

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

**Eighty-Second Session  
March 15, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 8:09 a.m. on Wednesday, March 15, 2023, in Room 3143 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](http://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:**

Assemblywoman Venicia Considine, Assembly District No. 18

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Sarah Delap, Committee Counsel  
Judi Bishop, Committee Manager

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Dylan Small, Committee Secretary  
Diane Abbott, Committee Secretary  
Lindsey Howell, Committee Secretary  
Geigy Stringer, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance  
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber  
Maria-Teresa Liebermann-Parraga, Deputy Director, Battleborn Progress  
Annemarie Grant, Private Citizen, Quincy, Massachusetts  
Douglas Ritchie, Chief Civil Deputy District Attorney, Douglas County District  
Attorney's Office  
Susan Fisher, representing the Nevada State Board of Osteopathic Medicine  
David Cherry, Government Affairs Manager, City of Henderson

**Chair Torres:**

[Roll was taken, and Committee protocol explained.] We are going to take the agenda a little out of order. We are going to begin with the work session and then we will go on to the hearing for Assembly Bill 219. We will start with Assembly Bill 3.

**Assembly Bill 3: Revises provisions governing financial reports of the State Permanent School Fund. (BDR 34-304)**

**Jennifer Ruedy, Committee Policy Analyst:**

I am the committee policy analyst for the Committee and, as nonpartisan Legislative Counsel Bureau staff, I do not advocate for or against legislation. I am just here to walk you through the work session. The first bill has probably the shortest summary. [Read from Exhibit C.] Assembly Bill 3 requires the State Controller to prepare a complete financial report of the State Permanent School Fund annually instead of quarterly. There were no amendments presented.

**Chair Torres:**

Are there any questions? [There were none.] I will entertain a motion on A.B. 3.

ASSEMBLYWOMAN TAYLOR MADE A MOTION TO DO PASS  
ASSEMBLY BILL 3.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I am going to go ahead and assign the floor statement to Assemblyman McArthur. All right, we will now go ahead and continue with Assembly Bill 33.

**Assembly Bill 33: Revises provisions governing public investments. (BDR 31-357)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit D.](#)] Assembly Bill 33 expands the authorized investments for money in the State Permanent School Fund to include: (1) certain commercial paper issued by certain corporations, trusts, and limited-liability companies organized and operating in the United States and depository institutions licensed by the United States; and (2) certain notes, bonds, and other unconditional obligations issued by certain corporations organized and operating in the United States or depository institutions licensed by the United States. A judicial determination that such an investment does not violate the *Nevada Constitution* is required before such investment.

The measure revises provisions governing money transferred from the Fund to a corporation for public benefit to provide private equity funding to certain businesses. The measure revises the authority of the State Treasurer to invest money from the General Portfolio of the State in certain categories of bonds and other securities. Finally, the measure revises the provisions related to the authorized investments for a local government and certain administrative entities. There were no amendments presented.

**Chair Torres:**

Members, any questions? [There were none.] I will entertain a motion on A.B. 33.

ASSEMBLYWOMAN DURAN MADE A MOTION TO DO PASS  
ASSEMBLY BILL 33.

ASSEMBLYMAN HIBBETTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Nguyen. We will go ahead and continue with Assembly Bill 36.

**Assembly Bill 36: Revises provisions relating to veterans. (BDR 37-242)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit E.](#)] Assembly Bill 36 adds three ex officio members to the Interagency Council on Veterans Affairs: (1) the Attorney General; (2) the Superintendent of Public Instruction; and (3) the Executive Director of the Governor's Office of Workforce Innovation. The measure revises certain reporting requirements for certain State agencies and regulatory bodies and deletes the requirement that the Council develop and administer a fellowship program to increase research on improving outcomes for veterans and servicemen and servicewomen and their families. The measures changes, from calendar years to fiscal years, the reporting timeline for certain reports that are submitted to the Council and the Nevada Veterans Services Commission. The measure further revises certain

outreach and reporting requirements related to the Women Veterans Advisory Committee. There were no amendments presented.

**Chair Torres:**

Members, any questions? [There were none.] I will entertain a motion on A.B. 36.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO DO PASS  
ASSEMBLY BILL 36.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman D'Silva. Alright, we will go ahead and continue with Assembly Bill 44.

**Assembly Bill 44: Revises provisions relating to services for veterans. (BDR 37-243)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from Exhibit F.] Assembly Bill 44 revises the titles of the deputy directors of the Department of Veterans Services and certain duties of the Director of the Department. The measure further requires that certain training be provided by a veterans' service organization located in this State. However, the Department of Veterans Services did provide the attached amendment and that is to instead continue to provide quarterly training to each veterans service officer employed by the Department and each veterans service officer accredited by the United States Department of Veterans Affairs and employed by a veterans service organization accredited by the United States Department of Veterans Affairs. Instead of shifting that responsibility for the training, they are keeping that responsibility.

**Chair Torres:**

Members, any questions? [There were none.] At this time, I will entertain a motion to amend and do pass A.B. 44.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 44.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and assign the floor statement to Assemblywoman Thomas. Next, we will consider Assembly Bill 82.

**Assembly Bill 82: Designates World Esports Day as a day of observance in this State. (BDR 19-695)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit G.](#)] Assembly Bill 82 requires the Governor to proclaim annually the last Saturday in October as "World Esports Day." The proclamation shall call upon news media, educators, business and labor leaders, and certain government officers to bring to the attention of the residents of Nevada the trailblazing Nevada Esports community and its contributions to this State as well as the building of exciting careers in Electronic Sports, such as broadcasting, graphic arts, web design, video game design, coaching, athletics, and community building. There were no amendments presented.

**Chair Torres:**

Members, any questions? [There were none.] At this time, I will entertain a motion to do pass A.B. 82.

ASSEMBLYMAN NGUYEN MADE A MOTION TO DO PASS  
ASSEMBLY BILL 82.

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and assign the floor statement to Assemblywoman Mosca, and we will continue with Assembly Bill 113.

**Assembly Bill 113: Creates the Office of Early Childhood Systems within the Office of the Governor. (BDR 18-65)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit H.](#)] Assembly Bill 113 creates the Office of Early Childhood Systems within the Office of the Governor and prescribes the duties of the Office. The Governor shall appoint a person who is knowledgeable of the field of early childhood systems to serve as the Director of the Office. The measure appropriates from the State General Fund to the Office approximately \$150,000 in each fiscal year of the 2023–2025 Biennium.

There was a friendly amendment provided by Children's Advocacy Alliance through the bill's sponsor, and that should be on NELIS and in your work session document. There are five key provisions of the amendment. I am not sure if you want me to walk you through that or not.

**Chair Torres:**

I believe that members have had time to review the document. I know that Assemblywoman Thomas did have her staff send that out to us yesterday as well. At this time, we will go ahead and just ask if members have any specific questions about the document or the amendment or the bill. It appears that there are no questions. At this time, I will entertain a motion to amend and do pass A.B. 113.

ASSEMBLYMAN D'SILVA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 113.

ASSEMBLYMAN GURR SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN DELONG VOTED NO.)

I will assign the floor statement to Assemblywoman Thomas. We are going to go ahead and continue to Assembly Bill 140.

**Assembly Bill 140: Makes Juneteenth Day a legal holiday in this State. (BDR 19-63)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit I.](#)] Assembly Bill 140 makes Juneteenth Day a legal holiday in Nevada rather than a day of observance. The measure further requires that Juneteenth Day is to be observed on June 19 or the Monday following if June 19 falls on a Sunday or the Friday preceding if June 19 falls upon a Saturday. The measure makes a conforming change to account for the closure of state, county, and city governmental offices for Juneteenth Day.

There were no amendments presented. However, the bill sponsor, Assemblywoman Thomas, has asked that an amendment to include Assemblywoman La Rue Hatch as a sponsor be considered by the Committee.

**Chair Torres:**

Members, any questions? [There were none.] At this time, I will entertain a motion to amend and do pass A.B. 140.

ASSEMBLYWOMAN DURAN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 140.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Gurr:**

Madam Chair, I will vote to pass the bill out of Committee, but I want to reserve my right to change my vote on the floor.

**Chair Torres:**

Any additional comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Thomas. Lastly, we are considering Assembly Joint Resolution 1.

**Assembly Joint Resolution 1: Urges the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans. (BDR R-838)**

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from [Exhibit J](#).] Assembly Joint Resolution 1 urges the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans and share the results with the State of Nevada. There were no amendments presented.

**Chair Torres:**

Members, are there any questions? [There were none.] I did actually have a question for the bill sponsor. Would you be able to explain what hyperbaric oxygen therapy is?

**Assemblyman McArthur:**

It is basically having pure oxygen go into your system. You have to do that in a room that is completely kept in, or you have to put a mask on, so you do not have any other air getting in there. You put pressure on there at about three times the normal pressure that you would have, so you get all that pure oxygen coming into your system.

**Chair Torres:**

Any additional questions? [There were none.] At this time, I will entertain a motion on A.J.R. 1.

ASSEMBLYMAN GURR MADE A MOTION TO DO PASS ASSEMBLY JOINT RESOLUTION 1.

ASSEMBLYMAN HIBBETTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McArthur. Congratulations, Committee members, on completing our first work session. At this time, we will go ahead and open the bill hearing on Assembly Bill 219, which makes various changes to the Open Meeting Law.

**Assembly Bill 219: Makes various changes to the Open Meeting Law. (BDR 19-781)**

**Assemblywoman Venicia Considine, Assembly District No. 18:**

I want to talk a little bit about the history of this bill. Last session, I was lucky enough to be on the Government Affairs Committee and I was asked to carry Assembly Bill 253 of the 81st Session, which was a committee bill. Assembly Bill 253 of the 81st Session was on the Open Meeting Law. That bill was created as a response to the COVID-19 session and to remote technologies. One of the things we learned through that session across the state was that remote technologies gave people who had not had direct access to government officials access that they had not had before. The intent of A.B. 253 of the 81st Session was to expand those options for people and to put them into the law, so anyone would be able to

take part in a meeting, an agenda, the Legislature, wherever, from anywhere they were in the state of Nevada.

I want to point out that A.B. 253 of the 81st Session passed unanimously through both houses. However, during the interim, I was contacted by folks across the state from all different levels and areas who talked about issues that they believed stemmed from A.B. 253 of the 81st Session. This bill is an attempt to balance some of those issues and meet some of those requests of that bill. One thing I want to point out is, before A.B. 253 of the 81st Session the law allowed remote meetings, and A.B. 253 of the 81st Session did not change that, nor does A.B. 219 change that. Remote meetings have always been allowed in Nevada.

Also, there is an amendment [[Exhibit K](#)]. As I go through this bill I will also talk about the amendment. I am aware that there is opposition to this bill. I am hoping some of the amendments resolve that opposition, but I am happy to meet and work with anyone who has oppositions to see if we can find resolutions and make this bill successful.

On section 1, the intent of this section, the intent of the change, and the intent of the amendment was in response to multiple-day or extended meetings that went on one week, for example, and then were continued to the next week or ended and picked up on another day. What I heard from many people was in some of those meetings there was no option to make public comments. If there was a meeting and then a weekend went by, or multiple days went by and the meeting then continued, the only public comment would be on that first day. The intent of the change on this and the amendment which I will read is to give the public the opportunity to make public comment when a meeting has a pause in between that is more than just a weekend or a day. Regarding sections 1 through 3, those changes just refer to when someone can make public comment.

With the amendment, I am asking to remove subsections 4 and 5. I believe it was a little confusing. The amendment just changes it with the wording "If a public body holds a meeting agendized for multiple consecutive days, the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some point during each meeting day. The public body may restrict each individual commenter to a single opportunity for comment on nonagendized items during the course of the multi-day meeting." The change here for the amendment would require general public comment on each day. However, the protection would not allow individuals to make the same comment each day of a multiday meeting. This is a consideration for bodies that have multiple days of meetings. It would allow a body to have only one period for items on the agenda at the beginning of the first day, but then protect them from hearing or from time being used for somebody saying the same comment every day. I am sure there are questions on that. I am happy to answer those questions when we get to that section or when we get to that point.

I believe section 2, subsection 3, paragraph (d), subparagraph (8) is duplicative. I believe we already have in statute that telephonic participation is already required. That is duplicated; it



is not needed. That is why I am asking that. Also, section 2, subsection 4, paragraph (a), top of page 6 reads "Posting a copy of the notice . . . ," and the additional language reads "if the meeting has a physical location, at the building in which the meeting is to be held." This came specifically from folks in Clark County who were requesting that notices of town board meetings for example, meetings like that, where those meetings were going to be held, and that the notice also be posted in the location where those meetings would be held, specifically community centers, recreation centers, and areas like that. It is my understanding that there is some opposition to that, and I am happy to talk to those in opposition to possibly narrow or find a resolution for this section.

Moving on to section 3, subsection 4. This was an area where I received the most feedback during the interim. Let me preface all of this by saying this is feedback that I have heard about. I am not going to go through specific instances or anecdotes of where this happened. This was just feedback that was brought to me, that there have been some issues where there was no access to members of a board or commission. If all of the meetings were completely held remotely, I was told of issues with not knowing how to call in because they did not know where to find a notice, issues about access to the folks that sit on any of these boards, commissions, panels, all of this. The wording that is put in here is an attempt to find a balance among everyone's interests.

The initial idea was to require the member or the position—because I know members can change throughout the calendar year—just that member or that position for that board or commission or that seat to physically attend 25 percent of the meetings in a year. An example would be if that board met four times in a year, that position or that member would need to attend one, the idea being there would be at least one per year. Potentially, if there was a statewide board that met in the north and the south, when those meetings were held in the south, somebody in the south can attend. That would be the same requirement if it was in the north, and it would cut down on travel. That was the goal for this, just to help provide additional access.

I have made an additional amendment on this to make it clear this would be for voting members, not for nonvoting members. It would be a calendar year, so we would know when that time period would begin and end. I believe those were the changes I made for that section. Again, my reasoning for those was that I wanted to reiterate that the law already says you can have a remote meeting. This is an attempt to find a balance for people to get access to their representatives or to someone who is speaking on something they have an interest and an opinion on, and this is an attempt to balance those interests.

I know there was a lot of information that I went through fairly quickly. I am happy to answer any questions, but I also understand and plan on meeting with additional stakeholders to see if we can come to a resolution on a lot of these issues.

**Chair Torres:**

Any additional questions?

**Assemblywoman Taylor:**

You mentioned the multiple-day meetings and the requirement that if the meeting goes from one day to the next day, there is a public comment period on the second day.

**Assemblywoman Considine:**

The issue that was initially brought to me on this section was that if there was a multiple-day break, there would be additional public comment opportunities, so that was the initial request.

**Assemblywoman Taylor:**

Thank you for that clarification. I was a little confused because I thought that it is required to have public comment at the end of the meeting anyway. I am reading the proposed changes in section 1, subsection 1, paragraph (a).

**Assemblywoman Considine:**

I believe that was already in the law and this was just an attempt to do it for the multiple-day meetings because on the top of page 5, that lined-out section was already in it and says the same thing.

**Assemblywoman Taylor:**

I think you are right. I think it was the same and might even be the exact same language, which is okay. I thought as it reads, the general public comment must be taken at the beginning of the meeting, before any items which actually may be taken and heard, and again before the adjournment of the meeting, right? That was like a cut and paste. If that is the case, if it is taken again before the adjournment of the meeting, can they actually do both of those on the first day and then that will leave none for the second day? What this says is one of them or an additional one still has to be on the second day. Am I getting that?

**Assemblywoman Considine:**

Yes, thank you for clarifying. I appreciate it.

**Assemblyman DeLong:**

I have a question on section 2, subsection 4, paragraph (a), at the top of page 6, where you said you would receive some pushback on that. I am trying to understand what the problem with that is. What are you hearing that is causing some angst about it?

**Assemblywoman Considine:**

I believe there is an opposition posted on NELIS specifically to this. That is what I am referring to. I saw that this morning and wanted to just mention and acknowledge I have read that, and I am willing to work with someone on that.

**Assemblyman Gurr:**

On the bottom of section 3, subsection 4, you have that they have to attend 25 percent of the meetings. What are you going to do if they do not?

**Assemblywoman Considine:**

Yes, that question has been brought up—what would happen if somebody does not do that? Part of that attempt was to change it from having it be on the member to having it on the position. One of the comments I heard was that you can have a member that is not there for the whole year. Does that fall on somebody who was only there for the last meeting? What are those issues? That is something that I intend to work on with other folks that have more expertise on the Open Meeting Law along with the Office of the Attorney General, but I do not have an answer to that yet.

**Assemblyman Gurr:**

I know on most commissions in the state, there are requirements that you attend a certain number of meetings. I know on the local boards and commissions I have been on in Elko, it is something like three a year. If you miss three a year, you are out. Could we maybe look at that and tie that all together to the same type of thing?

**Assemblywoman Considine:**

I wanted to do a balance. This is a floor, so there is no reason that it cannot go higher. Not everyone meets multiple times a year. There are so many variations of all of this across the state that I just wanted to do something that was minimal. I am open to doing a higher number. Finding that balance with everyone agreeing is difficult.

**Assemblyman Gurr:**

Why not put in there that before the start of every meeting agenda, even if it is a three-day meeting, you have public comment before and after, before you close the meeting that day, because you have to close it at the end of the day and you have to open it. Why not that way?

**Assemblywoman Considine:**

I like that idea as well. I am happy to talk with other stakeholders to see whether or not that is feasible to have buy-in from everyone on something like that.

**Assemblyman Koenig:**

I have extensive experience with the Open Meeting Law. I am on a three-man county commission, and you cannot talk to anybody else about anything except in public meetings. It makes things a little bit difficult. When I was reading through this bill, I noticed the bill talks about Open Meeting Laws, it talks about remote locations, it talks about having public comment. Then we get to section 3, subsection 4, and it talks about having to be at 25 percent of the meetings. It did not seem to me to fit. The whole bill is about the Open Meeting Law, and then at the end we say everyone has to attend 25 percent. I am not against that. I think that should be the bare minimum. To me, it was not a natural flow with the rest of the bill.

**Assemblywoman Considine:**

I am not an expert on Open Meeting Law. The way that I viewed this bill with the feedback that I got was that it was about access. One of the other things I did not talk about is verbally

stating how someone can call into a meeting. That is in here. Those two might be a little bit more aligned than the other pieces of the bill are. What was brought to me repeatedly was folks feeling that they did not have access to talk at the meeting, access to somebody, or to a place to go to talk to someone at a meeting. They were not always clear about how to remote into or call into a meeting. To me, this was all about a thread of providing additional access for people to talk with their representatives, no matter what level they are at. To me, that was the string.

**Assemblywoman Taylor:**

Assemblywoman Considine, on page 5, section 2, subsection 8, it speaks about remote technology and the requirement for members of the public to be able to phone in for public comment. Something I did not know if you have heard about, but there was a governmental entity in our area during COVID-19 that originally began to allow that, but they began to get profanity and threats and so on called into the public comment line. They changed their approach and allowed emails during that time, but it was abused continually. I am wondering if you have given any consideration to that. I was on the school board at the time, and we were speaking with this entity as we were making decisions. Because you do not have to identify yourself, and your camera can be off, people were just using it to go in, and it was really disruptive. In fact, one time somebody called in a bomb threat and they had to dismiss the meeting. Some really difficult things happened in terms of running the meeting and doing the people's business. I am wondering if any consideration has been given to that.

**Assemblywoman Considine:**

First, it was pointed out to me that this is already in the law and this section is duplicative. On the amendments to remove that section, I am actually aware of that situation. It is a balance; I know it is difficult. This has happened during COVID-19. Many things happened for everyone who was first learning remote technology and using it. I have been in this situation, not on any of these boards, but it has happened. Trying to balance that with the public's right to access and to meet with folks, is a tough balance. I do not think I am the right person to make decisions for how every jurisdiction or how every board or how every commission is going to deal with it, but I just want to have a baseline for access, and then the people who are experts in their area, wherever they are around the state, can decide the best way to do that.

**Assemblywoman Taylor:**

During COVID-19, they had permission to do something different because it was a lot. I am aware that it is there. My question was around any potential changes to that. At this point, it remains in unless there was that same COVID-19 exemption they had, unless it was in the amendment.

**Assemblywoman Considine:**

If you are looking at lines 37 to 44 on page 5, I was told that is already in the law and it is duplicative, so I am just going to take that out. I am happy to follow up with you and talk about this if there is another way to provide access but also balance that out with people's right to not be abused.

**Assemblywoman Taylor:**

Yes, that is a balance.

**Chair Torres:**

I have a question regarding that. You are saying that we are going to remove lines 37 to 44 on page 5 because it is duplicative. Do you know where else in the statute it is?

**Assemblywoman Considine:**

I believe it is in NRS 241.020 subsection 3, paragraph (a), subparagraph (2).

**Chair Torres:**

I apologize because I would have to thoroughly review that more than just at this moment. But I just want to make sure in that consideration we expand that access to not just telephonic participation. Last session, we had done a lot to make sure it was specifically for remote technology. I think this section actually does that. I would like to make sure, if there is going to be an amendment, that it is very clear too, because we want to allow for telephonic participation. In the future that technology might change, so other remote technology should be approved.

**Assemblywoman Considine:**

Again, this was a bill that was in response to another bill. I am just trying to fix it in as narrow a way as possible without expanding it too far. I do appreciate that because I was here last session, and we all now use remote technologies that are beyond the phone. I will work with everyone on that.

**Chair Torres:**

Going back to the public comment for multiday agendas, I am wondering if that would apply to a board that decided to meet well into the evening in southern Nevada and then continued to meet the next day. For example, we have some local boards choosing to have meetings at 5 p.m. that last until 3 a.m. How would this impact that? Technically, it would be a multiday meeting at that point.

**Assemblywoman Considine:**

My initial request in writing was for the meeting be broken by a day. The issue that was brought to me was a meeting that would—not that this is an exact example—be held on a Thursday and then be continued to the next Tuesday, so there would be days in between. I had not contemplated a meeting would go beyond midnight and would technically be into two days. If that is something the Committee would like to consider, I am happy to consider it. Again, I am just working out a way to balance it to get the best things in the law without losing the bill.

**Chair Torres:**

I look forward to working on that. I am sure I heard some mumbling from the Committee. I know it is definitely an issue we have seen with some of our local governments. I want to make sure that government is transparent and accessible, and while we have 120 days to get

work done, that is not true of our local governments. I do not know that they need to be having votes at two or three in the morning, when the public has very limited, if any, access.

Regarding the amendment that adds the requirement to attend at least 25 percent of the meetings at the physical location, I do have some concerns. If that commission or committee decided to meet virtually for the majority of the meetings, then they might not be able to participate physically in 25 percent of those meetings. If we have some state boards that meet predominantly virtually, how would this impact that?

**Assemblywoman Considine:**

That is one of the reasons why I tried to have that threshold low, because if the majority of the meetings are held virtually and it is four meetings a year, then 25 percent is only one meeting you or members would have to physically attend. Again, the goal was to provide access to folks who do not feel like they have been able to access their representatives at whatever level they are. This was more than zero, but less than anything. Again, I am happy to continue a conversation. If there is a way to thread the needle, I am happy to do it.

**Chair Torres:**

I am happy to continue the conversation as well. I do have some concerns, specifically for some of these committees or boards that are not paid, and for that individual to have to travel and participate. It might make it more challenging for low-income individuals and communities to participate on these boards.

**Assemblyman DeLong:**

I ran a commission for 8 years and was on it for 16. We had great participation from our members in the face-to-face meetings. I am wondering with this specific issue, rather than trying to create a rule or a law that applies to all commissions, if there is an issue with a specific commission, should the law relating to that commission be changed? Rather than making it broad, maybe it should be specific and done in a different bill.

**Chair Torres:**

I will very honestly say we have a bill that will be introduced by this Committee shortly that has to do specifically with school boards, but I just want to make sure this law is consistent, and we clarify that because right now, as written, it would apply to all boards and commissions and governments.

**Assemblywoman Considine:**

I had spoken with someone who had an issue and talked about having a narrow amendment affecting a certain group. That person did not come through with it. Again, I am happy to discuss it.

**Chair Torres:**

I am sure this will not be our last Open Meeting Law conversation of the cycle, but I am sure Assemblywoman Considine will be part of them. She definitely takes the lead on a lot of our Open Meeting Law discussions here in the building. Are there any other questions or

comments from Committee members? [There were none.] At this time, I will invite anyone wishing to testify in support of A.B. 219.

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

We support A.B. 219. It cleans up some items related to the move towards virtual and hybrid meetings. We particularly appreciate the clarification about public comment on each day of a multiday meeting. A certain board where we advocate for faculty issues regularly holds multiday meetings as a single agendized meeting. At one of those, the deputy attorney general, advising the board on Open Meeting Law, advised the chair to hold an extra public comment section at the end of the first day, just in the spirit of the Open Meeting Law. It was the end of a long day. We did not comment. On the morning of the next day where we were expecting a similar public comment, a different deputy attorney general advised the chair it was not necessary because it was on the agenda, and they had one at the beginning of the first day and the end of the second day.

This bill at least provides clarity and allows public comment on each day of a public multiday meeting. While in support, I would suggest the word "consecutive" in section 1 of the conceptual amendment is unnecessary and allows a potential loophole for a meeting that would be agendized on those nonconsecutive days.

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

The Chamber also is in support of A.B. 219. We thank the bill sponsor for efforts in bringing additional clarity and to the adoption of A.B. 253 of the 81st Session. As you know, there were adjustments and growing pains from the COVID-19 situation, as we move forward with good governance and transparency. We would like to also clarify the Chamber is in support of the proposed amendment, specifically in regard to section 1, subsections 4 and 5, and the new amendment you see in front of you. Regarding the conversations about the multiday hearing, as we have seen with several situations of the state board, the agenda items are moved around from day to day. Folks are trying to go from Las Vegas to Reno, Reno to Las Vegas. Those agenda items are then moved, and folks are missing an opportunity to provide comments on those meeting days. That has been a concern from the Chamber on good governance.

In regard to the overall intent of the bill, what we have seen in some of the state level boards or commissions is there has not been easy access for constituents and groups to call in on regulatory board meetings or those agenda items are not complete. We have seen situations where the chambers had to reach out to the director of the cabinet agencies and say, Unfortunately, we were not able to provide testimony. You have to then text that person who is an agency head and say we are not able to provide testimony; the instructions are not there. The Chamber has the privilege of being able to do that, but the average Nevadan does not have that access. That is a concern for this organization, that the average Nevadan does not have that cell number to say, Hey, why can I not provide public comment? Why are instructions not provided? That is where that intent comes from. We appreciate the bill sponsor trying to provide public access for all Nevadans. We look forward to additional bills this Committee will hear on Open Meeting Laws.

**Maria-Teresa Liebermann-Parraga, Deputy Director, Battleborn Progress:**

As the other speakers have said, we have had members too, especially in those local board meetings that go into the next day, who cannot provide public comment but want to, but have difficulty having access because there is no baseline for access across the state for the different local governments. We support this bill because we have seen, especially in the Legislature with the increased access, we have increased participation, and we should all strive for that. Please support this.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

As someone who makes and attends a lot of public meetings in your state, I appreciate the sponsor of this bill and I support it.

**Chair Torres:**

At this time, I will invite anyone wishing to testify in opposition A.B. 219.

**Douglas Ritchie, Chief Civil Deputy District Attorney, Douglas County District Attorney's Office:**

I am the chief civil deputy district attorney for Douglas County. In that role, I am county council. I assist the board of county commissioners and the county manager's office. I have also had the opportunity to participate on the Governor's Open Meeting Law Task Force for over a decade through many sessions. I do not consider myself an expert on Open Meeting Law, but I am very familiar with it. The county, the District Attorney's Office, and I support the changes in the clarifications regarding public comment periods over multiple days. We also support transparency in government and facilitating public participation in the legislative process.

There are, however, three areas of the bill that have perhaps unintended consequences that may actually thwart public transparency and participation. I will start with the most obvious one that several members have mentioned—the 25 percent attendance requirement. The foundation for Nevada's Open Meeting Law is transparency for elected bodies. The Open Meeting Law is about the deliberations and actions by a quorum of its members of the public body. In other words, it is the collective action of a public body. If you go through all the definitions, it talks about a meeting as a gathering at which a quorum is present. Deliberation means to collectively examine, weigh, and reflect upon reasons for or against an action. Action means a decision made by a majority of its members. Finally, a public body means any administrative, advisory, executive, or legislative body of the state or local government consisting of at least two persons. In other words, the whole foundation for Nevada's Open Meeting Laws is about collective action by a public body.

It was a very insightful comment, What happens if one member does not follow this? Under Nevada's current Open Meeting Law, the body would be in violation of Nevada's Open Meeting Law. Any action taken in violation of the Open Meeting Law would be void. Moreover, the next agenda item has to be an agenda item where the public body acknowledges a violation of Nevada's Open Meeting Law. As amended, what can happen is one single member of the public body can force a public body to be in violation of Nevada's



Open Meeting Law by simply refusing to attend more than the minimum number of meetings.

I think what has happened is there has been a confusion between responsiveness from elected officials or appointed members of a public body and transparency by that public body. Let me explain what I mean by that. We want the public to be able to understand why a public body does what it does. They want to see you deliberate, they want to see the votes, they want to see how the sausage is made; whereas access to an individual member is about being responsive either as an elected official or as an appointed member of a public body. The way to handle that is, if you are not responsive to your constituents, you will not be reelected. If you are an appointed member of a public body, the appointing body will probably remove you, as someone has mentioned. It is very simple. If someone is not performing, that person will be removed. Again, I laud the intent behind this, but there are unintended consequences. The whole foundation of Nevada's Open Meeting Law is about collective action. This will now focus on an individual member and can subject the entire public body to censure for the actions of one member.

There is another issue that came up. Section 3 proposes a new subsection 5 be added to require "clear and complete instructions" to be "read verbally verbatim" to allow the public to participate via remote technology if there is no physical location for the meeting. Currently, Nevada Open Meeting Law makes it clear the public body must provide to the public information regarding how to use the remote technology system to hear and observe the meeting, to participate in the meeting remotely, and provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comments. That is in NRS 241.020, subsection 3, paragraph (a). There is also another section in NRS 241.023 subsection 1, paragraph (c). "The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting."

Requiring the instructions be provided every time there are periods of public comment is redundant and unnecessary. If a member of the public has been able to successfully access a public body's remote technology system to listen to the public meeting, and therefore hear the chairperson's verbatim instructions, then it is self-evident the public body has complied with NRS 241.020 subsection 3, paragraph (a) and NRS 241.023 subsection 1, paragraph (c), and perhaps most importantly, members of the public have been sufficiently informed on how to use the public body's remote technology to participate in the public meeting. They are listening, in order to hear the verbatim verbal instructions they are required to be able to get on the system.

Now again, requiring the chairperson read verbally verbatim the instructions contained in the agenda, particularly "before each period devoted to public comment" is redundant, does not further the goal of transparency, and provides multiple opportunities for the chairperson to misread the required verbatim instructions. As the Chairwoman noted, her instructions on her sheet said "yea" instead of "aye." An Open Meeting Law violation would occur if

a chairperson inadvertently did not read verbatim the required instructions. Although you may think that is a hyper-technical violation, we get Open Meeting Law complaints all the time for hyper-technical violations like that. If you do not literally read verbatim the instructions, if you misphrase it, that is a violation of the Open Meeting Law. I know that is not what is intended, but that is what is written.

I will give you an example. On the Douglas County Board of County Commissioners, we believe in transparency, and so public comment is open at the beginning of the meeting. It is available at the end of the meeting. It is also available whenever there is a for-possible-action item. We believe in full transparency. Under the current language, it is unclear when this verbatim instruction has to be made. The language says, "before each period devoted to public comment." Well, on a light agenda for the Board of County Commissioners, they may have 15 items for possible action. If you have 15, plus opening, plus closing, that is 17 times the public is going to hear verbatim instructions on how to participate and use remote technology systems. I think the public is going to get tired of it. Perhaps more importantly, you need to remember the chairperson is a layperson. They are not an attorney; they are just a regular guy or gal who wants to serve the public. This is at least 17 opportunities for them to mess up and violate the Open Meeting Law because, under the proposed language, they have to read the instructions verbatim every time public comment has opened up.

Finally, there is a requirement that posting must occur at the building where the meeting will be held. That is in section 2, page 6, lines 2-3. This requirement imposes a new and additional burden on public bodies without aiding transparency or facilitating public input. As this body may be aware, Open Meeting Law used to require the physical agenda be posted at either the location of the meeting or the public body's principal place of business, as well as three other prominent locations. That is a total of four locations

That was changed. There are a number of reasons for it. One was that we are killing a lot of trees. There is a lot of physical posting of these agendas without meaningfully adding transparency. Also, we create a lot of waste of staff time, as people would have to drive to the post office or the library or some other prominent place to post a physical agenda. Just to be clear, currently under Nevada's Open Meeting Law, agenda information is available to the public at least five different ways. Under NRS 241.020, subsection 4, minimum public notice includes posting a copy of the notice at the principal office of the public body. I would submit the offices of the public body are the most logical place to post a physical agenda. Two, it must be posted on the official website of the State. Three, if remote technology is going to be used, it has to be posted on the public body's Internet website. That is three. Four, it has to be sent to anyone who has requested a copy of the agenda. Finally, Nevada's Open Meeting Law requires the public body provide the name, contact information, and business address for a person designated by the public body, so the public can get information regarding the agenda, including acquiring supplemental information and Americans with Disabilities Act accommodations. There are five different ways someone can receive an agenda.

Again, there may be a temptation to say, What is the harm in having one more location that is required, that it be posted both at the principal place of business as well as where the meeting occurs. Well, I will give you an example from Douglas County. In Douglas County, the Board of County Commissioners has been considering permits for transient occupancy. That is another way of licensing for vacation home rentals or short-term rentals. There was a lot of public interest in that, especially up at Lake Tahoe. The board decided to hold a number of public workshops and public meetings, not in the county seat in Minden, but up at Lake Tahoe. Also, because of the anticipated public interest, the Board of County Commissioners decided they would rent casino hall space. That way it would be up at the lake, and there would be enough space so everybody could participate. It was standing room only for many of those meetings. How will a county be able to satisfy the posting requirements of the meeting when they have to deal with the casino? We will have to rely on management of the casino to post the meeting three days in advance. The county would be liable if casino management does not comply with the requirements of the Open Meeting Law. More fundamentally, is it reasonable to expect a member of the public would go to a casino or any other commercial venue three days before a scheduled meeting to find out about that meeting?

Again, we are all for transparency, but the practical effect of this would be—I would advise the board of county commissioners to not hold that meeting up there, because it would be difficult, if not impossible, to post this agenda at a casino site three days before the meeting. It is not going to facilitate public participation, but it could easily get us into trouble.

Again, there are multiple ways a member of the public can access an agenda. They can call the office, they can go on the county website, and they can go on the state website. Adding this requirement poses a lot of unintended consequences. If the Committee or the sponsor believes it is necessary that posting occur at the place of the meeting, I would suggest at the very least the language be revised to the old language, which is that the agenda be allowed to be posted either at the place of the meeting or the principal place of business, as well as all the other places the public can go to access the agenda. Again, we support public access transparency, but there are a number of unintended consequences in the current language of this bill. For that reason, we would ask, at the very least, the language be revised to address some of these unintended consequences.

**Susan Fisher, representing the Nevada State Board of Osteopathic Medicine:**

I would like to first apologize to the bill sponsor because I did not talk to her about the bill before I had to come up here to oppose. Our board met just last night and voted to take positions on a package of bills, because they have to do that in an open meeting as well. We are opposed to the bill, but only section 3, subsection 4 that requires in-person attendance for 25 percent of the time. Our board's offices are in Las Vegas. The Las Vegas-based board members do meet in the office, but we do have a couple that are up here in Reno. Actually, our board president is here in Carson City. He is a physician here, and he would have to take a good portion of the day off to be able to travel to Las Vegas to be there. He does call in for meetings. Most of the other board members are in person. That would be a problem for us if we do that. The fiscal note is \$8,500 over the biennium. When I looked yesterday, I did not

see our fiscal note posted, but I know it was submitted. I do look forward to working with the bill sponsor and, if that issue is resolved, then we can move to neutral on the bill.

**David Cherry, Government Affairs Manager, City of Henderson:**

I am here in opposition to [A.B. 219](#) but would like to start by saying, as a representative of local government, we adhere strictly to Nevada's Open Meeting Law and see the value of ensuring the public has the ability to monitor and/or participate in public meetings and other activities governed by the statutes. We also appreciate the sponsor's ongoing work to modernize this law and account for changes in technology. I appreciated her allowing me to share in advance of today's hearing that we have concerns with the bill.

My opposition today is specific to section 3, subsection 4. We believe the 25 percent attendance requirement limits the flexibility we currently have under the existing framework and could present a difficulty with small boards or those that meet infrequently. Also, it may not take into account specific situations that may limit an individual board member's ability to participate in person, such as health or mobility issues or other challenges, and could make it difficult to achieve a quorum necessary to conduct business. The vagueness surrounding the compliance question raised first by Assemblyman Gurr is also of concern. Finally, we believe the City should maintain local control over our own board member attendance standards.

[[Exhibit L](#), [Exhibit M](#), and [Exhibit N](#) were submitted but not discussed and will become part of the record.]

**Chair Torres:**

I did want to let the Committee know the fiscal note has been updated probably this morning, so it is posted now. Is there anyone else wishing to testify in opposition to A.B. 219? [There was no one.] Is there anyone wishing to testify in neutral on A.B. 219? [There was no one.] I will go ahead and invite the bill sponsor to give closing remarks. The bill sponsor is good, so no closing remarks. We will go ahead and close the hearing on A.B. 219. I would just like to encourage stakeholders to continue to work together. I know Assemblywoman Considine would like to make herself available to continue to work with you on this piece of legislation. At this time, I will go ahead and move on to public comment. [Public comment was heard.] The meeting is adjourned [at 9:22 a.m.].

RESPECTFULLY SUBMITTED:

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Dylan Small  
Committee Secretary

APPROVED BY:

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Assemblywoman Selena Torres, Chair

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 3](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 33](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 36](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 44](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 82](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 113](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 140](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Joint Resolution 1](#), presented by Jennifer Ruedy, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is a proposed conceptual amendment to [Assembly Bill 219](#), presented by Assemblywoman Venicia Considine, Assembly District No. 18.

[Exhibit L](#) is a memorandum dated March 3, 2023, from Mark B. Jackson, District Attorney, Douglas County District Attorney's Office, submitted by Steve Walker, Vice President/Secretary, Walker and Associates, in opposition to [Assembly Bill 219](#).

[Exhibit M](#) is a letter dated March 14, 2023, submitted by Jenny Brekhus, Reno City Council Member, Ward 1, City of Reno, in opposition to [Assembly Bill 219](#).

[Exhibit N](#) is written testimony submitted by Jenny Brekhus, Reno City Council Member, Ward 1, City of Reno, in opposition to [Assembly Bill 219](#).