

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

**Eighty-second Session
March 29, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:46 p.m. on Wednesday, March 29, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Skip Daly
Senator Pete Goicoechea
Senator Lisa Krasner

GUEST LEGISLATORS PRESENT:

Senator Nicole Cannizzaro, Senatorial District No. 6
Senator Dina Neal, Senatorial District No. 4
Assemblyman Howard Watts, Assembly District No.15

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Heidi Chlarson, Counsel
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Rob Benner, Building and Construction Trades Council of Northern Nevada
Vince Saavedra, Southern Nevada Building Trades Unions
Jeff Waddoups
Paul Catha, Culinary Workers Union Local 226
Fran Almaraz, Teamsters Local 631

Danny Thompson, International Union of Operating Engineers Local 3;
International Union of Operating Engineers Local 12
David Stoffer, Southwest Regional Council of Carpenters
Morgan Biaselli, International Brotherhood of Electrical Workers 1245
Carlos Hernandez, Nevada State AFL-CIO
Andrew Maldonado, United Association Local 350
Greg Esposito, Nevada State Pipe Trades
Kalani Kanekoa, United Association Local 350
Denver Hughes, United Association Local 350
Steve Schmaltz, United Association Local 350
Michael Guinasso, United Association Local 350
Eric Dillard, United Association Local 350
Aaron Ibarra, Southern Nevada Building Trades Unions
Steven Dudley, Carpenters Local 1977
James Halsey, International Brotherhood of Electrical Workers Local 357
Alfonso Lopez, International Association of Sheet Metal, Air, Rail and
Transportation Workers Local 88
Daniel Haguewood, International Association of Heat and Frost Insulators and
Allied Workers Local 135
Robert Diaz, International Association of Sheet Metal, Air, Rail and
Transportation Workers Local 88
Bob Horton, Ironworkers Local 433
Jimmy Schwarz, Ironworkers Local 433
Mike Greenlee, Painters and Allied Trades Council 16
Charles Zim, International Union of Bricklayers and Allied Craftworkers Local 13
Juan Ortineda, Ironworkers Local 469
Liz Sorenson, President, Nevada State AFL-CIO
Larry Wilson, United Auto Workers
Russ James, Nevada State AFL-CIO
Warren Hardy, Urban Consortium; Associated Builders and Contractors, Nevada
Chapter
Stephen Wood, Nevada League of Cities and Municipalities; Carson City
Chase Whittemore, Nevada Builders Alliance
Russell Rowe, American Council of Engineering Companies of Nevada
Jennifer Bethiaume, Nevada Association of Counties
Lindsay Knox, Nevada Home Builders Association; Southern Nevada Home
Builders Association; Builders Association of Northern Nevada
Alexis Motarex, Nevada Chapter Associated General Contractors
Christine Hess, Executive Director, Nevada Housing Coalition

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William Brewer, Nevada Rural Housing Authority
Jeff Rogan, Clark County
Richard Nagel
Paul Moradkhan, Vegas Chamber
Kerrie Kramer, NAIOP
Ann Barnett, CEO, Nevada Contractors Association
Mark Hobaica, Nevada Contractors Association
Cam Walker, Nevada Contractors Association; Sletten Construction
Brett Harris, Labor Commissioner, Office of Labor Commissioner, Nevada
Department of Business and Industry
Kara Jenkins, Administrator, Nevada Equal Rights Commission
Jennifer Lanahan, Las Vegas Paiute Tribe; Reno-Sparks Indian Colony
Andrew LePeilbet, United Veterans Legislative Council
Will Adler, Pyramid Lake Paiute Tribe
Olivia Tanager, Progressive Leadership Alliance of Nevada
Paula Luna, Battle Born Progress
Teresa Melendez
Isaac Hardy, Nevada Conservation League
Taylor Patterson, Executive Director, Native Voters Alliance Nevada
Brian Mason, Chairman, Shoshone-Paiute Tribes of the Duck Valley Reservation
Mercedes Crown
Randi Lone Eagle, Chairwoman, Summit Lake Paiute Tribe
Kent LeFevre, Administrator, State Public Works Division, Nevada Department
of Administration
Stacey Montooth, Executive Director, Nevada Indian Commission
Tick Segerblom, Clark County Commissioner
Karla Sanchez, Make the Road Nevada
Eric Jeng, One APIA Nevada
Andres Rodriguez
Deanna Hua Tran, Nevada Immigrant Coalition
Janine Hansen, State Chairman, Independent American Party
Joy Trushenski
Jim DeGraffenreid, Nevada Republican Party
Lynn Chapman, Vice President, Nevada Families for Freedom

CHAIR FLORES:
I open the hearing on Senate Bill (S.B.) 226.

SENATE BILL 226: Revises provisions governing public works. (BDR 28-494)

SENATOR NICOLE CANNIZZARO (Senatorial District No. 6):

Nevada's prevailing wage laws ensure that when government dollars are used for construction projects, they do not undercut local wage and benefit standards. They are designed to support well-paying jobs and to provide value to taxpayers. Senate Bill 226 clarifies the use of prevailing wages to apply to all types of publicly funded projects and ensures competitive compensation rates among all industries and occupations to the benefit of workers and taxpayers alike. By requiring the payment of prevailing wages on publicly funded projects, the State supports our local labor force and creates a pipeline of highly qualified workers. The bill as written is broad, and we are in the process of taking in amendments offered to us to mitigate the unintended consequences of the bill while still targeting projects that we know have been designed to avoid current prevailing wage laws and public works. Section 2 of the bill makes a declaration that,

1. The payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to: (a) The economic well-being of this State; (b) Increasing the number of skilled construction workers in this State; (c) Enhancing the workforce in this State; and (d) Increasing redevelopment opportunities in this State.

2. To the extent practicable, the interpretation of provisions of the Nevada Revised Statutes, and regulations adopted pursuant thereto, relating to public works and prevailing wages must be aligned with provisions of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., to ensure uniformity and consistency on federal and state public works projects in this State.

3. It is the intent of the Legislature that any interpretation of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., applies to the interpretation of provisions of this chapter, and any regulation adopted pursuant thereto, unless the interpretation of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., directly conflicts with a clear and specific requirement set forth in this chapter or a regulation adopted pursuant thereto.

Section 3 of the bill provides,

For purposes of determining whether a project is a public work, it shall be deemed that a project is financed in whole or in part from public money if, without limitation:

1. A public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project;
2. A public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work;
3. A public body loans money in relation to the project that is required to be repaid to the public body on a contingent basis;
4. Any employee of a public body performs skilled work or labor in furtherance of the project;
5. In relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or
6. In relation to the project, a public body transfers property for less than fair market value.

Section 4 of the bill provides,

1. The general procedures for awarding contracts, as described in NRS 338.1373 to 338.139, inclusive, do not apply to a public work completed on a property or premises if, at the time of entering into the contract:
 - (a) The property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body;
 - (b) The property, or any horizontal construction or vertical construction relating thereto, is in an improvement district, as defined in NRS 271.130;
 - (c) The project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project, as defined in NRS 279.412, that is financed pursuant to chapter 279 of NRS;

(d) The project is a qualified project, as defined in NRS 360.888;

(e) The property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or

(f) A public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project.

2. This section must not be construed to abrogate the requirement to pay prevailing wages on a public work described in subsection 1.

Section 5, subsection 19, paragraph (b) of the bill revises the definition of horizontal construction and vertical construction, and amends the definition of public work to include,

construction, demolition, alteration, custom fabrication or repair work on any property or premises, regardless of whether financed in whole or in part from public money if, at the time the contract for the project is entered into:

(1) The property or premises is owned by a public body;

(2) The property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body;

(3) The property, or any horizontal construction or vertical construction relating thereto, is in an improvement district, as that term is defined in NRS 271.130;

(4) The project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project, as that term is defined in NRS 279.412, that is financed pursuant to chapter 279 of NRS;

(5) The project is a qualified project, as that term is defined in NRS 360.888;

(6) The property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or

(7) A public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project.

Section 8 of the bill provides that any regulation adopted by the Labor Commissioner relating to public works must be consistent with the declaration of legislative intent spelled out in section 2. And sections 5, 9, 13 and 14 of the bill expand the definition of workers subject to prevailing wage on a public work to include custom fabricators.

ROB BENNER (Building and Construction Trades Council of Northern Nevada): Public entities are required to follow prevailing wage laws, which are intended to ensure that workers on public construction projects are paid a fair wage with benefits. However, there is a loophole where a public entity may sell a property for a planned project to a developer for a reduced or nominal cost and then lease the property back from the developer in perpetuity.

Because the project is technically being constructed with money from the public entity, the private developer is not required to pay prevailing wage for its construction of that project. This may lead to litigation which is an added cost for taxpayers. In recent years, government entities have gifted land to private entities for the purpose of allowing development on those properties and avoiding the requirements of *Nevada Revised Statutes* (NRS) 338, including the payment of prevailing wage.

A couple examples of this occurred recently. In 2020, the City of Mesquite asked the Office of the Attorney General for an opinion on whether it could transfer land to a private developer to redevelop a piece of land owned by the city and avoid paying prevailing wage on that project. The Office of the Attorney General stated such a decision would be improper and the City was incorrectly trying to avoid the payment of prevailing wage by transferring the land to the developer for free. It was the Attorney General's opinion that prevailing wage should be paid for the development of the project.

The former site of Park Lane Mall in Reno is another example. Reconstructed as the Reno Experience District, it had a \$3.5 million sewer fee waived and is now an enormous luxury apartment complex. It was built without prevailing wage by an out-of-state general contractor. Rent at these units is \$2,000 a month for

less than 700 square feet of space. At that price point, these apartments would likely have been built with or without prevailing wages.

If public money is used, the benefit should return to the community in the form of good wages for local workers. Issues like these are addressed by S.B. 226, sections 3 and 5 which include language clarifying that even if a public agency transfers property to a private developer at less than fair market value, the workers on that project must be paid prevailing wage under NRS 338.

VINCE SAAVEDRA (Southern Nevada Building Trades Unions):

Nevada's prevailing wage laws were enacted decades ago to ensure that taxpayer funds are used to benefit local communities. Every year, the Labor Commissioner's Office engages in a thorough survey process to determine the wage rate that prevails for specific types of construction work in the region where the work is being performed. This process takes the information produced by the contractors, union and nonunion, and labor representatives. The prevailing wage rate is set for the type of work on government-funded projects above \$100,000. In recent years, government entities have gifted land to private entities for the purposes of allowing development on these properties and avoiding payment of prevailing wage.

For example, the City of North Las Vegas gave land on Kerry Road to a private entity to develop a police training center to be used by the Las Vegas Metropolitan Police Department and other police agencies. Despite the land being of significant value, the City gave it to a private entity, and prevailing wage did not apply to the project. Thus, it was given at the cost of the taxpayers because it was government land that belonged to the people of the City, but prevailing wage did not apply. If the City had used \$100,000 on the project, prevailing wage would have applied, but land of greater value given to private entities did not ensure prevailing wage apply.

The intent of S.B. 226 is to prevent such situations from occurring in the future. We do not intend to change the \$100,000 threshold for prevailing wages. We have heard concerns about that, and we are willing to clarify this language. Another major provision within the bill is matching the interpretation of the State's prevailing wage law with that of the federal Davis-Bacon Act, which covers federal prevailing wage. The federal law has decades of interpretive precedence beneficial to workers.

Our State has little interpretive precedence available concerning prevailing wage loss. This is true for many laws within our State. Matching State interpretation of prevailing wage laws with those of the Davis-Bacon Act precedence will guide workers, agencies and contractors on administering public works projects. Offsite fabrication is also a part of S.B. 226. This issue is being addressed in other legislation this Session, and it is not the intent of our bill to expand on or interfere with that pending legislation.

JEFF WADDOUPS:

I have done a lot of research on the economics of prevailing wage laws. Prevailing wage laws establish minimum wages for construction workers on public works projects specific to the job and its location. Contractors and subcontractors on these projects must pay their workers prevailing wages and fringe benefits that prevail in the local region. The idea here is to prevent outside contractors bidding on local public works projects and using lower paid workers who might not have the skills to do the work, which would undermine local standards of skill and pay. The aim of prevailing wage laws is to support the development of a highly skilled, productive and paid local construction workforce.

An important concern is whether prevailing wage laws increased construction costs. Say prevailing wage law were to raise wages on a project by 25 percent. If labor costs were 20 percent of total costs, then 25 percent times 20 percent would be equal to 5 percent total cost increase. However, this kind of thinking is oversimplified and inadequate in addressing how employers react to confronting the higher prevailing wages. When observing and comparing construction projects with and without the prevailing wage, there is no statistically significant increase in construction costs associated with prevailing wage policies.

So how can you pay workers more without increasing total construction costs? Higher wages likely cause construction managers to substitute higher-skilled workers for lower-skilled workers. Higher skill implies higher productivity, which means that workers can get paid more without raising costs. Evidence suggests that higher wages also lead managers to substitute technology for labor. When machines and technology make workers more productive, they can get paid more without raising costs. Higher wages probably lead to more effective management practices and less waste, which could explain why costs remain similar despite paying workers more.

A team I worked with in 2003 studied school construction in the U.S. We compared states that had prevailing wage laws with those that did not and found no statistically significant difference in total costs of school projects. Other members of the team studied school construction in Canada when schools began to be covered by the equivalent of a prevailing wage policy. Construction costs were measured before and after the policy, and they found no difference in construction costs. One of my colleagues and I looked at school construction in Nevada. We tested whether the 90 percent prevailing wage rule reduced total construction costs by looking at construction projects when the rule was and was not in effect. The evidence showed no statistically significant difference. Much of this work has been published in peer-reviewed journals, the gold standard for high quality, credible and reliable academic research.

I can say with a high degree of confidence that establishing or strengthening prevailing wage policies will not likely have a material effect on construction costs in public building projects. Prevailing wage laws also help the construction industry to produce and maintain higher levels of skill through support of apprenticeship programs. In an unregulated market, skills training is difficult in construction. Prevailing wage laws helped by providing incentives to employers by allowing them to employ apprentices at rates below the prevailing wage thus incentivizing contractors to support training for more apprentices. A researcher found that in states where prevailing wage laws exist, apprenticeship enrollment is 6 percent to 8 percent higher. One of my colleagues found that nonfatal injuries are 7 percent to 10 percent lower in prevailing wage states. They could not definitively say if it was the prevailing wage law that reduced the injuries and fatalities; it was correlation rather than causation.

SENATOR GOICOECHEA:

I am concerned about some of our nonprofits. The way this bill is drafted, even if a rural county wanted to make a piece of property or a building available to them at a reduced amount so they could provide a service, under this bill, those projects would become prevailing wage jobs. In some areas, the labor cost increases might be enough to stop the project. The local government is making the property available because of the recognition that it must be built at a reduced value to let the project proceed.

SENATOR CANNIZZARO:

This bill would not capture some of those certain projects. We want to make sure we are not creating a disincentive for nonprofit activities that provide value

to our communities. That conversation is still in the works. We are open to amendments so we can finesse that.

SENATOR GOICOECHEA:

There is a difference, especially in some of the rural areas. I remember we tried to approve construction of a school in Wendover when prevailing wages were scaled back. It did not get built. When it was eventually built and prevailing wage was in effect, the costs saw a 30 percent increase. In rural areas, you must transport people and deal with other factors. There are instances where projects could be impacted much more than in an urban area. I appreciate your willingness to work on S.B. 226.

MR. SAAVEDRA:

We are working on amendments for those kinds of issues, as well as cases where somebody were to get a small fee, like a \$150 application fee, waived. We are not going after that type of fee or an abatement from a single-family residential home.

SENATOR DALY:

You will get no resistance from me on application of prevailing wage. You mentioned primarily land at less than fair market value, but there are other things on the leaseback and public-private partnerships and where that money comes from. I do not want to have this discussion about how we can save all this money by not paying prevailing wage. I just heard the number 30 percent higher, and that is just not true. There was a study in 2015 or 2013, and the labor component on a typical building job is only 25 percent of the cost of the contract. There is no way you can save 30 percent unless the workers pay you. You can maybe save 5 percent.

PAUL CATHA (Culinary Workers Union Local 226):
Culinary Workers Union Local 226 supports S.B. 226.

FRAN ALMARAZ (Teamsters Local 631):
We are in full support of S.B. 226.

DANNY THOMPSON (International Union of Operating Engineers Local 3;
International Union of Operating Engineers Local 12):
We are in support of S.B. 226.

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DAVID STOFFER (Southwest Regional Council of Carpenters):
Reno Carpenters Local 971 and Las Vegas Carpenters Local 1977 support S.B. 226.

MORGAN BIASELLI (International Brotherhood of Electrical Workers 1245):
We support S.B. 226.

CARLOS HERNANDEZ (Nevada State AFL-CIO):
The Nevada State AFL-CIO proudly supports S.B. 226.

ANDREW MALDONADO (United Association Local 350):
I support S.B. 226.

GREG ESPOSITO (Nevada State Pipe Trades):
We are in full support of S.B. 226.

KALANI KANEKOA (United Association Local 350):
We are in full support of S.B. 226.

DENVER HUGHES (United Association Local 350):
I stand in full support of S.B. 226.

STEVE SCHMALTZ (United Association Local 350):
I stand in support of S.B. 226.

MICHAEL GUINASSO (United Association Local 350):
I stand in support of S.B. 226.

ERIC DILLARD (United Association Local 350):
I support S.B. 226.

AARON IBARRA (Southern Nevada Building Trades Unions):
I urge support for S.B. 226.

STEVEN DUDLEY (Carpenters Local 1977):
We represent 6,000 carpenters in southern Nevada; we have 140 carpenters in the room, and we all support S.B. 226.

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JAMES HALSEY (International Brotherhood of Electrical Workers Local 357):
We support S.B. 226. Thank you.

ALFONSO LOPEZ (International Association of Sheet Metal, Air, Rail and
Transportation Workers Local 88):
We also are in full support of S.B. 226.

DANIEL HAGUEWOOD (International Association of Heat and Frost Insulators and
Allied Workers Local 135):
We support S.B. 226.

ROBERT DIAZ (International Association of Sheet Metal, Air, Rail and
Transportation Workers Local 88):
We are in support of S.B. 226.

BOB HORTON (Ironworkers Local 433):
We fully support S.B. 226.

JIMMY SCHWARZ (Ironworkers Local 433):
We support S.B. 226.

MIKE GREENLEE (Painters and Allied Trades Council 16):
We fully support S.B. 226.

CHARLES ZIM (International Union of Bricklayers and Allied Craftworkers
Local 13):
I am here to show my support for S.B. 226.

JUAN ORTINEDA (Ironworkers Local 469):
We are in full support of S.B. 226.

LIZ SORENSON (President, Nevada State AFL-CIO):
I am here today in full support of S.B. 226.

LARRY WILSON (United Auto Workers):
We are in full support of S.B. 226.

RUSS JAMES (Nevada State AFL-CIO):
We are in full support of S.B. 226.

WARREN HARDY (Urban Consortium; Associated Builders and Contractors, Nevada Chapter):

I oppose S.B. 226 because of the broadness of the bill that the Majority Leader spoke of. In 2005, I chaired the Advisory Group to Conduct Interim Study on Lease-Purchase and Installment-Purchase Agreements by Public Entities. The Group concluded the use of lease-purchase and installment-purchase agreements by public entities should not be used to circumvent the provisions of NRS 338. The issues discussed today need to be addressed, and I stand ready and willing to work with the sponsor and proponents.

STEPHEN WOOD (Nevada League of Cities and Municipalities; Carson City):
We echo the concerns brought up by Mr. Hardy.

CHASE WHITEMORE (Nevada Builders Alliance):

We are in opposition to S.B. 226 as written. I have a friend in Reno who owns a single-family residence. Last year, he decided to put a triplex on the back half and got a \$1,500 sewer connection fee waived by the City of Reno. The way S.B. 226 is written, that would now become a public works project. I appreciate the sponsor's efforts to work with us to solve some of those concerns.

RUSSELL ROWE (American Council of Engineering Companies of Nevada):

The language around the Davis-Bacon Act turns the Act on its head and would apply State prevailing wage on purely federal projects. The bill would also drastically expand State prevailing wage to apply to 100 percent privately funded projects because it touches a piece of public property. We have concerns in those respects and the applicability in those contexts. We oppose S.B. 226.

SENATOR DALY:

You mentioned S.B. 226 applying prevailing wage to 100 percent privately funded projects. On college campuses for example, many such projects are paid for with private funds, though on public property for public use. Is that a problem?

MR. ROWE:

I am aware of the problems you have mentioned. As you know, there is a separate statute with respect to higher education projects and prevailing wage and public versus private monies. I was referring to private projects wherein an

easement goes through public property. My reading of the bill is that entire project would now become subject to prevailing wage.

SENATOR DALY:

I am not disagreeing with you; I think the sponsor indicated some concerns over that as well. I was just saying there are instances of no public funding that are still public projects.

JENNIFER BERTHIAUME (Nevada Association of Counties):

The Nevada Association of Counties is opposed to S.B. 226 as drafted based on concerns similar to those already mentioned.

LINDSAY KNOX (Nevada Home Builders Association; Southern Nevada Home Builders Association; Builders Association of Northern Nevada):

We are concerned the broad language drafted in S.B. 226 could affect landscaping, amenitized open space; community improvements within confined areas of new development; and other small instances. This could discourage developers from offering amenities over minimum requirements. We want the bill to only impact development agreements negotiated after the effective date of the bill. We also want the scope of S.B. 226, section 5, subsection 19, be reduced to projects that have a component of public or improvement district funding, a move consistent with long-held State policy. We oppose S.B. 226.

ALEXIS MOTAREX (Nevada Chapter Associated General Contractors):

We have always supported prevailing wage and fought efforts to repeal it. But for many of the reasons already stated, we are opposed to S.B. 226 as written.

CHRISTINE HESS (Executive Director, Nevada Housing Coalition):

The Nevada Housing Coalition works to advance affordable housing for all Nevadans. This bill would cripple the affordable housing development sector. Of course, State prevailing wage will add significant costs, delays and limit the pool of workers for the construction of housing that is already challenging to build. It would be even more devastating to Nevadans living in unstable homes. According to research just released by the National Low Income Housing Coalition, nearly one-third of the State's renter households pay more than half of their income on rent. What would this legislation mean for these Nevadans waiting for more affordable housing options?

We recently performed a wage analysis of an affordable housing project that began construction in 2022. If this project was required to utilize State prevailing wage at that time, it would have increased total development costs by 23.1 percent. This would have resulted in nearly 20 percent fewer units of rent-restricted housing, meaning that 40 families, seniors, veterans and workers would not have access to an affordable home. Scaling this example to the typical number of new affordable homes built per year, S.B. 226 would deny 150 to 230 vulnerable families affordable homes every year.

SENATOR DALY:

Can you come by my office and share that analysis so I can go over it? You mention there is already a worker shortage. Do you have information on what your projects pay workers on average? Would you have more success attracting workers to those jobs if you paid a little more? That was a rhetorical question.

Ms. HESS:

I would be happy to stop by your office with our wage analysis, a comparison between federal prevailing wage, which has a residential rate, and our State prevailing wage, which is a public works rate. In the market, affordable housing is not required by most of its funding sources to pay federal prevailing wage, but the market rates are higher than federal prevailing wage.

SENATOR DALY:

I understand differences in residential versus commercial. The federal government defines residential as three stories or less. If some of your projects are more than three stories, then we are not talking about residential construction anymore, low-income housing or not. I would like to see your information.

WILLIAM BREWER (Nevada Rural Housing Authority):

The Nevada Rural Housing Authority opposes S.B. 226. I submit testimony ([Exhibit C](#)) explaining the Authority's concerns.

JEFF ROGAN (Clark County):

Clark County opposes S.B. 226 as written. We echo prior concerns regarding affordable housing. Clark County is always looking for ways to encourage private and nonprofit developers into the affordable housing space by waiving fees and providing other benefits to them in exchange for the provision of affordable housing in our community. The bill as written would increase cost

substantially for those projects, possibly making them unviable. The bill could also impact small businesses in our aviation sector. Many small businesses occupy Harry Reid International Airport. If the County is giving them any kind of break or benefit, their tenant improvement projects would be subject to prevailing wage.

RICHARD NAGEL:

This bill would create a free ride for people to come over from California and get better wages. It should be amended to give priority to Nevada-based contractors and their local employees. Many buildings were built with out-of-state labor; unless that changes, this bill is not going to benefit Nevadans. I oppose S.B. 226.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber is concerned about the vagueness in some definitions. Language in S.B. 226, section 3, would be exceptionally difficult to comply with let alone what incidental expenses may even include. We also need clarification of some of the rebates offered from the private sector as part of lease agreements in section 5. For these reasons, we oppose S.B. 226.

KERRIE KRAMER (NAIOP):

For all the reasons previously mentioned, we are in opposition to S.B. 226.

ANN BARNETT (CEO, Nevada Contractors Association):

The Nevada Contractors Association (NCA) has worked as hard as anyone to ensure that Nevada has strong wage laws. The construction market, both public and private, should be fair for all contractors. Construction has been a positive force in southern Nevada for decades and even more so in the past few years. That said, the NCA has concerns about S.B. 226 and the ways it expands public works laws into private projects. Therefore, we oppose the bill.

MARK HOBAICA (Nevada Contractors Association):

I am the vice president of a general contractor in Las Vegas. I have over 30 years of experience as an architect and 17 years building Nevada public works projects. A few items on S.B. 226 are concerning. The bill discusses increasing redevelopment opportunities in the State. However, it will achieve the complete opposite. When I was in charge of redevelopment projects in Henderson, I relied on some public assistance that reduced land cost because of blight, brownfield or contamination but invited private money and private

developers to build in those redevelopment areas. Water Street District is one of those areas now flourishing because of the redevelopment opportunities presented in some of those incentives. If this bill was in place then, those projects would probably not have moved forward, and those developers would have chosen to build elsewhere. There are also cases where a development agreement requires a developer to build public buildings, like a fire station for the private development, and turn them over to the jurisdiction upon completion. If those projects were subject to prevailing wage, it would increase costs for taxpayers. I oppose S.B. 226.

CAM WALKER (Nevada Contractors Association; Sletten Construction):
I oppose S.B. 226. I am concerned about the bill's unintended consequences.

BRETT HARRIS (Labor Commissioner; Office of Labor Commissioner, Nevada Department of Business and Industry):
I am neutral on S.B. 226 and present to answer any questions regarding enforcement of the bill.

SENATOR CANNIZZARO:

All the union folks here in support of S.B. 226 represent workers who are making enough to support their families, have medical benefits and have taken the time to become highly skilled in their professions. When we talk about prevailing wage, we should not just look at it as paying a worker more on a job because it is more than that. It brings value to technical education and provides people a pathway to a career that allows their family to thrive. This bill is about how we as civil servants are supporting every one of those workers and their families. And as you heard, some of the opposition recognizes attempts to circumvent what should fall under prevailing wage. Those are what this bill targets. You heard examples from the opposition where there is an easement or one small fee paid; I do not want to go after those cases. There must be some work on the bill language to address that. However, a balance can be struck between recognizing worthy exceptions to prevailing wage and situations where a developer is taking advantage to circumvent prevailing wage.

CHAIR FLORES:

I close the hearing on S.B. 226 and open the hearing on S.B. 271.

SENATE BILL 271: Revises provisions relating to discrimination. (BDR 18-2)

SENATOR DINA NEAL (Senatorial District No. 4):

The Nevada Equal Rights Commission (NERC) has received criticism about how long it takes for an unlawful discrimination complaint to be reviewed. Someone can make a complaint that takes three years before it is resolved. Constituents also wanted to know who was reviewing their complaints, such as a paralegal who had the proper training to identify the issues requiring a search in a complaint. This bill would strengthen NERC a bit. There is a fiscal note on this bill because some of the things I am asking NERC to do will cost money. Section 2, subsection 1 of the bill specifies that,

An attorney who works for, contracts with or provides volunteer services to the Commission must:

- (a) Review any complaint filed with the Commission which alleges an unlawful discriminatory practice; and
- (b) Prepare all findings of fact relating to an investigation and the final disposition of a complaint before the Commission.

Section 2, subsection 2 states,

Any paralegal that is employed by the Commission must annually complete a minimum number of hours established by the Commission of continuing education in the areas of constitutional law, state law and federal law relating to unlawful discriminatory practices.

With S.B. 271, section 2, subsection 3, I wanted to create a pipeline into NERC by requiring the Commission to create internships for law students and a volunteer program for attorneys to provide legal services. The idea is to create more public interest attorneys and encourage law school students to get into public service and public interest law. Section 3 of the bill adds new language which says,

If a complaint is filed alleging an unlawful discriminatory practice in employment by a governmental agency or a public officer or public employee thereof, the Commission shall consider:

- (a) The historical patterns and practices of the agency as a factor in determining whether an investigation is warranted.

In S.B. 271, section 3, subparagraph (b), I added nonfeasance and malfeasance. Because neither is typically in law when a public entity fails to act when it has an obligation to do so, there is usually just wrongful conduct by a public official. I added nonfeasance and malfeasance into the bill because they are more common than is believed.

Section 3, subsection 2 of the bill applies nonfeasance and malfeasance to private employers around the historical discriminatory practices and determining whether an investigation is warranted.

Section 4 of the bill lays out that NERC must make a final disposition on an unlawful discrimination complaint within 18 months. If NERC is unable to do so, it must provide notice to the complainant explaining why. Cases should not be going on for three to four years. It creates consternation and anxiety among people who cannot afford a private attorney.

In S.B. 271, section 4, subsection 3 allows NERC to close an investigation of a complaint if the complainant is verbally or physically abusing or threatening a member of the Commission.

Section 5 requires NERC to explain how a complainant can appeal a decision to the U.S. Equal Employment Opportunity Commission (EEOC) on its website. If NERC investigated your complaint and found no information to continue pursuit, you have the right to appeal. However, the process is unclear to the average layman. I want NERC to provide a sample so complainants have some guidance. Section 7, subsection 3 of the bill ties it to S.B. 143.

SENATE BILL 143: Revises provisions relating to discrimination in housing.
(BDR 18-1)

SENATOR DALY:

Section 3, subsection 1, paragraph (b) of S.B. 271 does not make sense to me. I understand the first sentence and the part about findings of fact and final disposition. But it seems a word is missing when we get to "must address any allegations." Whose allegations? The complainant's?

SENATOR NEAL:

That language says any acts of nonfeasance or malfeasance with regard to the complaint on behalf of a public officer, employee or agency. Then it says any

findings of fact and final disposition of a complaint alleging an unlawful discriminatory employment practice must address any allegations of nonfeasance and malfeasance. That way, NERC's final disposition must look at nonfeasance and malfeasance and report if it did not find any.

SENATOR DALY:

You are saying the Commission has to look and make sure the party accused in the complaint acted in good faith.

SENATOR NEAL:

The Commission does the final disposition or any findings in fact. Typically, a person submits a complaint and then the entity he or she complains about is allowed to submit documentation in its defense. The Commission reviews both sides and make a final disposition. The bill would require NERC to include in a report the final disposition, that the Commission looked for nonfeasance and malfeasance and whether it found any.

SENATOR DALY:

Does NERC not have to issue a letter after six months telling complainants they can file a lawsuit? How often are those letters sent out?

SENATOR NEAL:

Section 6 of the bill changed the required time frame of the final disposition from 12 months to 18 months. The Commission must complete the investigation within 100 days after receiving the complaint; if impracticable to do so, then final disposition of the complaint is within 18 months as laid out in S.B. 271. I do not know when you get a letter informing complainants of the right to sue.

VICE CHAIR OHRENSCHALL:

The new language proposed in S.B. 271, section 4, subsection 3 regarding abuse and threats allows NERC to close an investigation without a final disposition. How does NERC currently handle complainants who abuse or threaten employees?

KARA JENKINS (Administrator, Nevada Equal Rights Commission):

Once a person files a complaint, NERC must investigate the evidence. Once NERC enrolls the case, if it is an employment case, it becomes a charge and gets a NERC number and an EEOC number. By doing that, NERC alerts the

EEOC that NERC is taking this case, which would otherwise go to EEOC. Once a case has a NERC and EEOC number, if NERC needs to transfer a case for abuse, EEOC will take the case. If NERC's investigation does not find enough evidence to substantiate discrimination, the complainant will receive a letter informing him or her of the right to sue.

Commission staff generally continues to investigate complaints so long as the abuse is purely verbal. If the complainant moves beyond that, we try to transfer the case to EEOC. That is NERC's procedure for employment discrimination cases. The Commission does not want to risk injury to our staff. The section of S.B. 271 you asked about provides some relief from more aggressive complainants by allowing us to dismiss their cases.

The Commission is neutral on S.B. 271 and has a fiscal note attached to this bill to accommodate the cost the Commission foresees if it is signed into law.

VICE CHAIR OHRENSCHALL:

I close the hearing on S.B. 271 and open the hearing on S.B. 94.

SENATE BILL 94: Revises provisions relating to tribal liaison officers. (BDR 18-348)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

This bill was recommended by the Joint Interim Standing Committee on Natural Resources. The Interim Committee held its first meeting on Pyramid Lake Paiute Tribe lands to solicit feedback about issues affecting tribal governments and communities, and suggestions for potential policies. One of the issues that came up was that many tribal liaisons were ineffective, and there was no pathway for people from the tribe to become tribal liaisons. Senate Bill 94 was created to address those issues.

Significant fiscal notes on S.B. 94 relate to its eventual scope. Agencies are required to designate a tribal liaison from their existing staff. This bill requires the employment of a tribal liaison as a new, dedicated position in the classified service of the State. The reason many tribal liaisons have limited effectiveness is because it is essentially a title that gets added onto somebody's existing job roles and responsibilities. We already have a shortage of State employees, and many do more than delineated for one full-time position. Adding the role of tribal liaison on top of that is not a recipe for success.

Section 1 of the bill creates tribal liaisons as dedicated positions in State agencies and spells out their responsibilities. Section 2 lays out the pay grade and experience required, including a familiarity with tribal governments and tribal Indigenous affairs. Section 2, subsection 4 provides a hiring preference first to a member of a tribal nation based at least partially in Nevada, then second to any Indigenous person applying for the job. Section 2, subsection 4, paragraph (b) requires the State to “accept not less than 6 years of previous and relevant employment with an Indian tribe as equivalent to a bachelor’s degree in the relevant field.” The purpose of that is to create an expanded employment pathway for folks who have worked in tribal government. They have lot of practical experience that could be beneficial to the State. Allowing them to qualify as hireable for tribal liaison despite lacking a bachelor’s degree can make the position more effective.

SENATOR GOICOECHEA:

The bill says in section 1, subsection 4, “each state agency that communicates with Indian tribes on a regular basis.” How many agencies are we talking about?

ASSEMBLYMAN WATTS:

I will follow up with you because there is a list of current tribal liaisons for agencies. However, not every agency on that list has a tribal liaison. Most State agencies do or should be in communication with tribes. How many agencies are we asking to employ a dedicated tribal liaison that will drastically affect the cost of the bill? I would love to see one in every relevant agency, but that is a significant price tag. I am interested in working with members of this Body and tribal government leaders to prioritize some key agencies as a first step, then we can continue evaluating on an ongoing basis.

SENATOR DALY:

I support S.B. 94 and hope you can get it narrowed down to targeted agencies because the fiscal note will be a barrier. Some agencies like the Division of Environmental Protection (DEP) should absolutely have a tribal liaison. But I am not sure the Nevada Department of Motor Vehicles needs one as much. We have to target the right agencies.

ASSEMBLYMAN WATTS:

The definition of agency in the NRS is expansive. It includes agencies like the State Department of Conservation and Natural Resources and all its divisions,

including DEP. That dynamic makes the bill tricky. At a minimum, all the cabinet-level agencies should have a tribal liaison.

JENNIFER LANAHA (Las Vegas Paiute Tribe; Reno-Sparks Indian Colony):
We support S.B. 94 and ask the Committee to support it as well.

ANDREW LEPEILBET (United Veterans Legislative Council):
Nevada's Indian tribes have the highest percentage of veterans of all populations in the State. The Nevada Department of Veterans Services has been reaching out to these tribal veterans, but it is difficult when the Department does not have a full-time individual dedicated to the task. We are concerned whether the State has the money to support this bill, but we want to reach out to these tribal veterans and get them the benefits they deserve. We are in support of S.B. 94.

WILL ADLER (Pyramid Lake Paiute Tribe):
The benefits S.B. 94 could provide tribal communities are hard to overstate. It is a difficult process for a tribe to contact the State, and there is a lot of inconsistency when it comes to tribal council turnover and legislative turnover. The person who had good contacts or knew what to do can leave during tribal elections. Having a dedicated person to contact would be of great benefit to all tribal communities across the State. I understand the fiscal note is one of concern, but if we can limit the number of liaisons, it would still be beneficial to all. I have a letter of support ([Exhibit D](#)) from James Phoenix, chairman of the Pyramid Lake Paiute Tribe, detailing the tribe's support for S.B. 94.

OLIVIA TANAGER (Progressive Leadership Alliance of Nevada):
The Progressive Leadership Alliance of Nevada was proud to support prior efforts to ensure State agencies designate tribal liaisons and work to improve collaboration with Nevada's Indigenous communities. This bill would ensure a dedicated staff person who can focus on prioritizing clear and frequent communication with Indian tribes. This is of paramount importance as Nevada faces critical decisions that impact resources on tribal land. We are all on stolen tribal land, and good communication with our tribes is the least the State can do. We support S.B. 94.

PAULA LUNA (Battle Born Progress):
I am in support S.B. 94. The Indigenous community deserves proper representation within Nevada. Given the historical and cultural significance its

presence has on our State, hiring tribal liaisons would ensure stronger communication between tribes and State government. This bill would create better relationships and more effective consultation. We can honor the Indigenous people of our State and make sure their interests are heard and respected as the first stewards of the land. This bill will give the Indigenous community the respect and voice it deserves that have too long been withheld.

TERESA MELENDEZ:

I support S.B. 94. I have worked as a tribal liaison. Often, State employees are not familiar with the tribal governmental systems and have difficulties performing their jobs. They have not been trained to understand the tribal governmental systems. They usually have not come from tribal backgrounds. This bill would ensure that folks who have the qualification to serve as tribal liaison can best communicate with the tribes. When tribes and State departments have not established good relations, lawsuits can occur. The State could avoid some lawsuits if folks know how to engage with the tribal governmental systems so we can work more collaboratively together.

ISAAC HARDY (Nevada Conservation League):

I support S.B. 94 for the reasons others have already stated.

TAYLOR PATTERSON (Executive Director, Native Voters Alliance Nevada):

I want to echo some of the sentiments Assemblyman Watts said in his presentation. This bill would create a pathway for tribal members and folks knowledgeable with tribal communities to have new job opportunities. I support S.B. 94.

BRIAN MASON (Chairman, Shoshone-Paiute Tribes of the Duck Valley Reservation):

I have government-to-government relationships with two states, Nevada and Idaho. Nevada is lacking tribal engagement. In Idaho, there is constant contact; in Nevada, it is rare, if at all. A tribal liaison is a must at most agencies, if not all. Tribal input is required by law. We are sovereign nations given status by numerous treaties in the State and the U.S. This can only be achieved with better tribal representation, which the bill would address. I support S.B. 94.

MERCEDES CROWN:

I support S.B. 94. I am an Indigenous educator and parent of three college students. There is a strong need for tribal liaisons, especially in the Nevada higher education system. This bill would be a fulfillment of trust and treaty obligations as well as fair community inclusion that has been lacking for too long. We need systemic action to make this happen in our education system and all branches of State government. Only 19 percent of native people attain college degrees, and that number drops if you look at master's and doctorate degrees. Less than 1 percent of Nevada's college population is Native American. We urgently need better tribal representation and an entity to support native students.

RANDI LONE EAGLE (Chairwoman, Summit Lake Paiute Tribe):

I support S.B. 94. Having a Native-American tribal liaison gives tribes a better outcome for open communication and understanding with the State.

KENT LEFEVRE (Administrator, State Public Works Division, Nevada Department of Administration):

I serve as the tribal liaison for the Department of Administration, which is neutral on S.B. 94. Upon reviewing the language of the bill, the Department has filed a fiscal note.

STACEY MONTTOOTH (Executive Director, Nevada Indian Commission):

I am a citizen of the Walker River Paiute Nation. Tribal liaisons are embedded inside respective State agencies and occupy a variety of different classifications. For example, the Department of Health and Human Services is currently hiring two tribal liaisons. One of them is being recruited as a health program specialist, which requires a bachelor's degree in health science, behavioral science or closely related field with two years of health-related experience. The other position is a management analyst, one which requires a bachelor's degree in public or business administration, finance or social sciences, math or a related field and one year of experience in research, development, evaluation or revision of programs or organizational methods and procedures. None of the various requirements recognize experience with Native-American tribes. The Nevada Indian Commission more than often ends up serving as the resource for tribal liaisons to develop tribal relationships. Just last week, I was contacted by a department tribal liaison to find out how three of our tribal nations were faring as they had announced emergency declarations due to flooding. The intent of NRS 233A is for the liaison to establish and

cultivate relationships with all 28 tribal nations so that during the regular course of business conducted by the State—and especially during disasters—the State could provide services needed in these communities immediately. I am neutral on S.B. 94.

CHAIR FLORES:

I close the hearing on S.B. 94.

VICE CHAIR OHRENSCHALL:

I open the hearing on S.B. 262.

SENATE BILL 262: Revises the qualifications for membership on certain advisory councils and boards. (BDR 21-857)

SENATOR EDGAR FLORES (Senatorial District No. 2):

I have served in the Assembly and Senate Government Affairs Committees since 2015. In that time, the Legislature has received requests to change the requirements for citizen advisory councils and town advisory boards every single session. Not enough people are stepping up to serve on these important boards. The Legislature has made many modifications to these boards to allow for some folks to serve longer to prevent vacancies. Some jurisdictions were hoping to appoint some great individuals to these boards but were unable to do so because the appointees were legal permanent residents, not U.S. citizens.

In the U.S., noncitizens serve in our military, serve as teachers, work in the health industry, own businesses and partake in the most critical sectors of our economy, the essential functions for our society. Why can they not serve on some of our boards? I do immigration law for a living, and an individual's immigration status can be fluid. There may be a year where a person is in the U.S. under DACA—Consideration of Deferred Action for Childhood Arrivals. There may be a different year where that same person is a legal permanent resident, then eventually a U.S. citizen. My father became a U.S. citizen in 2019, but my father did a lot of work for his community in Nevada before then. The only difference between my father in 2018 and 2019 was his citizenship status; his passion for Nevada was the same. The bill eliminates the requirement that a member of a town advisory board or citizens advisory council be a qualified elector; a qualified elector is a U.S. citizen over the age of 18 who is a local resident. The purpose is to allow noncitizens to serve on these boards so we can fill some of the vacancies.

TICK SEGERBLOM (Clark County Commissioner):

One of the things the Clark County Commission does is appoint people to what are called town boards. It is the best form of democracy because the people who live in the neighborhoods make recommendations to their county commissioners who then vote on these. Higher levels of government often do not appreciate the impact their decisions make on a given neighborhood. These town boards have a fundamental purpose for democracy. Because they are volunteer positions that often meet late, it is tough to find people to serve on these boards. We look for good neighborhood representatives, and sometimes we find an otherwise ideal candidate who is not a U.S. citizen. An arcane law from who knows where prevents the relevant county commissioner from appointing such candidates. That circumstance is an unintended consequence of a law that is no longer meaningful.

Senate Bill 262 is a simple bill. It strikes out “qualified elector” from existing law governing these town advisory boards. The bill is going to make the community better. Nevada is a state of immigrants; we have the highest percentage of immigrants of any state. They are a critical element of our State, especially in southern Nevada. Allowing people like that to volunteer to serve on town advisory boards is fantastic for county commissioners like me but also fantastic for them because they get to see democracy at work. They will become citizens at some point, so this is a great opportunity for them to learn firsthand how our government works. I cannot urge enough support for S.B. 262. Frankly, I do not see how anyone could oppose this.

SENATOR GOICOECHEA:

The bill would mandate the rule change in counties with more than 100,000 people, presently just Clark and Washoe. In counties with less than 100,000 people, local commissioners could adopt it by ordinance. Is that correct?

HEIDI CHLARSON (Counsel):

The government structure of towns pursuant to NRS is complicated. There are different types of towns, depending on the population of the county. If a county has a population of 100,000 or more, it is subject to a particular set of statutes which apply to all towns in that county. For S.B. 262, sections 2 through 4 would apply to Clark and Washoe Counties. Counties with a population of less than 100,000 can by ordinance adopt what is known as the uniform town government law. If a county with a population under 100,000 has adopted the

uniform town government law, that county is also subject to S.B. 262, sections 2 through 4. Section 1 of the bill is in relation to counties with a population under 100,000 that have not adopted the uniform town government law. In those counties, the boards of county commissioners may establish a citizen's advisory council.

SENATOR GOICOECHEA:

If a rural county board of county commissioners establishes a citizen's advisory board, can it also dissolve it?

Ms. CHLARSON:

Correct. The board of county commissioners can also determine whether that town advisory board is elected or appointed.

SENATOR DALY:

Do you have any idea how many are appointed versus elected?

SENATOR FLORES:

My understanding is the bill would apply to 50 town advisory boards and citizen's advisory councils.

KARLA SANCHEZ (Make the Road Nevada):

Make the Road Nevada supports S.B. 262. All Nevadans should have the opportunity to participate in advisory boards, such as the commission of school funding, since the boards affect our youth directly. I urge the Committee to support S.B. 262.

ERIC JENG (One APIA Nevada):

One APIA Nevada advocates for more civic participation for the growing Asian and Pacific Islander communities, and we support S.B. 262.

ANDRES RODRIGUEZ:

I submit written testimony ([Exhibit E](#)) explaining my support for S.B. 262.

DEANNA HUA TRAN (Nevada Immigrant Coalition):

The Nevada Immigrant Coalition supports S.B. 262. Residents should be allowed to serve on these boards regardless of their immigration status or background. Members of our community have a vested interest in the well-being of their neighborhoods. Allowing noncitizen residents to serve on the boards promotes

community engagement and leads to more diverse and representative leaders for all our communities. Residents who are passionate about improving their community should not be denied the opportunity to do so simply because of their immigration status.

JANINE HANSEN (State Chairman, Independent American Party):

The Independent America Party opposes S.B. 262 because it opens the door to noncitizens representing American citizens. We have just learned that some of them may even be elected. This would set a dangerous precedent.

JOY TRUSHENSKI:

I support legal immigration, but I do not support people coming across our open borders en masse. I do not support S.B. 262 as it removes the qualifications to be an American citizen and qualified elector in order to serve on a town board or citizen's advisory board. The definition of qualified elector includes not just U.S. citizens but nonfelons. Those who have violated our immigration laws have committed a misdemeanor and can be imprisoned for six months. Illegal aliens should not even be in our Country, let alone hold offices which could affect U.S. citizens. Convicted felons should also not be allowed to be appointed to such boards.

JIM DEGRAFFENREID (Nevada Republican Party):

I oppose S.B. 262 on behalf of the Nevada Republican Party. This is one of the craziest bills I have testified against in this or any other session. The very concept of enabling noncitizens to serve on bodies called citizen's advisory boards is nonsensical on the face of it. Our platform is clear on the subject of immigration. We welcome people from all nations, races and cultures who enter our Country legally and support the *Constitution of the United States of America* and our rule of law. Part of our support of legal immigrants is making sure that their hard work and effort is not cheapened by giving the same benefits and advantages to those who chose to not make the same effort. S.B. 262 is a slap in the face to legal immigrants who could find themselves subject to policies proposed by those who are not citizens if the bill passes. If citizenship confers no benefit, why would anyone attempt to get it? It makes no sense to give individuals who are not eligible to vote in an election the ability to serve on a town advisory board. Doing so is a first step to having noncitizen city council members or more. If I moved to any foreign country and attempted to become an elected or appointed government official or even vote for any elected officials, I would be shown the door. It would not be acceptable there and it

should not be acceptable in the U.S. Opposing S.B. 262 is plain Nevada common sense.

LYNN CHAPMAN (Vice President, Nevada Families for Freedom):

If a town advisory board or citizen's advisory council is made up of five people and three are noncitizens, that means the three noncitizens will make the decisions for the citizens of that town. Could I serve on boards and advisory boards in a foreign country? I doubt it. Tribal lands are sovereign nations. Could I serve on their boards? I do not think so. Anyone can go to board meetings and speak about anything during their public input. I was speaking with a friend studying to become a citizen. She is a legal resident. When I told her about S.B. 262, she was incensed. She said, "I am working really hard to become a citizen so that I can partake more in the government, and it is unfair to have people who are noncitizens sit on boards." She thought they should become citizens like she is doing or not serve on the boards. I oppose S.B. 262.

SENATOR FLORES:

Mr. Rodriguez is a perfect example of why this bill is so important. He is academically well prepared. I am confident that one day he is going to be serving this Body. I think he is going to run for office and win. He is a perfect test case to get engaged now by participating in boards, providing his expertise and intellect. We would be doing him a service, and he would be doing the State a service to us. I want to remind everybody that in this Country, there are noncitizens who proudly wear the U.S. badge and flag and those who have died honorably for this Country. We all salute them and thank them for their service.

Noncitizens are contributing a lot to this Country and making it better. Legal permanent residents, who are doing everything right, will be able to sit on these boards. We are not talking about undocumented versus documented but individuals who have deep roots in their communities who would want to sit on the board. Appointees to these boards are people who have been engaged by elected officials, not just random human beings who are participating. Many citizens do not want to sit on these boards, so if a hardworking noncitizen wants to fill a vacancy, why should we not let them?

MR. SEGERBLOM:

As Senator Flores said, these people are part of the community, and they are appointed by the local county commission. We review their backgrounds. An appointee's vote is not binding on anything. If there is a large population that

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owns homes in these neighborhoods, representatives of that population should be allowed to participate and give me advice as to what they think should happen in the neighborhood. I just urge you to support this bill.

VICE CHAIR OHRENSCHALL:
I will close the hearing on S.B. 262.

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CHAIR FLORES:

Having no further business, the Senate Committee on Government Affairs
adjourns at 6:45 p.m.

RESPECTFULLY SUBMITTED:

Spencer Jones,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 226	C	16	William Brewer / Nevada Rural Housing Authority	Testimony
S.B. 94	D	24	James Phoenix / Pyramid Lake Paiute Tribe	Support Testimony
S.B. 262	E	29	Andres Rodriguez	Testimony