

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

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

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:55 p.m. on Wednesday, April 19, 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 Rochelle T. Nguyen, Senatorial District No. 3
Assemblyman Gregory Koenig, Assembly District No. 38
Assemblywoman Erica Mosca, Assembly District No. 14

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Timothy Galluzi, Administrator/State CIO, Enterprise IT Services Division,
Nevada Department of Administration
Fred Wagar, Director, Nevada Department of Veterans Services
Andrew LePeilbet, United Veterans Legislative Council
Sheila Bray, University of Nevada, Reno
Mary Pierczynski, Nevada Association of School Superintendents

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Nick Schneider, Vegas Chamber
Juliana Garcia
Mariness Solis
Hieu Le, Nevada Esports Education League
John T. Jones, Jr., Nevada District Attorneys Association
Nathan Edwards, Washoe County District Attorney's Office
Brigid Duffy, Clark County District Attorney's Office
Cadence Matijevich, Washoe County
Steve Walker, Lyon County
Marlene Lockard, Service Employees International Union 1107
Jennie Kuhlman, Clark County Prosecutors Association

CHAIR FLORES:
I open the hearing on Assembly Bill (A.B.) 18.

ASSEMBLY BILL 18: Revises provisions relating to the Division of Enterprise Information Technology Services of the Department of Administration. (BDR 19-218)

TIMOTHY GALLUZI (Administrator/State CIO, Enterprise IT Services Division, Nevada Department of Administration):
I submit written testimony (Exhibit C) and hope you support A.B. 18.

CHAIR FLORES:
I close the hearing on A.B. 18 and open the hearing on A.B. 36.

ASSEMBLY BILL 36: Revises provisions relating to veterans. (BDR 37-242)

FRED WAGAR (Director, Nevada Department of Veterans Services):
I have a presentation (Exhibit D) on A.B. 36, a department bill approved by the Governor's Office. The Interagency Council on Veterans Affairs (ICVA) is requesting three additional members to be added the Council: the Attorney General, Superintendent of Public Instruction and the Executive Director of the Governor's Office for Workforce Innovation.

On Exhibit D, page 4, ICVA is modifying certain data submitted to the ICVA under *Nevada Revised Statutes* (NRS) 417. The Council wants data on the total number of veterans services officers who are employed by the State and data on the Nevada National Guard be removed from reporting requirements. This

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Nevada National Guard portion is a holdover from the formation of the ICVA but is no longer requested and requires a lot of resources to develop.

[Exhibit D](#), page 5 explains that the ICVA has no personnel or funding to develop or administer a fellowship program currently required under NRS 417. This is an unfunded mandate and should be removed.

[Exhibit D](#), page 6 changes the reporting requirements from calendar year to fiscal years for uniformity with other State agencies.

[Exhibit D](#), page 7 has to do with our Women Veterans Advisory Committee. Section 5, subsection 1 of the bill changes “pupils, business leaders and educators” to “the community” to broaden the scope of the women we are reaching out to. It also removes the annual recommendation requirement to make them biennially.

ANDREW LEPEILBET (United Veterans Legislative Council):
We support [A.B. 36](#). It is a good cleanup and expands the ICVA’s membership for better coverage. Adding the Attorney General and Superintendent of Education are welcome improvements to statute.

CHAIR FLORES:
I close out the hearing on [A.B. 36](#) and open the hearing on [A.B. 82](#).

[ASSEMBLY BILL 82](#): Designates World Esports Day as a day of observance in this State. (BDR 19-695)

ASSEMBLYWOMAN ERICA MOSCA (Assembly District No. 14):
[Assembly Bill 82](#) calls for a special day of observance for esports. There are 27 days of observance, and I would like this to become one of them to raise awareness about esports. Esports are video game tournaments where young people can compete for prizes and scholarships. In 2020, the League of Legends World Championship had more viewers than the Super Bowl or the NBA finals. In Nevada, we have 60 businesses and organizations that support esports. During COVID-19, a lot of young people used esports to stay connected.

SENATOR OHRENSCHALL:
If the bill passes and Nevada has a World Esports Day, will it help attract more tourism from people who either like to play or watch esports?

ASSEMBLYWOMAN MOSCA:

It will entice gamers to come to Nevada. If we have an esports day, we can drive dollars here to our community. The current market is valued at \$1.3 billion, and the HyperX Arena in Las Vegas has over 148,000 users.

SHEILA BRAY (University of Nevada, Reno):

We support A.B. 82. It is something our students are interested in.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We support A.B. 82.

NICK SCHNEIDER (Vegas Chamber):

The Vegas Chamber supports A.B. 82. Esports is an important emerging market and an opportunity to diversify the tourism sector in southern Nevada.

JULIANA GARCIA:

I am from the University of Nevada, Reno (UNR), and I support A.B. 82.

MARINESS SOLIS:

I am a student at UNR, and I support A.B. 82.

HIEU LE (Nevada Esports Education League):

We are neutral on A.B. 82. We support esports in general.

CHAIR FLORES:

I close out the hearing on A.B. 82 and open the hearing on A.B. 92.

ASSEMBLY BILL 92: Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-619)

ASSEMBLYMAN GREGORY KOENIG (Assembly District No. 38):

This bill has now been proposed three times, albeit with slight variations. It was A.B. No. 539 of the 80th Session and died in the Assembly. In 2021, it was A.B. No. 147 of the 81st Session and died in the Senate. We hope the third time is the charm.

SENATOR ROCHELLE T. NGUYEN (Senatorial District No. 3):

The county counsel for the board of county commissioners, the county manager and all the officers of a county are under the direction of the office of the

district attorney pursuant to NRS 252. This leaves county officials with few options in the event they disagree or have a bad working relationship with the district attorney. County counsel should be independent from any other county department to prevent conflicts of interest. This bill would give counties the authority to create an office of county counsel under the county manager or the county commissioners. This would allow the county manager and county commissioners to be independent. Variations of A.B. 92 have been proposed for the last two Sessions.

Section 5 of the bill authorizes the board of county commissioners to create this office of county counsel and appoint a person to the position. It sets forth the qualifications for the appointment of county counsel, which are similar to those required for a district attorney candidate. It requires the board of county commissioners require county counsel to represent the county in certain civil matters related to abuse and neglect of a child. The district attorney's office is usually tasked with reunifying families in neglect situations. But it will prosecute those same parents and argue against the reunifying recommendations in a criminal court. That is where I see a conflict taking place.

ASSEMBLYMAN KOENIG:

My bill gives the appointment of county counsel to the board of county commissioners instead of the county manager as in prior versions. I did this because the board of commissioners is elected, not appointed like the county manager. It does not make sense for an appointee to appoint another position.

SENATOR GOICOECHEA:

When I served on the board of county commissioners, we had conflicts with some of the district attorneys. There is a place for a county counsel, but I am concerned about what duties we are transferring to the county counsel.

SENATOR DALY:

Just to clarify, is there a county counsel under the elected district attorney or is there not one at all?

SENATOR NGUYEN:

A county counsel is under the elected district attorney. In many places, they are called civil district attorneys, but they represent the county.

SENATOR DALY:

And you are saying there are concerns over whether that person may be independent from the district attorney when performing their duties?

ASSEMBLYMAN KOENIG:

Correct. If a county does have issues like that, we wanted to enable the board of county commissioners to get alternate legal counsel. A board of county commissioners should be able to choose its legal counsel and trust its appointee has its back, not the district attorney's. I did not have this problem when I was county commissioner, but I can see the potential for conflict.

SENATOR DALY:

In the example you brought up earlier about the district attorney's office pushing for family reunification in one court and against it another, you are saying there is potential for interference by the top officer on which side to take? You want to handle those cases separately to avoid that?

SENATOR NGUYEN:

Yes.

SENATOR DALY:

Ok, that is similar to the consumer advocate's office. You should clarify that the county counsel, if appointed, must live in the designated county.

SENATOR OHRENSCHALL:

If a board of county commissioners appoints a county counsel whose legal advice conflicts with the district attorney's, would the board of commissioners follow the county counsel's advice or get a third opinion?

ASSEMBLYMAN KOENIG:

If the county does something the district attorney thinks is illegal, the district attorney would be able to prosecute. Moreover, the county counsel should be giving good legal advice even if it is contrary to what the board of county commissioners wants to hear. The quickest way for a county counsel to lose the job is to give bad legal advice that gets the county sued. Ultimately, it would be up to the board of commissioners to decide if they follow the county counsel's advice or get a third opinion.

SENATOR NGUYEN:

The opposition tried to present the current system, where the district attorney's office is the county counsel, as uniquely free to give advice the board of commissioners would not want to hear. But lawyers have a duty to present whatever is lawful. If they are giving bad advice, they have their own code of ethics, the State Bar of Nevada. If anything, the current system is more in danger of this problem since a county counsel can give advice the district attorney does not want to hear and get fired by the district attorney.

JOHN T. JONES, JR. (Nevada District Attorneys Association):

The Nevada District Attorneys Association strongly opposes A.B. 92. Public boards and agencies have a duty to the citizens of the county that they serve. We strongly believe that making civil attorneys who provide legal advice to the public and boarding agencies answerable to a separately elected official, gives these attorneys a measure of impartiality and ensures their legal advice is in the best interest of the public. District attorneys do not represent individual county commissioners. Our job is to represent the board as a whole and to provide legal advice to that board. The current representation model best leads to more objective outcomes and ensures that the advice is in the best interest of the county and its residents.

SENATOR KRASNER:

Do you believe that if the board of county commissioners appoints the county counsel, the counsel will be beholden to the board instead of the public?

MR. JONES:

Yes. That is a great distillation of my remarks.

SENATOR DALY:

Clark County can already have a county counsel through the district attorney's office. Is that true for all counties?

MR. JONES:

In smaller counties, the district attorney may not even have staff. In those cases, he or she serves as the de facto county counsel.

SENATOR DALY:

Can a board of county commissioners in one of those smaller counties get a second opinion? Sparks City Council had issues trying to get a second opinion.

NATHAN EDWARDS (Washoe County District Attorney's Office):

Statute does not directly answer your question, it is a gray area. It requires the district attorney to give opinions and does not say if public bodies can or cannot get a second attorney's opinion. We try to work collaboratively with our elected officials in those situations. For example, if the board of county commissioners wants to hire an expert in a particular subject area that our office does not handle often, we want them to do so.

MR. JONES:

We would be open to providing clarity on that issue. An Attorney General opinion states that if there is a conflict between a board of county commissioners and county counsel, the board can seek outside counsel on that issue.

SENATOR GOICOECHEA:

That was my understanding, that a board of county commissioners can request a second opinion, usually with the blessing of the district attorney. But there are scenarios where you have a bad district attorney; in that case, the board of county commissioners needs some legal way to break the deadlock.

MR. JONES:

I understand exactly where you are coming from, Senator Goicoechea. But we do not want to throw the baby out with the bathwater. Nevada has a good representation model. We are willing to work through issues, but we do not want to destroy the whole system.

BRIGID DUFFY (Clark County District Attorney's Office):

I oppose A.B. 92. In 2012, District Attorney Steve Wolfson was appointed by the Clark County Board of County Commissioners that wanted him to bring the child welfare agency representation model to the Clark County District Attorney's Office. He hired me to lead this transition from a public representation model to an agency representation model. If this bill were to pass and a county counsel appointed by the board of county commissioners took over child welfare cases, it would fracture my department at the District Attorney's Office. My department handles child welfare and juvenile delinquency, with more than half working on child welfare. Taking that away from us would be a serious blow to my position and my department. It would undo all the reforms I have made regarding juvenile delinquency. To address an earlier Clark County concern, the Juvenile Division and the Criminal Division of

the District Attorney's Office have different case management systems. This is intentional; neither division is supposed to see what legally relevant information the other has in case the two divisions are seeking different outcomes on the same case. This bill would undo those protections.

SENATOR KRASNER:
How would this fracture your position?

MS. DUFFY:
I am the assistant district attorney over juvenile delinquency and child welfare. I have 30 attorneys that report to me. Nine of them handle juvenile delinquency. This bill would leave the juvenile delinquency team within the District Attorney's Office. What would happen to my child welfare team of 21 attorneys and support staff is unclear. Hopefully, they would be employed under the county counsel, but it could be that they lose their jobs entirely. If I lose 75 percent of my team, remaining attorneys will probably be moved under a criminal assistant district attorney, making my role superfluous. I would have to choose between going to county counsel to follow the bulk of my team or to stay on at the District Attorney's Office.

MR. EDWARDS:
If there is a clash between a district attorney and board of county commissioners, our current system provides a great answer to that. The voters get to decide if a district attorney is not worth keeping in office. This bill would take that away from voters, undoing 158 years of legal precedent. The voters should be able to say if they have a problem with the way legal advice is being handled for the county commissioners. County counsel serves not only a board of county commissioners but seven other local officials. If this bill were to pass, the board of county commissioners would be able to change the legal counsel of these other seven officials without their consent. Lastly, since the district attorney is an elected official, it takes a lot of pressure off county counsels when dealing with a conflict. If the county counsel was beholden to the board of county commissioners, they would not be able to act as freely. I oppose A.B. 92.

CADENCE MATIJEVICH (Washoe County):
At their March 28, 2023, meeting, the Washoe County Board of County Commissioners officially opposed A.B. 92 for the reasons laid out by Mr. Edwards.

STEVE WALKER (Lyon County):

The Lyon County Board of County Commissioners voted unanimously to oppose A.B. 92.

MARLENE LOCKARD (Service Employees International Union 1107):

We oppose A.B. 92. Our review of A.B. 92 indicated that some members of Clark County public employees would be moved from their positions and possibly need to be rehired by the county counsel. So, we offer an amendment that would remove the support staff from A.B. 92.

JENNIE KUHLMAN (Clark County Prosecutors Association):

We strongly oppose A.B. 92 as it is an antilabor bill. Three unions in Clark County have members who will be stripped of their union representation if this bill is enacted, myself included. In addition to the 21 people mentioned by Ms. Duffy, 17 Service Employees International Union members will be involuntarily removed from their respective unions. No members should be deunionized without their vote. This Body passed S.B. No. 98 of the 76th Session, which deunionized the district attorney civil division attorneys, as well as their support staff. Smaller membership reduces our negotiating power within the county. When stripped of union membership, the county can unilaterally change our pay and benefits.

As a child welfare prosecutor for nearly 16 years in Clark County, I unequivocally state this bill will result in negative impacts to the children we strive to protect. Concerns raised regarding perceived conflicts within the district attorney's office are unfounded. In the Assembly, it was stated if A.B. 92 passed, Nevada would be like Colorado, Washington, Oregon and California. However, California is the only state where county counsel handles child welfare cases. Our system is in line with 33 other states. I urge you to oppose A.B. 92.

SENATOR NGUYEN:

In our conversations about A.B. 92, we have never received amendments to address some of the issues brought up. Concerns were raised that having a board of county commissioners appoint a county counsel would make the counsel beholden to the board. That is equally true of the current situation, save that counsel is beholden to the district attorney. I disagree with the representations made during the opposition that this is not the norm. The bill

only includes enabling language. If a county does not want to create a county counsel separate from the district attorney, it does not have to.

ASSEMBLYMAN KOENIG:

The vast majority of voters have no idea the district attorney provides legal counsel to local officials. We would not be stripping voters of their representation by having a county counsel outside the district attorney's office. Moreover, county commissioners are elected as with the district attorney. Those voters who knew about the county counsel could still vote out county commissioners for appointing a bad county counsel. As Senator Nguyen pointed out, A.B. 92 is enabling. No county has to use it but should have the option if the board of commissioners has a conflict with the district attorney.

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CHAIR FLORES:

I close the hearing on A.B. 92. Having no further business, the Senate Committee on Government Affairs adjourns at 5:06 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
A.B. 18	C	2	Timothy Galluzi / Enterprise IT Services Division, Nevada Department of Administration	Testimony
A.B. 36	D	2	Fred Wagar / Department of Veterans Services	Presentation