



MINUTES OF THE
LEGISLATIVE COMMISSION
NEVADA LEGISLATIVE COUNSEL BUREAU
Nevada Revised Statutes (NRS) 218E.150

The Legislative Commission held its fourth meeting in Calendar Year 2018 on Thursday, August 30, 2018. The meeting began at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada.

COMMISSION MEMBERS PRESENT:

Assemblyman Jason Frierson, Chair
Assemblywoman Teresa Benitez-Thompson, Vice Chair
Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Patricia Farley
Senator Scott T. Hammond
Senator Ben Kieckhefer
Senator Julia Ratti for Senator Aaron D. Ford
Assemblywoman Maggie Carlton
Assemblyman Chris Edwards for Assemblyman James Oscarson
Assemblyman Al Kramer for Keith Pickard
Assemblyman Jim Wheeler

OTHER LEGISLATOR PRESENT:

Assemblywoman Lesley E. Cohen, Assembly District 29

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Rick Combs, Director
Rocky Cooper, Legislative Auditor, Audit Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Kevin C. Powers, Chief Litigation Counsel, Legal Division
Michael J. Stewart, Research Director, Research Division

Carol M. Stonefield, Deputy Research Director, Research Division
Janet Coons, Manager of Research Policy Assistants, Research Division
Sylvia A. Wiese, Executive Assistant, Director's Office

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—ROLL CALL

Chair Frierson called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Chair Frierson called for public comment and reviewed meeting protocol. He reminded those who want to testify to sign the attendance sheets and that public comment will be held at the beginning and the end of the meeting.

Lindsay Dalley, resident of Logandale, Nevada, suggested the transgender regulation R099-17 has been totally vetted. He assumed it was pulled for political reasons because he suspected there were not enough votes to pass it. Mr. Dalley opined this was not fair to the constituents who took time out of their busy schedules to attend the meeting today.

Mona Lisa Samuelson, medical marijuana patient lobbyist, stated the 2019 Legislature should pass corrective patient protections for marijuana regulation in Nevada.

Eduardo Vela, Nevada resident, said he attended 30 hours of meetings held by Nevada's Department of Education (NDE) regarding R099-17. He claimed parents against the regulation were ignored at the meetings, and Gender Justice was identified as the key stakeholder during the regulation process. Mr. Vela suggested NDE and the Clark County School District (CCSD) abused their power over the people in an oppressive manner. He suggested R099-17 is not about bullying or protecting students, but rather the execution of a strategically crafted agenda set out to destroy the nucleus of the family.

Charlie Melvin, mother of four in Clark County, shared her frustration with not being heard by NDE during the regulation process for R099-17. She stated that Amber Reid, Education Programs Professional, NDE, admitted to her that she did not speak with parents or parent groups who have a differing opinion on the gender diversity issue and that she only consulted with special interest groups. Ms. Melvin expressed that she and other parents are tired of the pushback they are experiencing in Nevada. She requested the Commission send R099-17 back to NDE whenever it is heard.

Amanda (last name not given), Nevada resident, asked the Commission to read R099-17 and think about the children whose rights will be trampled because of who they are and what they believe. She is worried about disciplinary actions imposed if a student does not use the desired pronoun of another student. Amanda said that, according to the ACLU (American Civil Liberties Union), the First Amendment of the

United States Constitution ensures that students cannot be punished for exercising their free speech rights even if school administrators do not approve of what they are saying.

David W. Carter, Member, State Board of Education, District 2, submitted written comments regarding the rights of transgender students versus the rights of other students ([Agenda Item II A](#)). He suggested a compromise where transgender students are allowed their own restrooms and locker rooms.

Jake Wiskerchen, Chair, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, submitted testimony regarding R094-18, which brings Nevada in alignment with national standards ([Agenda Item II B](#)). He thanked numerous state employees who helped him with the regulation process.

Carol Fineberg, resident, Reno, Nevada, provided written comments regarding possible unintended consequences of [Senate Bill 225](#) (2017) that will affect 99 percent of the student population in a negative way ([Agenda Item II C](#)). She stated she would like to see SB 225 repealed during the 2019 Session.

Lynn Chapman, Vice President, Nevada Families for Freedom, stated the ordinance of the *Nevada Constitution* requires, "That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property. . . ." She suggested that R099-17 violates the requirement of perfect toleration for students and parents who may object to the transgender ideology/religion being promoted in the classroom and enforced by punishment. Ms. Chapman opined R099-17 gives no regard for the rights of other students and violates the right to privacy identified by the U. S. Supreme Court.

Karen England, Executive Director, Nevada Family Alliance, offered to sit down with stakeholders and discuss the unintended consequences of R099-17 and come to a resolution that protects all students' free speech and privacy. She expressed concern with the influence of Gender Justice on the regulation process, and she reported NDE has not fulfilled her open records request, and yet, it has publicized personal information of those who attended the meetings on its website.

William Tarbell, Nevada resident, shared three main points regarding R099-17: (1) it is inherently discriminatory because it focuses on only one of the categories listed in the antibullying law; (2) the regulation process did not consult with major sectors of the community; and (3) there are numerous problems associated with implementing the regulation.

Lisa Wolfley, Nevada resident, testified that R099-17 is a bad regulation because children with disabilities and those with autism have been left out. She said this regulation will fail to protect the very children it claims to support. Ms. Wolfley suggested NDE's regulation process was unethical as no consideration was given to

parents, community, or medical professionals. She also suggested the regulation process for R056-17 has been sneaky and underhanded. Ms. Wolfley said the Pledge of Allegiance was to be added back into the regulation, but NDE only changed two words in the entire 130-page document.

Joel Hansen, Nevada resident, and candidate for attorney general, stated that if he were to become the attorney general, he would prosecute anyone who walks into a shower room and disrobes in front of members of the opposite sex because this is indecent exposure, which is against the law. He discussed how R099-17 violates the right of privacy, which is strongly defined by the U.S. Supreme Court, freedom of religion, and freedom of speech. He requested the Commission stop R099-17.

Mindy Davies, Nevada resident, stated R099-17 is not a neutral policy, and it does not address the constitutional rights for all students regarding free speech and privacy rights. She said the regulation forces students, teachers, and volunteers to use proper pronouns that do not align with science and biological facts. Regarding R056-17, Ms. Davies stated this regulation was pushed through by NDE in unethical ways. She is of the opinion that the regulation not only threatens to undermine the very fundamental rights that we claim to honor and protect as Americans, but it spews divisiveness, screams propaganda, and disregards the foundation of our government and the fabric of America.

Erin Phillips, President, Power2Parent, said she agrees with the antibullying policies that are in place to protect children, but she suggested R099-17 goes beyond the intent of SB 225. Ms. Phillips opined the regulation drafting process with NDE has not been followed, and public records indicate that Gender Justice is essentially writing regulations and has been promised the training contracts. She requested the regulation process and the law be followed, and parents should be included in the writing process of the regulation.

Amy Dalley, Nevada resident, expressed the frustration of parents who attended public meetings and were not given the opportunity to testify. She thanked the Commission for pulling R099-17 and requested the members consider the time parents take from their jobs and daily lives to attend meetings. Ms. Dalley suggested a better solution to R099-17 can be found if the parents are involved.

Catherine Velas, Nevada resident, stated parents have been ignored in the process for R099-17, and Gender Justice has been the key stakeholder in writing the regulation, which completely ignores children with disabilities, and it infringes on her religious freedom. She asked the Commission to send R099-17 back to NDE to be rewritten.

Patti Smith, resident of Bunkerville, Nevada, shared her opposition to R099-17 and R056-17. She stated we must teach our children the correct history of America and reverence for our flag.

Taci May, Nevada resident, stated her opposition to R056-17 and R099-17. She shared that her daughter has disabilities and had to leave the state for two years to obtain the appropriate education and support she needed. Ms. May said R099-17 was supposed to support children with disabilities, but they have been neglected in the process. She asked the Commission to focus more on giving our children a quality education so that Nevada can welcome the kids who need extra help.

Bill Johnson, Nevada resident, and candidate for Washoe County Commissioner, District 3, submitted written testimony regarding SB 225 ([Agenda Item II D](#)). He suggested there is corruption within society that has spilled over into our educational system.

Patricia Gates, Nevada resident and retired first and second grade teacher from the Los Angeles Unified School District, provided written testimony regarding her opposition to R099-17 ([Agenda Item II E](#)). She suggested the regulation will interrupt learning in the classroom.

John Eppalito, former teacher, and President, Protect Nevada Children, requested an opportunity to make a presentation regarding student data mining to the Legislative Committee on Education. He claimed third-party vendors are paid with student data, and they create secret profiles on our children. Mr. Eppalito said the Washoe County School District experienced a data breach involving student IDs for sale on the dark web but chose not to tell parents about the data breach.

An unidentified member of the public stated R099-17 needs to be translated into different languages so parents and guardians can understand the material and the consequences of the proposed regulation. She said the pronoun policy will punish those whose languages do not have certain sounds, and those with speech deficiencies and mental challenges will be punished unfairly. She also expressed concern with R056-17.

Erica Whitmore, Nevada resident, said she attended the CCSD meetings regarding R099-17. She shared research that she discovered about other school districts and states that have implemented a transgender bathroom policy. Ms. Whitmore also addressed her opposition to R056-17; she opined the tone of the regulation was anti-American and asked the Commission to reconsider the curriculum.

Rachel Ferguson, clinical professional counselor, asked the Commission to return R099-17 to NDE, which she suggested has behaved dishonestly and tainted the regulations by referring to Gender Justice as the key stakeholder. She requested NDE rewrite the regulation with parents as the primary stakeholder and limit the overreaching nature of the regulation, which infringes on children's rights as well as the rights of their parents to protect them.

Alicia Sanchez, Nevada resident, spoke against R099-17. She opined the regulation is racist against Christians, Hispanics, and parents who are opposed to the regulation. Ms. Sanchez said she does not want any law or policy by a specific group to be imposed on her children just as she does not impose her Christian values on others. She stated her children will be punished if they use the wrong language and requested that her children's rights and the *Constitution of the United States* not be ignored.

An unidentified member of the public asked the Commission to pay attention to the parents that came to testify today against R099-17. She said the government is too big and is now a tyranny.

Rebecca Rasmussen, mother of five school-age children, shared her concern that no matter how many times she expresses concern and compassion for transgender students, she is called a bigot, a hater, and closed-minded for asking questions about the transgender movement. She stated something is wrong in 2018 if people are afraid to speak what they think. Ms. Rasmussen cited a multitude of questions that are not answered by the regulation. She is of the opinion that reasonable people can agree on reasonable measures that accommodate everyone.

Lori Wagoner, parent of two school-age children, expressed concern that the rights of her children will be stripped away with the passage of a radical gender diverse policy. She stated her children should be secure knowing that their gender identities, which match their biology, will be treated as respectfully as a transgender individual. Ms. Wagoner also stated that while tolerance should be taught, if there is no place for God in the classroom, she opined a certain group's ideology has no place in the classroom. She requested that someone's hurt should not drive blanket policies.

Josué (last name not given), college student, stated he is against bullying of any kind and he knows what it is like to be bullied. He suggested R099-17 is trying to take away parents' voices, and it allows students who identify with the opposite sex to force their classmates to call them by certain pronouns. Josué is of the opinion the regulations do not solve bullying issues, but rather they infringe on rights to privacy and the rights of parents to know what is happening in their children's schools. He said the definitions of family and parenthood and the roles of parents are being threatened by R099-17. He asked the regulations be reviewed again to find a better solution.

Jesus Faz, Nevada resident, and father of four children, spoke on R099-17. He said he came to the United States as a child not knowing the rights and privileges of the American people. But as an adult, he now realizes his blessings as an American citizen. He said R099-17 infringes on his children's freedom of speech and the freedom to practice the faith of their choosing without fear of retaliation.

Amy Webster, Nevada resident, suggested the process has been deceitful and sneaky by excluding parents from the process of writing the regulations. She urged the Commission not to process or continue with R099-17 and R056-17 as written. Ms. Webster stated it is not acceptable to bring ideology into the school curriculum.

Nicole Mason, Nevada resident, asked the Commission not to implement the changes in R056-17, stressing that every reference to the Pledge of Allegiance was deleted in the regulation. She shared her opinion that R099-17 is not properly written and does not respect both sides of the issue. Ms. Mason said she spoke with a school psychologist from Carlsbad, California, who worked at a school district that implemented a transgender policy allowing children to use bathrooms of the opposite sex, and the situation was traumatic to individuals who did not understand what was going on; psychological and emotional impacts were felt on both sides of the issue, but especially on the transgender side. She asked the Commission to reconsider R099-17 and not implement the changes of R056-17.

Meleen (last name unknown), Nevada resident, strongly stated her opposition to SB 225 and that she will continue to defend all children.

Mack Miller, Las Vegas resident, and candidate for Assembly District 5, stated that while he understands the goal and intention of SB 225, he suggested R099-17, which he strongly opposes, does not address the bullying of children with special needs or autism but only the bullying of transgender children.

Sheila Collins, community advocate and small business owner, stated the greatest thing about living in America is choice. She suggested that R099-17 is harmful and threatens the safety of our children.

James (last name unknown), Las Vegas resident, said he is staunchly against the discrimination of any person for any reason other than his or her or other individual competence as it pertains to the context in which it is applied, which includes gender identity and expression. However, the proposed amendments to SB 225 cause him concern, particularly the idea of forcing a person to say certain words with consequences attached to ensure compliance. He said the punishment for the pronoun violation is vague, which indicates the law is unworkable as written.

Sue Ellen Abney, mother of four children, stated her opposition to R099-17 and R056-17. She stated how proud she is to be an American citizen even though she was born in Mexico.

Naomi (last name not given), Nevada resident, stated her opposition to R099-17 because it threatens children's right to privacy and violates their right to free speech. She said parents voiced these concerns during the regulation process but they were ignored by NDE and CCSD. She asked the Commission to listen to the parents and not approve R099-17.

Martina (last name not given), Nevada resident, said she was born in Mexico but is willing to do what is necessary to protect America from being destroyed. She said she is disappointed with R099-17. As a parent, she pays taxes to keep the schools open, and she said her thoughts should be considered and she demands protection for her children. Martina urged the Commission not to pass R099-17.

Rex Reed, representing the ACLU of Nevada, stated her support for R056-17 to incorporate multicultural education into the K-12 social studies curriculum. She suggested the regulation will benefit everyone by teaching students that there are multiple and historical perspectives that will encourage critical thinking and increase awareness of global issues and help strengthen social consciousness and intercultural awareness, which will allow for a learning environment free from stereotypes and prejudice. Regarding SB 225, she pointed out that the bill does not mention bathrooms or locker rooms; access to those facilities has been the law since 2011 according to [NRS 651.070](#), and there have been no problems over the last seven years.

Erin Francom, resident of Logandale, Nevada, and mother of three children, stated her opposition to R099-17. She also shared her disappointment that the voices of parents were not heard or considered when developing the regulation. Ms. Francom questioned why she would choose to put her children in a public school that threatens their rights, compels them to use speech she does not agree with, and teaches them sensitive subjects, such as sexuality and gender, in a way that she does not agree. She stated that if R099-17 is approved, she will pull her children out of public schools; she predicted there would be a statewide exodus from public schools.

Tim Watkins, Nevada resident and father of five children who attended CCSD, stated his opposition to R099-17 and R056-17 as currently written. He said the regulations will cause many parents to seek other educational sources who have the resources to do so, while economically challenged parents would be forced to participate regardless of their disagreement with the regulations. Mr. Watkins asked Commission members if they were willing to discriminate against these parents who are doing their best to raise their children under challenging circumstances.

Bryan Mortensen, Nevada resident, stated his opposition to R056-17 and that unethical and possibly illegal actions may have taken place during the development and adoption of the regulation. He said he is disturbed by the removal of any reference to the Pledge and that it has not been restored, when parents were led to believe that it would. Mr. Mortensen stated his opinion that teaching the history of the flag, what it represents, and why we pledge our allegiance to it is just as important as reciting the Pledge, as provided in [NRS 389.014](#).

Tiffany Frederick, Nevada resident, stated the importance of knowing the positions of candidates running for office and for whom we vote. She said she will always fight for her children.

Alissa Wolfley, sophomore in CCSD, stated her opposition to R099-17 and the changes proposed to the social studies curriculum in R056-17.

Keshia Phillipenas, Nevada resident, echoed the comments of Mr. Mortensen. She stated the social studies standards were implemented for School Year 2018–2019 without being accompanied by completed regulations. Ms. Phillipenas agreed that all education standards need to be revised because Nevada ranks last in the nation according to the latest *Quality Counts* report. She stressed the standard should be an American one; key historical events, facts, figures, and patriotic topics should not be reserved for only a single course in high school, but should be a K–12 standard. She acknowledged history is messy and not pleasing to every culture, but suggested the model she is opposed to in R056-17 begins to destroy or replace the American narrative by approaching the makeup of our country as groups instead of individuals.

Blake Holmstead, Las Vegas resident, expressed his love for Nevada, but stated he would move his five children out of the state and close his small business if R056-17 is passed.

Tamika Shauntee, executive committee member of the local Las Vegas branch of the NAACP 1111, stated the NAACP commends the Commission for proposing diversity in social studies education. She stated the world has different perspectives on history and appreciates including multiculturalism in the curriculum.

Jason Daggert, student at the University of Nevada, Las Vegas, stated his support of R056-17. Mr. Daggert said he was born in Beirut, Lebanon, where he learned about American and African culture by regions and different social movements that promote equality and civil liberties. He suggested that a multicultural education: (1) promotes cognitive and moral growth; (2) develops problem-solving skills and positive relationships with other students; (3) decreases stereotyping and prejudice; and (4) increases productivity through the diversity of natural resources. Mr. Daggert opined that students become open to the interchangeable nature of society, and children are able to identify with other cultures regardless of their differences in a healthy and educated environment.

Jean Perry Jones, Nevada resident, stated her support for R038-18, which requires trappers to register their snares, traps, or similar devices and submit the application to Nevada's Department of Wildlife (NDOW) for the assignment of registration. She stated the regulation is responsible and will promote the safety of our children, pets, and wildlife.

Jonathan Jimenez, Nevada resident, stated his opposition to R099-17, which he said will take away his freedoms and the rights of his family. If the Commission takes away his rights, he suggested that is tyranny. Mr. Jimenez is of the opinion that R099-17 is based on feelings of weakness.

Leo (last name unknown), Hispanic American, read the First Amendment of the *U.S. Constitution*. He stated that R099-17 infringes on our freedom of religion and speech by telling us what we can or cannot say and how to say it. He said he is proud to be an American and asked the Commission not to pass R099-17.

Maggie (no last name given), Nevada resident, stated her opposition to R099-17 because it takes away the students' freedom of speech. Her parents have come to numerous meetings expressing their concerns but have been ignored by the NDE. She questioned whether her parents have not been heard because they are Hispanic or because they are Christians. Maggie said R099-17 would trample her rights as an American citizen.

Joel (no last name given), Nevada resident, said he opposes R099-17. He questioned why the schools want to teach students that there are preferred ways of living, and he questioned what has happened to democracy. Joel said he and many other parents have been ignored at numerous meetings. He urged the Commission to listen to the majority of parents who voted against R099-17.

Kimberly (no last name given), Nevada resident, stated her opposition to R099-17, which she said is only concerned with protecting and pleasing a certain group's needs. She opined that all children should have protection, and many parents have been ignored. Kimberly asked the Commission to reconsider R099-17.

Tina Holmstead, Nevada resident and mother of five children, stated her opposition to R056-17. She suggested that if children are not taught their constitutional rights at a young age, they will grow into adults who do not respect the country or the flag. Ms. Holmstead also stated her opposition to R099-17. She said the problem is already addressed with the use of stalls in locker rooms and restrooms.

Rudy Hernandez, Nevada resident, stated his pride in being an American citizen. He said he opposes R099-17 and that activist groups are using SB 225 for their own agenda. He said CCSD tainted the process by referring to Gender Justice as the primary stakeholder during the regulation process. Mr. Hernandez said his children's Christian beliefs will be contradicted and violated if they have to share a bathroom or locker room with a member of the opposite sex.

Andrea (no last name given), Nevada resident, stated her opposition to R099-17. She said she refuses to accept that compelling speech is a solution to the issue of bullying. Andrea suggested there will be many legal issues if R099-17 passes. She stated the opposition has been the majority and yet the regulation continues to be pushed forward. Andrea urged the Commission not to ignore the rights of parents in opposition and to vote against R099-17.

Olivia Hernandez, Nevada resident, expressed her opposition to R099-17. She said the parents in opposition have been the majority at the meetings, but they have been

ignored. Ms. Hernandez said she has been called unreasonable and misinformed. She requested the Commission not to ignore her rights.

Elizabeth Pouiones, Nevada resident, echoed the voices of the parents opposed to R099-17. She requested the Commission send it back to NDE to find a solution for everyone. Ms. Pouiones also stated her opposition to R056-17. She said the proudest moment of her life was when she took the oath of citizenship. Ms. Pouiones said she was appalled at the items deleted from the regulation, and strongly urged the Commission to reconsider R056-17.

Moses (no last name given), Nevada resident, stated his opposition to R099-17. He suggested that bullies should be stopped, but we also need students who will make sacrifices for their education.

May (no last name given), Nevada resident, stated her opposition to R099-17 because the policies only protect transgender students. If the policies are passed, she said they will affect all students and their parents. She questioned why students are being forced to use certain pronouns and go against their beliefs.

David (no last name given), Nevada resident, stated his opposition to R099-17 because it focuses on a certain group and takes away the God-given rights of parents to raise their children according to the Bible. He said he is against all bullying, but questions why the regulation focuses on only one group.

Andrea (no last name given) stated her opposition to R099-17. She said she has attended every meeting regarding the regulation in which the majority has been in opposition, and yet, the trustees and Steve Canavero, Ph.D., Superintendent of Public Instruction, NDE, did not care and passed the regulation. She questioned why the regulation was written by Gender Justice rather than the parents. She said it is her responsibility as a parent to teach her children her beliefs and to be responsible and respect others, and it is the school's responsibility to teach her children how to read and write and understand history and math.

Estefonia Rangel, Nevada resident, stated her support for R038-18 as written.

Celia Villaloro, Nevada resident and single mother of three children, stated she is opposed to R099-17. She shared her experience with her daughter being bullied at school and how the principal worked with her to protect her child; the current policies helped her daughter.

Mike (no last name given), Nevada resident, stated his opposition to R099-17. He said the regulation is immoral, illogical, and extremely controversial because it takes away freedom of speech; the subjective feelings of transgender students wanting to be called by their preferred pronoun will be dictated in all school policy; and violations of personal privacy of students in disclosed facilities will be excused.

Patti Jesinoski, Nevada resident, stated her taxes pay for the education of the upcoming generation and she opposes R099-17. She suggested the schools should spend more time in the classroom teaching reading, writing, and arithmetic to improve the state's ranking in education.

Maria Hernandez, Nevada resident, stated her opposition to R099-17. She shared how her traumatic personal experiences caused her to use a stall in a locker room to help her feel more comfortable. She said she will fight to protect her children and requested the Commission not pass the regulation.

Adriana (no last name given), Nevada resident, stated her opposition to R099-17. She said it saddens her to think that in the future her children will have to attend CCSD. Adriana said the voices of the opposition have not been heard, and she pays taxes for students to be educated in English, math, science, and history, not gender diversity. She requested the legislators to stop using their platform to impose their agenda on the community and let parents educate their children the way they want on religion and freedom.

Wendy Mulcock, Vice Chair, Moapa Valley Community Advisory Board, stated the Board unanimously voted against R056-17. As a parent, she stated her opposition to the "erase and replace" solution to changing regulations for the sake of change. She expressed concern that at the last Commission meeting regarding R056-17, some legislators seemed pressed to pass proposed regulations since CCSD had already rolled out its 2018–2019 curriculum, assuming it would pass. She stated she is disturbed that CCSD is sending marching orders to the state legislature; it seems the same practice is happening with the transgender regulations. She is not opposed to what has been added to R056-17, but she is opposed to erasing everything that teaches children the history of their liberties and freedoms they enjoy.

Kenneth Ostrander, Nevada resident, testified against R038-18 because it will harm wildlife and pets.

Angela Dormer, Nevada resident, military wife, and mother of four children, shared her fascination with R099-17 getting pushed forward when nearly 100 percent of the speakers today oppose the regulation. She questioned whether the Commission members are listening.

Melina Bradshaw, Nevada resident, suggested that if her children were school age right now, she would homeschool them. She also suggested there will be consequences if R099-17 is implemented. Ms. Bradshaw encouraged the Commission to include the parents in writing policies and to think about the long-term effects of R099-17.

John Ridgeway, Las Vegas resident, stated the Legislative Counsel Bureau (LCB) has done a good job and submitted information on the Bill of Rights for the record ([Agenda Item II F](#)).

Laura Hale, Carson City resident, submitted written testimony supporting R099-17. ([Agenda Item II G](#)).

AGENDA ITEM III—PROGRESS REPORT—LITIGATION CURRENTLY IN PROGRESS

Kevin Powers, previously identified, reported on the progress of three cases currently in litigation.

1. *Board of Trustees of the Glazing Health & Welfare Trust v. Chambers*, United States District Court, District of Nevada, and U.S. Court of Appeals for the Ninth Circuit:

This case involved a challenge to the validity of [SB 223](#) (2015). There is no change from the last meeting of the Commission. On March 12, 2018, the Ninth Circuit heard oral arguments, and the parties are awaiting the decision.

2. *Pharmaceutical Research and Manufacturers of America v. Sandoval*, United States District Court, District of Nevada:

This case is a challenge to [SB 539](#) (2017). The legislation created transparency requirements for diabetes drugs and required manufacturers of those drugs to submit certain reports to the Department of Health and Human Services (DHHS). At the Legislative Commission meeting of May 16, 2018, the Commission provided for early review and approval of DHHS regulations, which were LCB File R042-18. The Department thereafter approved those regulations. They became effective on May 31, 2018, and they now have the force of law. After the regulations became effective, the parties entered into negotiations and resolved the case to the agreement of the parties. First, the parties agreed to file a joint status report with the federal district court explaining the impact of the regulations on the constitutional claims of the plaintiffs. Second, DHHS on its website, represented that it would not bring any enforcement action against manufacturers between July 1, 2018, when the bill's challenged provisions became effective and January 15, 2019, as long as the manufacturers submit their compliance reports by that later date of January 15, 2019.

As a result of the DHHS delay of enforcement following the adoption of the regulations, the plaintiffs withdrew the motion for a preliminary injunction. The parties then filed a joint status report, and the plaintiffs also filed an unopposed motion for voluntary dismissal of the lawsuit under Federal Rule of Civil Procedure 41(a)(2). The federal district court granted dismissal in the case on June 28, 2018. This case is now closed, and the Department is in the process of implementing

[SB 539](#) (2017) based on the regulations that the Legislative Commission approved and the Department adopted.

3. The homeowners' associations (HOA) nonjudicial foreclosure super-priority lien statutes, United States District Court, District of Nevada, and Nevada Supreme Court:

These cases were in both federal and state courts. They involved the version of the statutes that existed before the 2015 amendments, so they will be referred to as preamendment statutes. In 2016, in the case *Bourne Valley Court Trust v. Wells Fargo Bank*, the Ninth Circuit interpreted the pre-2015 statutes and decided the statutes did not require HOAs to provide notice to mortgage lenders before HOAs foreclosed on their super-priority liens. Based on that statutory interpretation of Nevada law, the Ninth Circuit concluded that the statutes on their face did not provide mortgage lenders with proper procedural due process and the Ninth Circuit struck the statute down. However, the Nevada Supreme Court, as the final arbiter on the meaning of state law, was presented with the same issue of statutory construction. The Legal Division of the LCB filed an amicus brief in this case.

Recently, on August 2, 2018, in the case of *SFR Investments Pool 1, LLC v. Bank of New York Mellon* the Nevada Supreme Court interpreted those same statutes and concluded that the preamendment statutes required homeowner associations to provide notice to mortgage lenders before they foreclosed on their super-priority liens. Because it is an issue of state law, the Bourne Valley case of the Ninth Circuit is no longer controlling on that issue of state law. However, although this particular case is closed, and the constitutionality of the statute seems to be supported by the Nevada Supreme Court's decision, it should be noted that although the Ninth Circuit has to adopt the statutory construction, the Ninth Circuit is free in a future case to consider the separate federal constitutional issue of whether the notice that the statute required HOAs to provide to mortgage lenders satisfies the requirements of procedural due process. For the moment, the Nevada Supreme Court's decision, and not the Bourne Valley case, is controlling on statutory construction.

AGENDA ITEM IV—LEGISLATIVE COMMISSION POLICY

- A. Review of Administrative Regulations Submitted Pursuant to [NRS 233B.067](#).

The list of regulations ([Agenda Item IV A](#)) can be accessed electronically at: https://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2018_Aug_30.pdf.

The following regulations were identified by members to be held for discussion: R056-17, R147-17, R020-18, R038-18, and R049-18.

MOTION: Assemblywoman Carlton moved approval of R130-16, R143-16, R163-16, R135-17, R136-17, R137-17, R148-17, R149-17, R152-17, R159-17, R001-18, R030-18, R034-18, R035-18, R045-18, R046-18, R079-18, R087-18, R094-18, and R108-18. The motion was seconded by Senator Denis and passed unanimously.

Regulation 049-18

A REGULATION relating to public water systems; revising the requirements for determining whether certain products are lead-free; providing that the dimensions of certain catch basins or manholes are not required to be included when calculating distances required for the separation of certain lines; authorizing, under certain circumstances, the connection from certain fire hydrants to certain water mains to not include an assembly for the prevention of backflow; requiring work on a water project to commence not later than 1 year after the project is approved; revising certain definitions related to public water systems; revising references to certain standards and publications adopted by reference; authorizing certain exceptions to the required standards for the design and construction of a public water system; revising certain definitions related to the separation of sewer and water lines; authorizing, under certain circumstances, an engineer to request approval for a modification to the minimum requirements related to the separation of sewer and water lines; making various other changes relating to public water systems; and providing other matters properly relating thereto ([Agenda Item IV A-1](#)).

Assemblyman Pickard noted that independent design reviews are conducted by a number of agencies. He suggested that because interlocal agreements are not addressed in the regulation, it is important to develop a parallel process for tracking and evaluating water systems.

Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources, explained the updated regulations are part of a comprehensive effort underway to clarify, streamline, and make consistent all engineering project reviews of drinking water distribution systems and expansions.

Mr. Lovato stated the goal of developing interlocal agreements is to standardize engineering design details. He said providing these clarifications in regulation and including updated technical information on the Department's website allows for the opportunity to streamline reviews. Concluding, Mr. Lovato said final versions of interlocal agreements will be completed in the month of September and will be circulated prior to being heard by health districts and/or water authorities.

Assemblyman Pickard requested an update on interlocal agreements during the next meeting of the Commission. He noted that some county health districts do not have engineers on staff who are qualified to perform these reviews.

MOTION: Assemblyman Pickard moved to approve R049-18. The motion was seconded by Senator Farley and passed unanimously.

Regulation 038-18

A REGULATION relating to trapping; requiring certain persons to register a trap, snare or similar device; requiring the submission of an application to the Department of Wildlife for the assignment of a registration number to the applicant; setting forth the information which must be included in the application; providing for the transferability of a registration number; requiring each registered trap, snare or similar device to display only the registration number of the person who owns the trap, snare or similar device; requiring the Department, upon payment of the fee to register a trap, snare or similar device, to issue a metallic seal to a person who registers a trap, snare or similar device; requiring the person to attach the metallic seal to the trap, snare or similar device; and providing other matters properly relating thereto ([Agenda Item IV A-2](#)).

Assemblyman Wheeler expressed concern about the proposed regulation. He noted that in order to retain their privacy, individuals will be required to pay a registration fee.

Tyler Turnipseed, Chief Game Warden, NDOW, stated the requirement was outlined in [SB 364](#) (2017). He said anyone trapping on public lands can choose between placing their name and address on each trap or have a confidential number assigned and stamped on each trap by NDOW for a \$5 fee. Mr. Turnipseed clarified that rather than adding a new cost, the legislation allowed for the option of not paying a fee as long as the trapper's name and address are imprinted on each trap.

Assemblyman Edwards asked how many confidential numbered traps are expected to be issued.

Mr. Turnipseed said, historically, there are between 1,000 and 1,100 licensed trappers each year in the state. He indicated it is not clear how many traps requiring a fee will be requested in the future.

Senator Kieckhefer noted Section 5 of SB 364 provides that unless a trapper includes his or her name and address on a trap, it must be registered. He asked whether the regulation gives trappers the option of maintaining their privacy by using a registration number.

Mr. Turnipseed answered that providing an option for privacy is one of the objectives of the regulation.

Assemblywoman Carlton inquired about the confidentiality of individuals' physical addresses and requested clarification.

Mr. Turnipseed noted traps imprinted with individuals' names can, by regulation, include only a mailing address. He said a physical address is not required.

In response to Assemblyman Pickard's question, Jack Robb, Deputy Director, NDOW, explained it is not possible, at this time, to estimate a total administrative cost for the registration and tagging of confidential traps. He noted that details will be determined by the number of requests NDOW receives.

Assemblyman Pickard expressed concern that the program's costs may be higher than expected.

Senator Hammond inquired about trapping fees.

Mr. Robb explained the \$5 per trap fee is in addition to the cost of obtaining a trapping license.

MOTION: Senator Kieckhefer moved to approve R038-18. The motion was seconded by Assemblywoman Carlton and passed. Senator Hammond, Assemblyman Edwards, Assemblyman Pickard, and Assemblyman Wheeler voted no.

Regulation 147-17

A REGULATION relating to telecommunications; revising provisions governing the administration of Lifeline service in this State; and providing other matters properly relating thereto ([Agenda Item IV A-3](#)).

Dallas Harris, Administrative Attorney, Public Utilities Commission of Nevada, responding to a question from Senator Denis, clarified the proposed regulation will allow for implementation of an eligibility verifier when the required Lifeline service is operational. She explained the Federal Communications Commission is moving states on to the eligibility verifier system in phases and said Nevada is scheduled for the second phase.

Senator Denis asked whether individuals without computer access would be able to certify their eligibility for the program.

Ms. Dallas indicated more information will become available, but she said the national system should be easily accessible.

In response to a question from Vice Chair Benitez-Thompson, Ms. Dallas stated the updated eligibility verification process is expected to be streamlined and more easily understood.

MOTION: Senator Denis moved to approve R147-17. The motion was seconded by Assemblywoman Carlton and passed unanimously.

Regulation 020-18

A REGULATION relating to education; revising the dates on which certain information relating to the Nevada Educational Choice Scholarship Program must be submitted; and providing other matters properly relating thereto ([Agenda Item IV A-4](#)).

Senator Denis asked for clarification regarding revision of the dates on which program data is required to be submitted.

Steve Canavero, Ph.D., previously identified, explained that the dates were adjusted to align with the allocation of scholarships and the beginning of the school year. He said these changes will provide more accurate data on the program.

Vice Chair Benitez-Thompson, referring to page 4 of R020-18, inquired about the process for determining household income.

Dr. Canavero explained NDE utilizes a number of measures in creating a chart, which categorizes household income percentages. He noted that incomes reported on applications are reviewed and validated by the scholarship granting organizations.

Responding to a question from Vice Chair Benitez-Thompson, Dr. Canavero explained NDE and the scholarship granting organizations provide guidance to applicants for calculating household income.

MOTION: Senator Atkinson moved to approve R020-18. The motion was seconded by Assemblywomen Carlton and passed unanimously.

Regulation 056-17

A REGULATION relating to education; revising the performance standards for a course of study in social studies for pupils enrolled in kindergarten and grades 1 to 12, inclusive; and providing other matters properly relating thereto ([Agenda Item IV A-5](#)).

Assemblyman Pickard drew attention to [AB 234](#) (2015) and said the legislation required standards in social studies to include multicultural education. He said the proposed regulations go beyond the approved legislation and deleted specific guidelines. Assemblyman Pickard asked about the impetus for changing the standards from measurable outcomes to more general and vague strategies. He inquired about measurements for student success.

Dr. Canavero explained that when standards were assessed in order to comply with AB 234, the Council to Establish Academic Standards for Public Schools, NDE, recognized a need for comprehensive review. He explained that the standards had not been updated since 2008.

Sarah Brown, Northwest Regional Professional Development Program (NWRPDP) and member of the standards drafting committee, said standards were shifted to an inquiry-based system, which focuses on instilling critical thinking skills. She explained that by broadening curriculum it may appear there have been deletions of content, but instead, critical concepts are included throughout the courses of study in Grades K through 12. Ms. Brown said, as examples, students will learn about major historical events and national identity; have deliberative discussions about themes such as equality, freedom, liberty, and respect for individual freedom; and study how our nation has been shaped by founding documents.

Responding to Assemblyman Pickard's question relating to the measurement of students' success, Ms. Brown noted, while standards proposed under the regulation are comparable to earlier versions, students will be tasked to approach the material with a higher level of rigor and depth of knowledge. She acknowledged that assessing their success will be a complex process.

Assemblyman Pickard expressed his concern that without fully developed assessment tools it will be difficult to measure student achievement or to set clear expectations. He asked if content standards are deleted, how would it be possible to know what educators are actually teaching.

Dr. Canavero indicated that proposed standards communicate direction and broad instructional categories. He said students will be assessed on their deeper level of understanding of social studies concepts.

In response to Assemblyman Pickard's suggestion of including specific goals within the broadened standards, Dr. Canavero explained that in developing curriculum, when adding specificity, the process can become contentious.

Assemblyman Edwards expressed his concerns and those of some of his constituents. He suggested R056-17 will make unnecessary changes that are not grade-level appropriate. Assemblyman Edwards said that specifics in curriculum provide consistency and clarity. He noted several deletions, including the Pledge of Allegiance, the national anthem, the use of maps and charts, and the recognition of personal choice. Concluding, Assemblyman Edwards questioned the need to make the concepts ambiguous.

Addressing Assemblyman Edwards' concern about grade-appropriate expectations, Ms. Brown said that themes, ideas, and concepts will be built upon, sequentially, throughout students' school years. She explained the material will be grade-level appropriate, reflected in the curriculum, and based on approved standards in each school district.

Assemblyman Edwards suggested goals of the regulations would be better met with more specific guidelines and that flexibility can lead to ambiguity. He said the regulations, as written, will not benefit schools, students, or teachers.

Ms. Brown stated, in her role with the NWRPDP, she has contacted all secondary social studies teachers in Carson City, Churchill, and Douglas Counties, as well as many teachers in Lyon and Washoe Counties. There has been wide-spread acknowledgement of the value of the proposed regulations. She said teachers have reported that specific guidelines, which seem to have been deleted, have been included in subsequent sections of the regulations. Ms. Brown added the importance of the alignment of skills and standards in Grades K through 12.

Senator Denis asked whether the development of social studies standards was consistent with the development of content standards for other disciplines.

Dr. Canavero said the process has not changed.

Ms. Brown added a four-week period of public comment was conducted. She said the results were reviewed and reconciled with the final document.

Senator Denis asked for clarification relating to concerns that subjects such as the Pledge of Allegiance have been removed from social studies standards.

Ms. Brown, reading from the [Nevada Academic Content Standards for Social Studies](#), outlined specific examples of content guidelines, which include the study of national identity and culture. She cited one of the content themes titled "The U.S.: Creating a New Nation." She said there will be opportunity for students to explore many critical concepts and ideas.

Mary Holsclaw, Education Programs Professional, Office of Standards and Instructional Support, NDE, explained the content standards report was developed from the proposed regulations as a companion guide to educators and the public in understanding the objectives of the standards.

Senator Denis, addressing a concern voiced by a member of the public, stated confidence that the proposed regulations would provide opportunity for understanding our history and our country. He explained that he has had discussions with teachers who support the concepts and are confident they will be able to assess student achievement.

Senator Hammond suggested educators could achieve similar results without the need to change academic standards. He asked about performance measurements and evaluations of teachers in the event goals of particular standards are not met. He cited as an example the deletion of the requirement to teach concepts, which informed writing of the Pledge of Allegiance.

Dr. Canavero said the standards do allow for flexibility. Continuing, he noted that [NRS 389.014](#) requires each public school to set aside time for the Pledge of Allegiance.

Senator Hammond indicated concern about the need to interpret academic standards following their adoption through regulation. He noted educators have had to “unpack” regulations in order to understand them and said that is a troubling and unproductive development. Continuing, Senator Hammond opined that standards requiring abstract and conceptual thinking would be beyond the abilities of students in their early years. He asked for clarification regarding regulations as they apply to each grade level.

Dr. Canavero described the requested sections.

Assemblywoman Carlton indicated R056-17 has been thoughtfully prepared by educational professionals. She stated her confidence that critical concepts such as the origin of the *U.S. Constitution* and the history of the *Declaration of Independence* will be taught in Nevada schools. Concluding, Assemblywoman Carlton noted that [NRS 389.057](#) requires instruction in American history, including the constitutions of the United States and Nevada, the Bill of Rights, and the *Declaration of Independence*.

Assemblywoman Carlton voiced her support for R056-17 and said the regulations will provide an opportunity for students to acquire more depth of knowledge of social studies.

Chair Frierson commented on the importance of reading through R056-17 before drawing conclusions. He noted that items deleted in one section are introduced in another form later in the document and offered several examples. He drew attention to page 54, which requires an evaluation of:

... how persons and groups used ideas in foundational documents, including, without limitation, the *United States Constitution*, the *Declaration of Independence* and the Bill of Rights, to create communities of respect, equity and diversity throughout the history of the United States.

Chair Frierson said he supports the regulations because they will assist educators and provide tools they need to be creative in the ways they provide instruction.

Senator Farley commented on the importance of teaching diversity and multiculturalism in schools and suggested that students of all ages should be taught skills in critical thinking.

Senator Kieckhefer expressed concern that consistently stricken throughout the document is reference to civil engagement and citizenship. He said without

discussion of what it means to engage effectively and actively with government through civic responsibilities and duties, we fail to prepare future generations for citizenship. Senator Kieckhefer concluded by noting that our relationship with our country is critically important.

Ms. Brown suggested civil engagement was one of the primary focuses in developing R056-17. She drew attention to the disciplinary skills standards, which begin in kindergarten and are taught through Grade 12, and noted that one section requires the ability of students in kindergarten to “use deliberative and democratic procedures to take action about an issue in the classroom of the pupil, the school in which the pupil is enrolled or the community in which the pupil lives.” This section is included for each grade level with increasingly more sophisticated requirements.

Senator Kieckhefer said exploring how collaboration solves problems is an example of democratic processes and asked how it relates to the responsibilities of citizenship.

Ms. Brown explained that as pupils progress through the disciplinary skills, such as building collaboration, argumentation, and reasoning, the hope would be that they would develop the potential to be actively engaged community citizens.

MOTION: Vice Chair Benitez-Thompson moved to approve R056-17. The motion was seconded by Senator Atkinson.

Prior to the vote, Senator Hammond noted that educators are permitted to teach to the recommended standards without the need for regulations. Commenting further, he said younger students benefit from learning information through memorization with the expectation of building comprehensive skills and critical thinking as they mature.

Assemblyman Pickard voiced his concern for moving to a standard without the ability to measure success.

Assemblyman Edwards expressed his intention to vote against the motion to approve R056-17. He was concerned about broadening the original intent, which was compliance with AB 234 to include multicultural education in curriculum standards. He said the regulation focuses more on deleting concepts.

The previous motion made by Vice Chair Benitez-Thompson and seconded by Senator Atkinson passed. Senator Hammond, Senator Kieckhefer, Assemblyman Edwards, Assemblyman Pickard, and Assemblyman Wheeler voted no.

B. Approval of Session Hires for the 2019 Legislative Session

Rick Combs, Director, LCB, drew the Commission’s attention to a letter addressing proposed session hire positions for the 2019 Legislative Session. Additionally, he

requested revisions to positions approved at the May 16, 2018, meeting of the Commission ([Agenda Item IV B](#)).

MOTION: Assemblywoman Carlton moved to approve session hires for the 2019 Legislative Session. The motion was seconded by Senator Denis and passed unanimously.

C. Approval of Transfer of \$245,960 Appropriated for Fiscal Year 2017–2018 to Fiscal Year 2018–2019 for Paper Purchases for the Legal Division

Mr. Combs requested approval of a transfer of funds from Fiscal Year 2017–2018 to support printing NRS in FY 2018–2019.

MOTION: Assemblywoman Carlton moved to approve the request to transfer funds for paper purchases. The motion was seconded by Senator Atkinson and passed unanimously.

D. Approval of a Request by the Nevada Silver Haired Legislative Forum for an Extension of the September 1, 2018, Deadline for Submitting Its Bill Draft Request

John A. Yacenda, Ph.D., M.P.H., P.A.H.M., President, Nevada Silver Haired Legislative Forum, Senate District 16, requested an extension of the September 1, 2018, deadline for submission of its sole bill draft request (BDR). He clarified that the Forum plans to meet during the first half of October and approve the details of its BDR request at that time ([Agenda Item IV D](#)).

MOTION: Assemblyman Wheeler moved to extend the deadline for submission of a BDR from the Silver Haired Forum to October 15, 2018. The motion was seconded by Senator Farley and passed unanimously.

AGENDA ITEM V—LEGISLATIVE AUDITOR

A. Request for Approval to Continue Audits Currently in Progress Beyond the Beginning of the 2019 Legislative Session Pursuant to Subsection 4 of NRS218E.205

Rocky Cooper, Legislative Auditor, Audit Division, LCB, read and commented upon a letter submitted to the Commission requesting approval to continue audits currently in progress ([Agenda Item V A](#)).

In response to Assemblyman Pickard’s question, Mr. Cooper said audits are in process and have not been delayed based on action from the Commission. He indicated that the audit of providers of supported living arrangement services (SLA) approved by the Commission would be in progress before those listed on Schedule 2

on page 15 of Agenda Item V A, and he added that multiple audits are conducted simultaneously.

MOTION: Senator Denis moved to approve continuation of audits currently in progress beyond the beginning of the 2019 Legislative Session. The motion was seconded by Assemblyman Pickard and passed unanimously.

B. Request for Approval of Basic Audit Program Pursuant to NRS 218G.120

Mr. Cooper, referring to the letter submitted to the Commission ([Agenda Item V A](#)), requested approval of the basic audit program as set forth in Schedule 2 on page 15 of Agenda Item V A.

MOTION: Assemblywoman Carlton moved to approve the request for a basic audit program of state agencies. The motion was seconded by Senator Farley and passed unanimously.

C. Request for an Audit of Providers of Supported Living Arrangement Services Certified by the Aging and Disability Services Division of the Department of Health and Human Services

(This agenda item was taken out of order)

Assemblywoman Lesley E. Cohen, Assembly District 29, Chair, Legislative Committee on Senior Citizens, Veterans, and Adults With Special Needs, shared that during the interim, the Committee conducted a study pursuant to [AB 299](#) (2017) to review training programs implemented by certain homes and facilities in five categories: (1) those providing intermediate care, skilled nursing, and adult day care; (2) residential facilities for groups and homes for individual care; (3) agencies providing in home nursing and/or personal care; (4) providers of community-based living arrangement services; and (5) SLA facilities. Continuing, Assemblywoman Cohen said that SLA services are unique in that they serve individuals with intellectual and/or developmental disabilities and are certified by the Aging and Disability Services Division, DHHS.

Assemblywoman Cohen noted the other programs are covered under [Chapter 449](#) of NRS and are licensed by the Division of Public and Behavioral Health, DHHS. She stated during the interim, the Committee members were concerned that some of the SLAs may not fit the definition provided under [NRS 435.3315](#), which reads as follows:

Flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's

independence, including, without limitation, training and habilitation services.

Assemblywoman Cohen stated that based on these findings, the Committee, at its work session on July 19, 2018, voted to request legislation to require the Audit Division to conduct an audit of SLAs during the 2019–2020 Interim and forward its findings to the Committee. She requested that the audit of SLAs be conducted during the current fiscal year to determine whether facilities certified as SLAs are providing services as described under [NRS 435.3315](#).

Assemblyman Pickard asked for details relating to the cost and scope of the requested audit.

Mr. Cooper explained there would be no cost as the Audit Division does not bill for services; but he noted that complying with the request would delay initiating other scheduled audits.

Assemblyman Pickard and Senator Hammond questioned whether prioritizing the audit would negatively impact the Audit Division's workload.

Mr. Cooper assured the Commission that the Division's reports will be completed in a timely manner.

Vice Chair Benitez-Thompson stressed the importance and relevance of conducting a timely evaluation of SLAs in light of the serious health and safety violations that have been recently reported. She noted that audit findings could guide potential legislation in the upcoming session.

MOTION: Senator Atkinson moved to approve an audit as requested by the Legislative Committee on Senior Citizens, Veterans, and Adults With Special Needs. The motion was seconded by Assemblywoman Carlton and passed unanimously.

AGENDA ITEM VI—APPOINTMENT OF MEMBER TO NEVADA SILVER HAIRED LEGISLATIVE FORUM

Rick Combs, previously identified, referred to a memorandum requesting an appointment of Mercedes Maharis to the Nevada Silver Haired Legislative Forum ([Agenda Item VI](#)) from Senate District 3.

MOTION: Assemblywoman Carlton moved to approve the appointment of Mercedes Maharis to the Nevada Silver Haired Legislative Forum. The motion was seconded by Senator Denis and passed unanimously.

AGENDA ITEM VII—REVIEW OF RECOMMENDATIONS OF THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION (NRS 252B.250)

Carol M. Stonefield, Deputy Research Director, Research Division, LCB, and Policy Analyst, Sunset Subcommittee of the Legislative Commission, drew the Commission's attention to a draft report of the Sunset Subcommittee ([Agenda Item VII](#)). She explained the Subcommittee reviewed 23 licensing boards and two additional associated entities.

Ms. Stonefield elaborated on recommendations of the Sunset Subcommittee as follows: (1) continue three boards without any further reporting or revisions; and (2) continue 18 boards with additional actions and reporting. Concerning boards, which require additional reporting, Ms. Stonefield cited examples of identified concerns: (1) boards did not have reserve policies for operating expenses; (2) boards' fee policies require review; (3) boards' internal fiscal and budgetary controls require review; and (4) boards' examination requirements and continuing education policies require updates.

Ms. Stonefield outlined the Subcommittee's recommendations, which will require legislation: (1) three entities are recommended for continuation with statutory revisions; (2) one entity is recommended for termination with functions transferred; (3) to authorize each board or commission, created in Title 54 ("Professions, Occupations and Businesses") of NRS to enter into or participate in a contract for the acceptance of credit cards and other electronic transfers of money or to participate in such a contract entered into by the director of the Office of Finance, Office of the Governor; and (4) to establish an interim study of the operations of the professional and occupational licensing boards during the 2019–2020 Interim.

MOTION: Assemblyman Pickard moved to accept the report from the Sunset Subcommittee and grant authority to the Legal Division of the LCB to determine the number of required BDRs. The motion was seconded by Senator Denis and passed unanimously.

AGENDA ITEM VIII—INFORMATIONAL ITEMS

A. Interim Committee Reports

B. Summary of Quarterly Reports on Disciplinary Action From the Licensing Boards and State Agencies

C. Miscellaneous Reports or Correspondence From State Agencies and Others:

1. Reports on Contracts for Public Works Awarded to Contractors, Applicants or Design-Build Teams Who Receive a Preference in Bidding Pursuant to [NRS 338.0117\(7\)](#):

- a. Las Vegas Convention and Visitors Authority
 - b. Department of Transportation
 - c. Clark County School District
 - d. Clark County Water Reclamation District
 - e. City of Las Vegas
2. Annual Report of City of Sparks Tourism Improvement District Pursuant to [NRS 271A.105](#)
 3. Storey County, Annual report Regarding economic Diversification District Pursuant to [NRS 271B.100](#)
 4. Nevada Department of Education, Nevada Educator Code of Ethics Advisory group's July 2018 Progress Report, Dated June 20, 2018, Pursuant to [Assembly Bill 124](#) (2017)

The members of the Legislative Commission did not have any questions on the informational items.

AGENDA ITEM IX—PUBLIC COMMENT

Chair Frierson called for public comment.

Mona Lisa Samuelson, previously identified, stated her goal to protect those who are sick, injured, and dying. She said these are people who are vulnerable and need legislative protection.

Patti Jesinoski, previously identified, commented on R056-17, and said there is no reference in the regulation to a discussion of the history of the Pledge of Allegiance. Additionally, she expressed concern about the Sunset Subcommittee's recommendation that the Legislature explore the idea of central personnel consolidation of Nevada's professional and occupational licensing boards.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 2:37 p.m.

Respectfully submitted,

Janet Coons
Manger of Research Policy Assistants

APPROVED BY:

Jason Frierson, Chair
Legislative Commission

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<u>Agenda Item II A</u>	David W. Carter, Member, State Board of Education, District 2	Written testimony
<u>Agenda Item II B</u>	Jake Wiskerchen, Chair, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	Written testimony
<u>Agenda Item II C</u>	Carol Fineberg, resident, Reno, Nevada	Written testimony
<u>Agenda Item II D</u>	Bill Johnson, Nevada resident	Written testimony
<u>Agenda Item II E</u>	Patricia Gates, Nevada resident	Written testimony
<u>Agenda Item II F</u>	John Ridgeway, Las Vegas resident	Information on the Bill of Rights
<u>Agenda Item II G</u>	Laura Hale, Carson City resident	Letter
<u>Agenda Item IV A</u>	Legal Division, Legislative Counsel Bureau (LCB)	State agency regulations to be reviewed
<u>Agenda Item IV A-1</u>	Legal Division, LCB	Adopted Regulation of the State Environmental Commission, LCB File No. R049-18
<u>Agenda Item IV A-2</u>	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners, LCB File No. R038-18
<u>Agenda Item IV A-3</u>	Legal Division, LCB	Adopted Regulation of the Public Utilities Commission of Nevada, LCB File No. R147-17
<u>Agenda Item IV A-4</u>	Legal Division, LCB	Adopted Regulation of the Department of Education, LCB File No. R020-18
<u>Agenda Item IV A-5</u>	Legal Division, LCB	Adopted Regulation of the State Board of Education, LCB File No. R056-17

<u>Agenda Item IV B</u>	Rick Combs, Director, LCB	Information regarding session hires for the 2019 Legislative Session
<u>Agenda Item IV D</u>	John A. Yacenda, Ph.D., M.P.H., P.A.H.M., President, Nevada Silver Haired Legislative Forum (NSHLF), Senate District 16	Request for NSHLF extension of bill draft request deadline
<u>Agenda Item V A</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Request for approval to continue audits
<u>Agenda Item VI</u>	Rick Combs, Director, LCB	Request for member appointment to NSHLF
<u>Agenda Item VII</u>	Carol M. Stonefield, Deputy Research Director, Research Division, LCB, and Policy Analyst, Sunset Subcommittee of the Legislative Commission	Draft summary report of the Sunset Subcommittee of the Legislative Commission

This set of minutes of the Legislative Commission is an informational service. Meeting materials are on file in the Director's Office of the Legislative Counsel Bureau, Carson City, Nevada.