. I could stand to be corrected. If the Legislative Counsel Bureau knows that—I have been wrong before, once or 100 times a session. But right now, my categorical answer would be none, other than gaming.

Assemblyman DeLong:

As a follow-up to that, then why are we including categories I and III in this? We are trying to put a statute in that does not cover anyone. You then, at the end of your testimony, said all unclassified should be covered in the bargaining unit. I am paraphrasing a bit, but that is not what this bill does. Are you advocating for something beyond what this bill says?

Richard McCann:

No, I am not talking about unclassified people other than category I, II, and III.

To your previous question, why we are dealing with category I, II, and III if there is no one other than gaming. As an abundance of caution, to make sure—if there are other category I, category II, or category III unclassified officers I am not familiar with, we would certainly want them to be in this as well. I am focused on gaming because they are the big people who brought this forward. If there are others out there, I would want them captured as well.

Chair Torres:

Thank you very much. Members, are there additional questions?

Assemblywoman Taylor:

Thank you, Mr. McCann, for bringing this forward. To clarify, they are already classified as peace officers and get all of the benefits that go along with that. This is just to classify them because right now they are considered unclassified.

Richard McCann:

It does not do anything else in terms of their status. They would not be classified. Again, they are going to remain unclassified, but they will be brought into collective bargaining as unclassified. As a matter of fact, the documentation I have received from gaming has made it clear they would remain as unclassified members of the bargaining unit.

Assemblywoman Taylor:

Thank you for the clarification.

Assemblyman Hibbetts:

Thank you, Mr. McCann, for bringing this or at least assisting in bringing this bill. My question is not fully formed in my head, so forgive me. Gaming control officers are category II peace officers. Somebody supervises those people. Is that correct?

Richard McCann:

Yes, they do.

Assemblyman Hibbetts:

Those supervisors are considered commissioned category II officers also.

Richard McCann:

Yes, I believe they would be. As a matter of fact, they would now be moving into a group of people who would be under collective bargaining under a separate bill, S.B. 166, that I brought somewhere else in this building.

Assemblyman Hibbetts:

As it stands today, the category II gaming control officers and their category II supervisors do not have the right to collectively bargain. Is that what I am seeing?

Richard McCann:

You have seen it perfectly, sir.

Assemblyman Hibbetts:

I appreciate the clarification. I just want to make sure my less-than-caffeine-addled brain had figured it out.

Chair Torres:

I really appreciate those questions because they have clarified a lot of this piece of legislation for me. I, too, have not had any coffee this morning and am running on very little sleep, but we do have horses. That gives us a little energy for the day. Members, are there any additional questions? It does not appear there are any. At this time, we will invite anyone wishing to testify in support of S.B. 319.

John Abel, Director, Governmental Affairs, Las Vegas Police Protective Association:

As someone who represents a collective bargaining unit, I know how important these rights are to our members. For that reason, we support the bill.

Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance:

As of yesterday, I am past president. We support state employees being able to bargain collectively with their employer as do local government employers. Our bill, A.B. 224, which this Committee heard and passed quite some time ago and will be seeing very soon, I hope, authorizes collective bargaining for unclassified employees at the Nevada System of Higher Education, but the definition of professional employees in that bill does not overlap with section 1 of S.B. 319. It makes sense for category II peace officers who have to be unclassified employees to negotiate along with their classified category II peace officers.

Chair Torres:

I do not see anybody else in Carson City in support for S.B. 319. There is no one in Las Vegas. Is there anyone on the line?

Carlos Hernandez, representing Nevada State AFL-CIO:

On behalf of over 150,000 members and more than 120 unions, the Nevada State AFL-CIO proudly supports Senate Bill 319.

Michael Huynh, Private Citizen:

I am a Gaming Control Board enforcement agent, and I wholeheartedly support this bill. It is time for me and my fellow agents to be part of the collective bargaining. I do not want this bill to not pass because that would cause a lot of enforcement agents to consider employment elsewhere, and it would harm our trying to recruit future police officers who want to join our agency. I hope you will support this bill.

Chair Torres:

[There were no more callers choosing to testify in support.] We will invite anyone wishing to testify in opposition to S.B. 319. I do not see anyone here in Carson City or in Las Vegas. Is there anyone on the line wishing to testify in opposition to S.B. 319? [There was no one.]

At this time, we will invite anyone wishing to testify neutral to S.B. 319. I do not see anyone in Carson City or Las Vegas. Is there anyone on the line wishing to testify neutral to S.B. 319? [There was no one.] At this time, I invite Mr. McCann for any closing remarks.

Richard McCann:

I know what you are thinking. This is probably the most incredible piece of legislation you have seen. I get it. I am there with you. I feel it. We have no opposition. We are on a roll. We should work session this little guy and get this puppy out of here and that way you will be done with me for this session.

Chair Torres:

Thank you, Mr. McCann, you can get off your high horse. We appreciate it. At this time, we will close the hearing on S.B. 319 and take a one-minute recess.

[The Committee recessed at 9:52 a.m. and reconvened at 9:52 a.m.]

At this time, the Assembly Committee on Government Affairs will reconvene, and we will open our work session. I am not going to consider the first bill today in order to give my members a little more time to review it. It was introduced and referred to our Committee late last night, so I want to give everybody a little more time before we work session it. However, we did have the opportunity to get S.B. 319 a little earlier in the day so, at this time, we will open up the work session on S.B. 319. I will hand it over to our Policy Analyst, Ms. Ruedy.

Senate Bill 319: Revises provisions relating to public employees. (BDR 23-953)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 319 that you just heard adds persons who are employed as category I, II, or III peace officers in the unclassified services of the state to the definition of "employee" for purposes of collective bargaining. There were no amendments.

Chair Torres:

Members, are there any questions on the bill that we just heard? It does not appear there are any questions at this time. I will entertain a motion to do pass S.B. 319.

ASSEMBLYMAN HIBBETTS MOVED TO DO PASS SENATE BILL 319.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McArthur. At this time, we will close the work session. Thank you, Mr. McCann, it is great having you in our Committee. We will go back into one-minute recess.

[The Committee recessed at 9:53 a.m. and reconvened at 9:54 a.m.]

At this time, the Assembly Committee on Government Affairs will reconvene, and we will open the hearing on Senate Bill 143 (2nd Reprint), which revises provisions relating to discrimination in housing. Senator Neal, when you are ready.

Senate Bill 143 (2nd Reprint): Revises provisions relating to discrimination in housing. (BDR 18-1)

Senator Dina Neal, Senate District No. 4:

Senate Bill 143 (2nd Reprint) does several things. In 2021 the U.S. Department of Housing and Urban Development (HUD) performed an internal review of *Nevada Revised Statutes* (NRS) Chapters 118 through 233 and came back with comments to the Nevada Equal Rights Commission (NERC) on areas where they found major and minor concerns related to substantial equivalence and alignment with federal law.

Sections 1 through 30 of the bill allow us to align with federal law, allowing substantial compliance with HUD. Sections 32 to 35 create the fair chance housing provisions related to that which I am creating in statute.

We have a specific population that is being asserted in this bill. It is anyone who has a criminal history who has been acquitted, granted a pardon, or otherwise exonerated. Those individuals cannot be discriminated against in regard to housing. The bill allows an entity to inquire as to the exact background of the individual. If they find out the individual has been acquitted, granted a pardon or otherwise exonerated, or whose records are sealed, then they need to say, this is potentially an individual who may be allowed housing. The piece also provides that if you have an arrest and you have not been convicted, caveat—you have not been convicted—you also would fall into the category such that you cannot be discriminated against.

Fair chance housing, or Ban the Box, has been instituted in several cities. The idea is to allow individuals who have been released from our system who are trying to reenter society to have a safe place to live. We also know that if you have to return to the same environment that created your criminal behavior, you have more likely a chance to recidivate. In watching the process in Nevada regarding our reentry programs, one of the largest barriers has been to try to find housing that will sustain these individuals.

Section 35 deals with the guarantor of an apartment. If you are trying to be a guarantor—for example, I encountered this during the interim—it is five times for the guarantor versus three times for the applicant. There is a higher standard. I wanted to align that proof with the proof that you can pay rent at three times. With the extended housing crisis, if you are

paying \$1,900 a month and someone has to prove five times that amount in order to guarantee you to move into the apartment, you are probably not going to get a guarantor, right? So, I wanted those to be equal at three times the rent because, ultimately, what you are asking them to be responsible for is paying the rent of the person whom they are guaranteeing.

That is pretty much the bill. The rest of the sections just align us with what is going on in HUD law and substantial compliance. I open myself up for questions.

[Assemblywoman Duran assumed the Chair.]

Vice Chair Duran:

Questions? Mr. DeLong.

Assemblyman DeLong:

Thanks for the presentation. I have a couple of questions. I am going through the bill and want to make sure I understand a few things. Section 22 of this bill looks like it removes the Legislature from authorizing a contract between the Commission [Nevada Equal Rights Commission (NERC)] and HUD and gives the Commission the authority to enter a contract if they want to. Is my interpretation correct?

[Assemblywoman Torres reassumed the Chair.]

Senator Neal:

It takes "shall" to "may." This language was suggested, meaning it is now permissive for the Commission to enter into a contract. It does not eliminate—it says unless the Legislature by resolution or other appropriate. The permissive piece allows them to do it, but it does not eliminate the Legislature, because permissive means you could or you could not. The Nevada Equal Rights Commission is an agency that is directly under the Department of Employment, Training and Rehabilitation, so any act they are going to do will have to run through that agency. This particular language was suggested by HUD. It does not eliminate the Legislature because we still have direct oversight over this agency.

Assemblyman DeLong:

As a follow-up, it actually changes it from "shall not" to "may." The Commission did not have the authority to do it unless the Legislature acted. Now, they can do it on their own. If they do that, my understanding is they are taking over the responsibility HUD has with regards to enforcement, is that correct?

Senator Neal:

They are becoming an additional agency that HUD will be working with. What I understand is going on is, if we get into substantial equivalence with HUD, HUD then comes in and trains NERC. They spend a couple of years training them. They also bring in funds that will allow NERC to get up to speed and add on additional investigators. They then become, the same way as the EEOC [U.S. Equal Employment Opportunity Commission] is in

Los Angeles, an agency in Nevada that can take on housing discrimination issues. It does not eliminate HUD; it still allows individuals to file with HUD or to file with NERC for a housing discrimination piece the same way that, in current law, you can choose to file with NERC or you can choose to file with the EEOC in Los Angeles. That is not an elimination.

Assemblyman DeLong:

I did not think there was, but it was just giving the state the authority to implement the federal requirements under HUD.

Going to section 15, subsection 3, "The Attorney General may, if requested . . ." et cetera. My understanding is under federal law, the Department of Justice (DOJ) must file a civil action if there is a complaint. Under this state statute, we are looking at just being permissive, that the Attorney General may do it. Does that create an inconsistency between federal law and state law?

Senator Neal:

I do not believe so. The Attorney General reviewing the complaint of an aggrieved person upon request, I do not think is in conflict. When the Attorney General looked at this—and this is their amendment—to delete the "shall" and add the "may," nothing in the conversations I had in the other house indicated we would be in conflict with the DOJ. I do not know whether Legal Counsel wants to chime in on this, but my understanding is if the DOJ has jurisdiction over an issue, they are going to have jurisdiction over an issue. The Attorney General gets its statutory powers from our state law, and where they are in conflict, federal law supersedes. That is basic Supremacy Clause regarding jurisdiction.

Chair Torres:

I will go to our Legal Counsel.

Asher Killian, Committee Counsel:

My understanding of the reason why that is a "may" rather than a "shall" is that the trigger for the Attorney General being able to file that action is a request by the complainant or aggrieved person. It does not necessarily require that it be a verified or substantiated request. The idea is to give the Attorney General discretion to not be required by law to file a suit that the Attorney General knows to be frivolous. The expectation is that the Attorney General will exercise his or her discretion in alignment with federal law, but simply have the power not to file a suit that is either frivolous or could subject the Attorney General or the deputy attorney general who handles the suit to professional discipline by the bar if the suit was not something that should have been filed.

Chair Torres:

Thank you. That provided some clarification.

Assemblywoman Thomas:

Thank you, Senator, for this presentation. My question has to do with section 32. When you were explaining this, it just popped in my head. You are saying that an aggrieved person, from her criminal history, could be a pedophile or a sex offender and we should therefore allow them to live in a complex with children and/or families. I would like clarification on that, please.

Senator Neal:

Thank you for the question. That is a direct exclusion. It shows up on page 21. It also shows up in reference to the Rural Housing Authority where it references any existing *Code of Federal Regulations* related to sex offenses or anywhere that we have it in NRS. If there is a sexual offense, they are directly excluded from this bill. It does not matter whether they have been convicted, acquitted, or exonerated. They are excluded from this bill.

Chair Torres:

Can you give us the section?

Senator Neal:

Turn to page 21, section 4, subparagraph (b), lines 5 through 11: NRS 315.031 is a tenant in public housing that could potentially have had a dangerous offense; 42 U.S.C. § 13663—

Chair Torres:

I apologize, Senator. Your version of the bill has different page numbers than ours. Can you give me the section number?

Senator Neal:

It is still section 34. It might show up in another section as well, but it is directly eliminated.

Chair Torres:

Yes, members, in my version of the reprint it is on page 25. Members, are there additional questions?

Assemblywoman Taylor:

You mentioned this puts us in substantial compliance with federal law. Did you find in your research other states that are taking the same step to make sure we are not adding an extra barrier?

Senator Neal:

There are several other states that are already in substantial compliance. This particular push in order to come into substantial compliance, from the research that I have, we have been trying to do since 2007. However, there were conversations in 2017, 2019, and 2021 with HUD in regard to moving language into statute that would bring us into alignment and update our statutes to be similar to what HUD law is saying in regard to familial status and other categories that are in federal law that were not in our state statutes.

Assemblywoman Taylor:

This should fix that.

Senator Neal:

Yes. Sections 1 through 32 will fix that.

Assemblywoman González:

I have a question about the Ban the Box policy. I am curious whether this is a correct example or not. Let us say I am applying for housing, and I have multiple convictions that are outside of the scope of what you are saying. I could be a sex offender, for example. How would this help someone who is applying for housing? I do not have one of those charges, but I am still discriminated against anyway. Okay. Let us say I have been charged with burglary or grand larceny. That is not one of those crimes that would fall into being discriminated against. What this law is saying, what Ban the Box is saying is, you cannot discriminate because I have those charges, but you can still deny the applicant. So, how will this policy help in a situation like that?

Senator Neal:

I need to be really clear. This bill has been amended. If you have a burglary charge and you have not been exonerated, you have not been pardoned, you have not been told that you are totally freed, meaning you have served your time—that person is in. There is going to be some reconciling.

They can inquire into the conduct because how else are you going to know? A person puts in an application, then there is going to be an inquiry into her criminal background, and then if it comes back that she has been exonerated or pardoned—these are individuals who, we have decided, have been rehabilitated and therefore free and able to reenter society. Those groups are in; anyone else is out.

Assemblywoman González:

A follow-up, Chair. Okay. Let us say I have a burglary charge. I have done my time. I am now applying for housing, and they run the criminal background check. I get denied, but I do not know why I am denied because we do not have laws that mandate we be told why they deny us. How would I know?

Senator Neal:

You are going to know, if you believe you are being discriminated against, because you are going to be able to trigger a process, which is spelled out in section 34, subsection 3, where it allows the applicant to appeal for review by the Commission if she believes she was denied on the basis of an unlawful discriminatory practice.

Assemblywoman González:

That would be when they would file with NERC.

Senator Neal:

That is correct.

Chair Torres:

I have a couple of questions, and I might ask a couple more as we go. I am sure there are a couple of other members with questions. We did just get this bill, so I have not had the time to look through this as intensely as I would like to, and I will be looking through it again later.

My question builds off of that. Is that required right now when you are renting an apartment? Do we even know, or do you just do the application? How would you know why you are not getting the apartment, and how would that be proved?

Senator Neal:

I had this bill in 2021. I did stakeholder groups. I met with women who were in reentry. I met with men who were in reentry. We had total conversations with the Nevada State Apartment Association. I chose not to bring or upload that Zoom call where you would have had the privilege of watching that conversation. We found out, basically, that they do know on the back end exactly why they did a denial. Whether or not they make that public—they can make it public to NERC, but they do know. I also have direct and personal experience with a constituent who was denied for a solicitation charge. The only way that came up was because it was in their denial. I saw the letter.

Chair Torres:

That clarification helps. So, NERC would be able to investigate those; they have the tools, and they would be able to get the information they need to cause that investigation. Hopefully, this would prevent it from happening. Is that correct?

Senator Neal:

The idea is to allow individuals to have a chance to live in an apartment or housing where they can be safe and not have to recidivate. Yes, it does allow them to file with NERC if they believe they are an aggrieved party.

Nevada Equal Rights Commission has some confidentiality provisions where they are allowed to seek information. They are also allowed to negotiate. When you see the words in the bill around conciliation, that is their ability to do a settlement with whomever: the complainant or the aggrieved party or the party on the other side, and then also do an investigation. Section 14 lays out the investigative process. It also lays out their ability to negotiate, their ability to reject an agreement. It also lays out their ability to elect to determine whether the matter is something well out of their purview and to kick it into court.

Section 14 continues where it allows a remedy. In these cases, it would allow a remedy to cease and desist the unlawful practice, issue an injunction or do equitable relief, award actual damages to the complainant, remedies they can impose. Then it gives the ramp-up of the penalties.

Section 15 allows them, if the administrator believes there is probable cause or not probable cause, to continue to determine whether or not there is a practice in housing that needs to, once again, be kicked into court or kicked to the Attorney General.

Chair Torres:

Members, are there any additional questions? I do not believe there are any at this time. We will invite anyone wishing to testify in support of S.B. 143 (R2). I do not see anyone here in Carson City. Is there anyone wishing to testify in Las Vegas? I do not see anyone. Is there anyone on the line wishing to testify in support of S.B. 143 (R2)?

Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:

Across the nation, people with developmental disabilities face a severe crisis in the availability of decent, safe, affordable, and accessible housing, free from discrimination. Nevada continues to promote inclusion for people with developmental disabilities to live in their communities and guard against return to congregate facilities or other institutions. We support this measure and applaud the Senator's hard work. We have also submitted some policy recommendations to consider [\[Exhibit C\]](#).

Chair Torres:

There are no more callers choosing to testify at this time. Is there anyone wishing to testify in opposition to S.B. 143 (R2)? I do not see anyone here in Carson City. Is there anyone in Las Vegas? [There was no one.] Is there anyone on the line testifying in opposition to S.B. 143 (R2)? [There was no one.] At this time, we will go to neutral. Is anyone here neutral to S.B. 143 (R2)? I do not see anyone here in Carson City. Is there anyone in Las Vegas? [There was no one.] Is there anyone on the line?

Dora Martinez, Private Citizen, Reno, Nevada:

Madam Chair, I am so sorry. I am in support.

Chair Torres:

Go ahead.

Dora Martinez:

Thank you so much to you and your hardworking Committee and thank you to the sponsor of this commonsense bill. We please urge you to pass it. Thank you. Have a good day.

Chair Torres:

[There were no more callers choosing to testify in neutral.] I invite the bill sponsor for any closing remarks. It does not appear there are any, so we will close the hearing on S.B. 143 (R2). We will open the hearing on Senate Bill 246 (2nd Reprint), which revises provisions relating to governmental administration.

Senate Bill 246 (2nd Reprint): Revises provisions relating to governmental administration. (BDR S-1028)

Senator Dina Neal, Senate District No. 4:

Senate Bill 246 (2nd Reprint) has two parts. The first section puts into place in the Charter of the Cities of Las Vegas and North Las Vegas the creation of a workforce program which they will testify they already have. But the key piece of this was prioritizing outreach into neighborhoods that have historically high poverty and then making sure they are not prioritizing one group over another. We know, historically, in poor communities, we all share neighborhoods. I placed this as an issue that I wanted to take up because it has been a longstanding issue. We have poor neighborhoods that are not necessarily focused on or targeted within communities. Poverty goes across all groups, and it is not indicative of any particular race. It then says they must, at least on a quarterly basis, give an update to the council.

It also includes that they would place this information indicating the workforce opportunities on a public utility bill, because we know everyone gets a water bill. There was a lot of development that happened and regular communities do not necessarily know these workforce opportunities are actually going on in the city. I live in the world where real people who work do not go to the city council meetings or pay attention or maybe not even be on the email list; that is why I put it on there.

The other piece is the city council shall provide a written report to the director of the Department of Employment, Training and Rehabilitation (DETR). Currently, DETR is already collecting data on workforce by demographics, and they can also break it down by zip code. That came from my legislation, Assembly Bill 354 of the 79th Session. I wanted to be able to add to that particular data piece or data point that they produce to make it more robust so we can understand what is going on in those communities. Section 3.110 continues on with the targets around workforce.

The second part of the bill brings forth only one particular provision related to the charter committee. You had this in your Committee, however the only thing this is doing is allowing the charter committee to meet. It basically says they will meet quarterly rather than once every two years. It allows for the agenda to be set and for the city council to request not more than four items to be considered over that biennium before the legislative session. It also protects the charter committee from any kind of abuse, and it prevents the city clerk from violating public trust or abusing its authority. That, in essence, is the bill.

Chair Torres:

Thank you. Members, at this time I will open it up for any questions.

Assemblyman DeLong:

We heard a bill earlier this session that had the Legislature trying to change the charter of a city without the charter committee weighing in on it fully, and there was a lot of public comment about the fact that the Legislature was trying to do that without getting sufficient local input. Are we going down the same road here?

Senator Neal:

No. The reason why we are not going down the same road is because the charter committee is already allowed to meet. What we are doing is making sure that they do meet. That was in the opposition that was presented in this Committee. It was also presented in the Governor's statement on why he would veto it. He wanted to make sure that issues went through the charter committee, and this allows for issues to be presented to the charter committee.

The only thing that is happening is allowing for the charter committee to have some form of independence and be protected so that they can meet. I am very familiar—the bill was Senate Bill 184. It does not have any of those other provisions from that bill except for allowing the charter committee to actually meet so that items can be brought to them from the city council in order to review, to then bring legislation or propose ideas back to the Legislature. That is what this does. It does not do any of those things in S.B. 184. In S.B. 184 she was eliminating, and she was mandating that the Legislature dictate. That is not what is happening. I want the charter committee to meet, and the charter committee would be allowed to meet. Some of the testimony that came up and also some of the questions were why we would not allow charter committees, which are the citizens' input, to do their work. This particular measure says citizens should be allowed to meet as a charter committee, and there should not be any kind of infringement or abuse of their ability to meet. That was well indicated and set up in the hearings on both sides from the charter committees; they were running into situations where they were not allowed to meet; there were instances where they did not feel they could meet. This allows them to meet.

Assemblyman D'Silva:

Thank you, Senator, for your presentation. I have a two-part question. First, I am interested in the fact that—it seems to me—only North Las Vegas is being focused on in this legislation. Second, the fact that we have some civil—I am trying to read through this—it looks like maybe potentially criminal penalties placed on any violation pertaining to abuses of power. Why is it only focused on North Las Vegas? What about some of the other municipalities that could be benefited by language like this?

Senator Neal:

That was the only issue that was brought up during this Legislative session when there was a complaint that the charter committee was not allowed to meet, based on testimony and the fact that I have been in this building for a really, really long time, and there have been no other charter committees that have come to the Legislature saying they did not have the capacity to meet and that somehow the law from the charter was being violated. I have never heard from Reno or any other jurisdiction that has been here that they have not had the ability

to meet as a charter committee. The charter committee has actually been a respected entity that has brought forward and has allowed citizens to bring forward issues and have a discussion about them.

Assemblyman Koenig:

Thank you for presenting this today. As I was reading this in my sleep-deprived state, something that jumped out at me and then just made me question a little bit was section 3.4. We are making a law telling the clerk that he cannot break the law, and we are making another law that says, do not let the city council or the city managers coerce you to break the law. I mean, does this need to be part of a charter? Do we not have laws and regulations already telling them what they need to do? Do we need another law to say, Do not break the law?

Senator Neal:

It also says to take an oath of office. A series of incidents have occurred in the City of North Las Vegas where, basically, I am allowing the city clerk to get a conscience, meaning you are responsible for what you are responsible for; you should not be influenced by anyone else in regard to what your duties are. I know of an instance directly related where I felt the clerk may not have followed the actual law. I brought it up as a complaint, and I continue to bring it up as a complaint. In this case, I am protecting the clerk to basically say, do the law. It is interesting because there was an Assembly bill that moved from this house to the other house that basically said, follow the law. We thought it was interesting that we were putting in statute, do the law. That is all this is doing. There would be no issue if there is legitimate behavior going on. This is a null provision.

Assemblyman Koenig:

Thank you for that response. I do not have the history to know what happened in the past. I just read that and thought, hmm.

Assemblyman Nguyen:

Good morning, Senator Neal. Referring to other bills we have heard previously and looking at this section in terms of ensuring that they have the capacity or the training to do this, are you concerned with setting more guidelines in here or guardrails, if you will, over whether they have the comprehension to do this? Because to me it felt, learning from the last time, a lot of the committee members were not trained. They did not really know what was going on. There was a lot of conversation around, I do not know if I am supposed to do that. I do not know whether I can do that. Is there training, or steps in place, or even a tether to an actual ex officio role, whether to a city manager designee or some sort of department designee, who could be their go-to person for this?

If you only meet every two years, your knowledge of how everything works is going into one ear and out the other because you have lives, you have other things to do, and this committee is so significant to it. I feel the members themselves do not have either the protocol

knowledge or the know-how knowledge to be able to execute something like this. If this legislation is going to ensure that they can do this, how can we ensure they have the knowledge to be able to execute their job?

Senator Neal:

I am going to deal with the timing first, and then I am going to deal with the other part of your question. It is going to allow them to meet quarterly.

I do think there was a training issue. They are regular citizens who get appointed. The Legislature is allowed to appoint; I was allowed to appoint someone to the charter committee. A couple of other members were also allowed to appoint. I appointed an attorney to the charter committee. She testified to the issues in regard to this particular charter committee being able to meet. She was a Latina. From my understanding, most of the people are very astute, but I would not be opposed to some kind of training piece because—I do not know if you heard from Donna Darden. I know she sent letters. I believe it was Romero who was an American Civil Liberties Union attorney. There was an older Caucasian gentleman who testified. The right people are on there, but what they thought charter committees do, they felt they were not able to do, which was the simple act of meeting, discussing, having a conversation, and then presenting those issues. The council would then present to them.

Training is okay, but not qualifications, because if it is supposed to actually be the public voice in a regular resident—in the rawness of what a resident has to offer for being a citizen—they should be allowed to present that in the way that they understand government. One thing that is very clear is that diversity of thought that comes from varying ranges of position and status is valued, because if you have a person who is coming from poverty—not an attorney—what value does she bring in order to enlarge the conversation? They are having very different experiences within that actual city environment.

I would not be opposed to some training. I just do not know who would administer it. It would have to be a partner city that has had a charter for a longer period of time because this charter is fairly new, and there are a lot of hiccups. If you were to read the record when this was brought forward, they were not necessarily in support of having a charter. Through the chair at the time, Senator Edgar Flores, it was brought forward because they were bringing forward the issues without a charter. This was to reverse it. We need to put into context that the reason why the charter language even came into existence was because they had brought forth issues as a city, and the conversation was, Have you talked to your residents, and Why has this not run through a charter committee? Then a charter committee was created. Now that the charter committee has been created, we are running into an issue with the independence of the charter committee, as residents, to think through issues and meet. Why does that exist? It is very important to look at the trajectory of how we got here, and why that charter committee is in place, and why I am seeking to give them some independence and attempt to protect it.

Do I think this goes pretty far? Yes, and there are some pieces I would take out. However, the reason why I did not take it out on the Senate side is because my own city was attacking me in the paper. They would directly attack me in the paper, so my thing was if you are going to abuse your power to come for me, then what are you doing for regular citizens? It was crystal clear that it was an abuse. So, my thing was, all right, the criminal piece is probably going too far, but the civil penalty, I do not think so.

Assemblyman Nguyen:

Thank you for going there, because it is necessary for us to be able to look at whether there is a city official who ties to this. For example, when I sat on the planning commission, we had the district attorney assign an attorney to staff the planning commission, and we had briefings right before we went into the meeting. Those briefings should have been done days earlier so we would have time in between. But anyway, that was how it was done. There may be legal support to this charter committee that should be in place. I do not see in there where they can go to that—perhaps a city attorney so they know what steps to take. Perhaps that training should be there in the form of a briefing before the actual agenda takes place so you can refresh your memory. If you only meet so infrequently as everyday people, I mean look at us as legislators, we have to go through the entire academy for us to get here, and not everything was retained. For something that it is going to only meet so infrequently, they have such a large undertaking that I feel the infrastructure needs to be set up better, so we are not setting them up to fail.

Senator Neal:

I actually like that, the briefing beforehand. I do not know if the city attorney is the person who would be appropriate to do that, but there should be some person who is potentially doing that. I agree with not setting them up for failure. I also am not opposed to striking out my addition of a criminal action. The reason why I did not, I said already. I did not take it out because I feel very strongly about the abuse of power piece.

Assemblywoman Thomas:

Thank you, Senator Neal, for being here today. As a resident of North Las Vegas and a citizen of the United States, when I see a good bill like this, meaning the first half of your bill that is talking about things like workforce development for people who have been deprived of certain inalienable rights, and then—we have not talked about this much in this discussion—we go back to the City of North Las Vegas, where I believe there is this thing called implicit bias happening here. Let me finish. When I see the city that I live in, that my children live in, that my grandchildren live in, my friends—and I look at this codicil to a good bill that you have placed in here, I am ashamed. The reason why I am ashamed is because of that implicit bias. It reeks with retaliation. Yes, ma'am, it does. Let us get started since we have to go there; let us go. I am ready to go.

Chair Torres:

Assemblywoman Thomas, if we could just get to the question. Thank you.

Assemblywoman Thomas:

When we say things like the city clerk—whom I know personally, whom I worked with for over 20 years—this besmirched her. Just like, as you just finished saying, the city did to you, you are doing to her. She is a Black woman.

Chair Torres:

If we can get right to the question or the concern with the bill.

Assemblywoman Thomas:

My concern with the bill is sections 3.2, 3.4, 3.6, and 3.8. That is my concern.

Senator Neal:

I appreciate your perspective on this. I have also lived there my entire life. I was born and raised in the City of North Las Vegas. I have children who went to school there. I do not have any grandchildren; however, I also have friends who live there.

This particular provision is set up to provide independence for the charter committee, point blank; that part on the charter committee and allowing them to meet quarterly. The piece on the clerk was brought up because I feel if you are not going to properly notice, open the space, open the building, and allow the individuals to meet—basically, it says, follow the law. There were instances—I am sure every time I say something there will be a counter—I directly complained about the election process, that they did not follow the Secretary of State policy or law. I also presented and showed that there was a financial disclosure filing that did not occur prior to the appointment or prior to the filing. It fell on deaf ears. It was very clear what the statute said, and it was not followed. I was told, the clerk had said, I could not do it this way; but the law had prescribed one way to do it. As to that particular sentence in there around elections and abuse of public trust, the idea here is to give this person a conscience not to say that she is somehow doing this act, but also to make sure that she is acting independently. I also said in this testimony that I was willing to take that piece out, the addition of criminal action, because I did go too far.

I move this not because I am retaliating against the city. Every conversation in the hearing was, You should allow the charter committee to meet. The questions in this Committee were, You should allow the charter committee to meet. I do not have any of those other provisions in the other part of the bill. If we want to talk about retaliation, there has been serious retaliation, period. There have been a series of the charter committee folks coming, and saying, and writing letters to this body about what was going on. I do not think that they were not saying the truth because they continue to say it from one house to the next house in the exact same form.

Assemblywoman Thomas:

When we say things like the charter committee did not have the opportunity—we in this Committee sat there, and we watched the video, and over and over and over again, the charter committee had an opportunity. Now you stated something about people who were appointed to the charter committee; I also appointed a person who is a regular citizen with no

ties to an election and no ties to the candidate who brought forth S.B. 184. You mentioned Donna Darden who actually worked on that other campaign. Yes, you did. When you look at other people who have implicit bias—I think that when I say retaliation, it is there. That is the question I have.

Senator Neal:

Assemblywoman Thomas, we can agree to disagree. My bringing up Donna Darden has nothing to do with the campaign. Donna Darden was in the community well before that race. Donna Darden has been an upstanding person who never had anything different to say. She has been a person who is set apart to try to do the right thing. None of that, none of her responses, were built upon the fact that she was associated with the senator in the other house. Nor am I bringing this bill because of that campaign. So, if you ride that train in this Committee on the fact that I am somehow bringing legislation for a campaign—

Chair Torres:

I am going to cut us off right now. I do not think it is fair—

Senator Neal:

—that is not appropriate.

Assemblywoman Thomas:

And you think it is appropriate for you to do the things that you are doing right now?

Chair Torres:

Assemblywoman Thomas, I have asked us to stop. It is not acceptable for us to get a piece of legislation and challenge the intentions of our colleagues. That is not acceptable. It is actually in our rules that that is not acceptable. If we want to ask questions about the policy of the bill, we can ask questions about the policy of the bill, but we will not attack our colleagues and their intentions.

I truly believe that when we bring legislation—and I believe this of all of my colleagues regardless of their political party—we bring it with the intention to better our community and to better our state. I believe that too of Senator Neal and the policies she brings before our Committee. It is unfair for us to challenge those, especially of someone like Senator Neal whom I have had the privilege of serving with and who has done so much for our state and so much for our community. It is unacceptable for us to challenge that. If we want to discuss the policy, we can discuss the policy here today. That is what we are here to do.

Are there any additional questions regarding the piece of legislation before us? I do not believe there are any. Thank you so much, Senator Neal. Thank you for being with us today. At this time, I will move on to support for S.B. 246 (R2).

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

The charter committee should be able to meet with the city council. It is as simple as that. They should be able to convene. Once you take all the emotions out of it and all the politics, they should be able to meet with the city about issues that are going on in the community. If the charter committee is not able to meet, you silence many North Las Vegas citizens. I support this bill. I hope you do too.

Chair Torres:

Is there anybody else here in Carson City? I do not believe there is anybody else here in Carson City in support for S.B. 246 (R2). I do not see anyone in Las Vegas. Is there anyone on the line wishing to testify in support of S.B. 246 (R2)?

Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:

Working-aged people with mental and other disabilities are among the most unemployed and underemployed segments of our society. Too often, unemployment and poverty are often accepted as an inevitable result of living with a significant developmental disability. Employment is an avenue to independence and increased socialization for all and particularly those with developmental disabilities. We support this measure and thank the bill sponsor for her hard work.

Dora Martinez, Private Citizen, Reno, Nevada:

I would like to echo the comments of Catherine Nielsen and give a big shout-out to Senator Neal. We appreciate you and thank you for acting like your age, not your shoe size. Take care. Have a good day.

Chair Torres:

[There were no more callers choosing to testify in support.] At this time, we will move to opposition to S.B. 246 (R2).

Leonardo Benavides, representing City of Las Vegas; and Urban Consortium:

The City of Las Vegas is in opposition, especially in regard to the language involving the charter committee. While we were in neutral previously when S.B. 246 (R2) was in the Senate Committee on Government Affairs, that has changed due to the floor amendment, Amendment 486, that added oversight powers to the City of North Las Vegas City Charter Committee, which is meant to be an advisory committee, not an oversight committee. Amendment 486 is also problematic because it targets additional portions of the City of North Las Vegas charter only, unrelated to the workforce development requirements in the original bill and unlike anything you would see in any other city charter. While we understand what the sponsor is trying to do with the workforce development aspects of the bill, we are concerned with the other components of the bill touching our city charter.

Similar to concerns we had with S.B. 184, we are concerned with more changes made to our charter without going through the proper procedure in the interim. Yes, the Legislature has the ability to amend the city charter but generally, this is done in a collaborative manner with

the city. Any requested changes to a charter through a legislative bill draft request go through city council approval. It is their prerogative as to what the city proposes. That is an important item to note. The Legislature already has final say at what can go into a city's charter. On top of that, the Legislature gets six appointees to our charter committee. So why is the additional oversight needed?

If the lack of means is a concern, why not just change the number of times charter committee can meet? Why is now an unelected citizen advisory committee under the city's purview given the charge to report a city manager and the elected officials voted by the community to represent the people? It should also be known that city charters are to the city what the *Constitution of the State of Nevada* is to the state. They are documents that need to be reviewed and revised as time passes, but they do not need to be revised at every legislative session.

This is one of several bills this session that has specifically singled out the City of North Las Vegas and straps the city with an unfunded mandate that also looks to significantly impact our city charter without any involvement from the city council. Collectively, these bills have a significant impact on our general fund and our council's ability to govern. As you all know, the city's general fund is dramatically different than it was a few years ago due to the actions of our policymakers and city team, and these unfunded mandates and policy decisions could place a significant burden on our local policymakers who have worked hard and made the necessary decisions to move the city in a direction where we can have this conversation.

I want to add quickly, I am also testifying on behalf of the Urban Consortium made up of the Cities of Las Vegas, North Las Vegas, Reno, Sparks, and Henderson.

Stephen Wood, representing Nevada League of Cities and Municipalities:

As we have throughout this session, we stand in solidarity with the City of North Las Vegas and echo the comments Mr. Benavides just made. We have serious concerns about the provisions of the bill relating to the city charter.

Chair Torres:

I do not see anybody else here in Carson City wishing to testify in opposition to S.B. 246 (R2). Is there anyone in Las Vegas? I do not believe I see anyone. Is there anyone on the line?

John Johnson, Private Citizen, North Las Vegas, Nevada:

I am a North Las Vegas resident as well as the community adviser for Councilman Isaac Barron. I have worked on every one of their campaigns besides the newest appointed councilwoman. I have worked with this city council and the staff since 2012. I just want to bring up some things because I have been hearing a lot of things. I stayed out of it at the first one, but I cannot be quiet anymore.

People are saying the city is preventing the charter committee from meeting. Let me read you the *Nevada Revised Statutes* (NRS) on the city charter. It says, section 1.110 charter committee officers and meeting. Section 2 says they are supposed to meet every two years before the beginning of each regular session of the Legislature and when requested by the city council or the chair of the committee. My question is, did the chair reach out to the city to request a meeting? Because all he or she has to do is follow Open Meeting Law. They can have a meeting next week if they want to. The NRS is already there independently to allow them to do what they need to do. Nobody is stopping them. We have seen the video during the meeting. The city was very educational. I understood everything. They even closed an agenda item. The woman had said something, and the guys told her, Hey, the thing is closed. If you want to talk about it, you have to put a motion to reopen it and you can talk about it. There was a pause; it was quiet. Nobody said anything, so they moved the agenda. To sit here and keep trying to act like the city is preventing these people from doing their job is a lie, and I am tired of hearing it.

When it comes to the city clerk, yes, she is a personal friend of mine too. She has character. I think this comes from the decision she made on rent control. I was upset as well—

Chair Torres:

Thank you, sir, your time is up. [There were no more callers choosing to testify in neutral.] I do not see anybody here in Carson City. Is there anyone in Las Vegas wishing to testify in neutral? I do not see anyone in Las Vegas. Is there anyone on the line wishing to testify in neutral to S.B. 246 (R2)? [There was no one.] At this time, we will invite the Senator for any closing remarks.

Senator Neal:

This bill is simply trying to create and give independence to the charter committee. I am not dictating what they discuss, which was what was in the other bill. I am not saying you should take up these issues. I am saying you should be allowed to meet. That was testimony that was presented, and if you look at the letters that were sent from the mayor's consortium, they said this should run through the charter committee, allow the charter committee to meet. Simply, I am allowing the charter committee to meet and giving them the independence to do so. I read all of the opposition and all of the opposition came down to: the charter committee should be allowed to meet. I am allowing the charter committee to meet.

I also am willing to take the criminal piece out because I feel it did go too far. Any other commentary related to anything else is outside of the public policy, and there is no bias. I am just trying to make sure that the citizens who signed up to be a part of the charter committee can meet. With that, if it is up to the Chair, I can provide the amendment that eliminates the criminal piece. Ultimately, the bill does nothing that the other bill did. It just allows the charter committee to meet or gives them some independence.

Chair Torres:

Senator Neal, you did send me a message. You have a question that you want clarified by the Legal Division.

Senator Neal:

Yes. I do not know whether Mr. Killian can further break down that I am not dictating issues for the charter committee to take up, that I am actually trying to provide them some independence so that they can meet and then work with the council on four issues that could be brought to them to discuss.

Asher Killian, Committee Counsel:

That is a correct statement. In section 3.2 of the bill that amends section 1.110 of the North Las Vegas City Charter, there are no particular topics that are required to be discussed, but it does empower the city council to request not more than four items to be considered by the charter committee. The city council does have the power to request a certain number of topics, but there are no certain topics that are required to be discussed by the committee.

Chair Torres:

Thank you for the clarification, Mr. Killian. At this time, I do not believe you have any additional remarks. We will close the hearing on S.B. 246 (R2). I will move on to the next item on our agenda, which is public comment. Is there anyone here in Carson City or in Las Vegas wishing to testify in public comment? I do not believe I see anyone. Is there anyone on the line wishing to testify in public comment? [There was no one.] Members, are there any remarks before we adjourn? [There were none.] All right, this meeting is adjourned [at 11 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter submitted by Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities, in support of Senate Bill 143 (1st Reprint).