

**MINUTES OF THE 2021-2022 INTERIM
LEGISLATIVE COMMISSION**

December 21, 2021

The meeting of the Legislative Commission was called to order by Chair Yeager at 1:36 p.m. Pursuant to Sections 2 to 9, inclusive, of chapter 2, Statutes of Nevada 2020, 32nd Special Session, at pages 9-11, the meeting took place via webconference and did not have a physical location.

All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Assembly District No. 9; Chair
Assemblywoman Jill Dickman, Assembly District No. 31
Assemblywoman Sandra Jauregui, Assembly District No. 41
Assemblywoman Lisa Krasner, Assembly District No. 26
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1 (Alternate for Assemblyman Jason Frierson)
Assemblyman Tom Roberts, Assembly District No. 13
Senator Nicole Cannizzaro, Senatorial District No. 6
Senator Moises Denis, Senatorial District No. 2
Senator Scott Hammond, Senatorial District No. 18
Senator Joseph Hardy, Senatorial District No. 12
Senator Dallas Harris, Senatorial District No. 11
Senator James Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Brenda Erdoes, Director, Legislative Counsel Bureau
Bryan Fernley, Legislative Counsel, Legal Division, Legislative Counsel Bureau
Kevin Powers, General Counsel, Legal Division, Legislative Counsel Bureau
Asher Killian, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Sarah Coffman, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
Wayne Thorley, Senate Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
Dan Crossman, Legislative Auditor, Audit Division, Legislative Counsel Bureau
Broadcast and Production Services Staff, Administrative Division, Legislative Counsel Bureau
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau
Jordan Haas, Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Steven Cohen

Jesse Wadhams, Nevada Hospital Association

Elizabeth Hammack

Charlotte Stewart

Doug Unger, Government Affairs Representative, Nevada Faculty Alliance

Vernon Hatch

Angel Ball

Hannah Schultz

Unidentified Public Commenter

Leo Drozdoff

Susan Howell

Hope Backman

Kent Ervin, State President, Nevada Faculty Alliance

PJ Belanger

Chauncey Chau-Duong, Southern Nevada Water Authority

Anna Camp, Curator, Anthropology Program, Nevada State Museum

Myron Freedman, Administrator, Division of Museums and History, Department of
Tourism and Cultural Affairs

Steve Aichroth, Administrator, Housing Division, Department of Business and Industry

Christopher Eccles, Division Counsel, Division of Industrial Relations, Department of
Business and Industry

William Gardner, Chief Administrative Officer, Nevada Occupational Safety and Health
Administration, Division of Industrial Relations, Department of Business and
Industry

Victoria Carreon, Administrator, Division of Industrial Relations, Department of Business
and Industry

Daniel Haggarty, Assistant General Counsel, Public Utilities Commission of Nevada

Doug Farris, Administrator, Division of Animal Industry, Nevada Department of Agriculture

Micheline Fairbank, Deputy Administrator, Division of Water Resources, Department of
Conservation and Natural Resources

Dave Wuest, Executive Secretary, State Board of Pharmacy

Dr. Ihsan Azzam, Chief Medical Officer, Division of Public and Behavioral Health,
Department of Health and Human Services

Joe Reynolds, Chief General Counsel, Nevada System of Higher Education

Dr. Cheryl Hug-English, Medical Director, Student Health Center, University of Nevada,
Reno

Patty Charlton, Provost and Vice President, Henderson Campus, College of Southern
Nevada

Karissa Loper, Health Bureau Chief, Bureau of Child, Family and Community Wellness,
Division of Public and Behavioral Health, Department of Health and Human
Services

Julia Peek, Deputy Administrator, Community Services Branch, Division of Public and
Behavioral Health, Department of Health and Human Services

Lisa Sherych, Administrator, Division of Public and Behavioral Health, Department of Health and Human Services
Julie Butler, Director, Nevada Department of Motor Vehicles
Daniel Rushin, Chief Financial Officer, Legislative Counsel Bureau
Kathy Lai, Partner, Crowe LLP
Angel De Fazio
Casey Rodgers
Randi Ranae
Janine Hansen, State President, Nevada Families for Freedom

Assemblyman Steve Yeager (Assembly District No. 9; Chair):

Good afternoon, everyone, and welcome to this virtual meeting of the Legislative Commission. Indeed, it does look like we have everyone present. That means we do have a quorum. Again, good afternoon to everyone, and a special thanks for everyone who's joining us here on this holiday week, and a special, special thanks for those who are doing double-duty today with IFC (Interim Finance Committee) this morning and Leg Commission in the afternoon. We do certainly appreciate it.

Just a couple of quick housekeeping matters before we get started. Everyone who testifies, please state and spell your name for the record before you testify. Then, in addition, if anyone would like to receive a copy of the Commission's agendas, minutes or reports, you may be added to our mailing list by following the links on the website of the Nevada Legislature or by providing information to our staff. Contact information is also listed on the legislative website. In addition, we do accept written comments, which may be emailed or mailed before, during or after the meeting. The information regarding where to send written comments is also on the website and listed on the agenda for this meeting.

That'll take us to agenda item II, public comment. If you have called in and would like to speak during this part of the meeting, you will be notified by our Broadcast and Production Services (BPS) staff when you have been connected and it is your turn to speak. Please remember that comments will be limited to not more than two minutes per person. You are welcome to submit any additional comments in writing and they will be added to the record for this meeting. If you prefer to wait to speak until later in the meeting, there will be a second period for public comment after we finish our business on the agenda. I'm now going to turn this over to the staff of our Broadcast and Production Services to queue up anyone calling in to speak. Just a reminder that a member of BPS staff will inform you when it is your turn to speak.

Steven Cohen:

Good afternoon, Mr. President Pro Tem, Commission members and distinguished guests. Very briefly, I just wanted to address—and I may very well have missed it—the boards and commissions item ([Agenda Item II A](#)). Would greatly appreciate the Commission considering appointments for the previously—Committee on Senior Citizens, Veterans

and Adults with Disabilities at the first feasible opportunity—President Pro Tem, thank you, and I yield.

Chair Yeager:

Thank you for your public comment.

Jesse Wadhams (Nevada Hospital Association):

Chair Yeager, members of the Legislative Commission, this is Jesse Wadhams on behalf of the Nevada Hospital Association (NHA). Just wanted to briefly discuss regulation 044-20 from the Division of Industrial Relations, which is on your adoption agenda for today. Ultimately, the NHA has continued concerns about these regulations. The concerns really aren't about the substance of the regulations but in the operationalization of them. For instance, current OSHA (Occupational Safety and Health Administration) 300 law captures much of the reporting, the timeframes within the parameters of the statute. The proposed regulations create different timelines that aren't reflected in the statutes. These ambiguities in timing should be reconciled in favor of statutory reporting and remediation in NRS (Nevada Revised Statutes) 618. We have a couple other concerns, which are listed within your packet. The bottom line ultimately is that, as adopted, the regulations cause ambiguity and discrepancies, and the fixes that we have proposed are minor and have been echoed across multiple facets of the industry. Candidly, these items weren't even the subject of debate during the workshops or the adoption hearing and they're simple, non-substantive changes that will make the regulation less confusing. Also, I would note that we are disappointed that while the hearing occurred in August, the agency didn't provide notice of its decision to adopt to those of us who had reached out to them with their concerns. That's our comments. Thank you, Chair Yeager.

Chair Yeager:

Thank you for your public comment.

Elizabeth Hammack:

I would like to address the mandates in general ([Agenda Item II B](#)). I'm a local mom and I do want to remind you that emergency-use authorization only authorizes the pharmaceutical company to distribute these particular things. It does not authorize anybody to mandate these. There's so many Nevada laws that everybody is violating, especially the public officers that are putting out these reports and only giving half of the story. They're only telling you cases and deaths, but not telling you sentinel events that are required to be reported and investigated. They're not telling you the percentage of recovery, which is extremely high, and you're not mandating things for, like, HIV. It just makes zero sense what you're trying to do, and Anthony Fauci did say this does not provide immunity, so your entire NAC presentation is completely garbage, FYI. Thank you.

Chair Yeager:

Thank you for your public comment.

Charlotte Stewart:

I am calling in regards to the mandates as well. I know you're going to be voting today on whether to make the COVID-19 vaccine requirement permanent in universities and for state employees. I, being one of the people having all political power, do not give you the authority to approve this. I know that all of you have taken your constitutional oath under NRS 391.080, which means that you have taken an oath to support the Constitution for the people of the United States. Under *Marbury v. Madison*, any laws—Constitution is null and void. If you look in—of law pages, no one has the rights to go after life, liberty or property of one of the sovereign people. Transactions between states and strangers may benefit but cannot injure those who are not parties to them. By changing a law, you are signing us up for an unlawful contract. We will hold everyone accountable who is trying to strip our rights from us. Thank you.

Chair Yeager:

Thank you for your public comment.

Doug Unger (Government Affairs Representative, Nevada Faculty Alliance):

Thank you for your service on the Legislative Commission and to our state. Today, you have before you the early review of administrative regulations recommended by the Nevada Board of Health for required vaccinations of NSHE (Nevada System of Higher Education) students ([Agenda Item II C](#)). We believe the Board has this authority under NRS 439.150, 439.200 and 441A.120 for measures affecting public health. The faculty of our colleges and universities support most emphatically these regulations requiring vaccinations of our students, including proven life-saving vaccinations against COVID-19. We hope you will affirm the Board of Health's clear authority to assert vaccination requirements for the health and safety of our students, faculty and our campus communities. Our NSHE faculty are counting on returning to fully vaccinated campuses after the winter break. Any lapse in student vaccination requirements that are already being implemented will cause widespread confusion and chaos and will lead to class schedule disruptions that will impede student progress. Because of the new Omicron variant, the CDC (Centers for Disease Control and Prevention) has predicted that this winter and spring will bring severe illness and death to the unvaccinated. Early scientific reports indicate that even for this variant of the virus more evasive of vaccines, the vaccinated are exponentially more protected against illness and death than the unvaccinated. Please consider that delaying or impeding this vaccine requirement will lead to more severe illnesses and death among our students and faculty. We ask you most respectfully to affirm the authority of the Nevada Board of Health to make vaccine requirements for NSHE students permanent for their increased health and safety, for the

health and safety of our colleges and universities and of our families, communities and state. Thank you.

Chair Yeager:

Thank you for your public comment.

Vernon Hatch:

Good afternoon, distinguished members. I'm a private citizen, resident of Elko, voter ([Agenda Item II D](#)). I'm calling to express my opposition to COVID-19 and any other future vaccine mandates. The latest virus data reported through October 8, 2021—now this was about two and a half months ago, and for those who don't know what VAERS (Vaccine Adverse Event Reporting System) is, it's vaccine—it's the Adverse Event Reporting System. As of October 8, 2021, there were actual reported deaths attributed to COVID-19 vaccines at 19,886. I won't go into the whole list of things that have happened, but there are close to a million adverse effects. Now, Dr. Robert Malone, MD, who was the creator of the mRNA technology which is used in this vaccine, made some very serious statements. He stated basically a viral gene is injected into your parent cells with this vaccine, forcing the body to make toxic spike proteins. These cause permanent damage to critical organs, especially children's, brain, nervous system, heart and blood vessels, including blood clots, reproductive system, and most importantly, this vaccine can trigger fundamental changes to the immune system. He states, most alarming, once these damages occur, they cannot be reversed. You can't fix the lesions within their brains. You cannot repair heart tissue scarring. You cannot repair a genetically reset immune system, and this vaccine can cause reproductive damage that can affect future generations of your family. According to Dr. Malone, the fact is this novel technology has not been adequately tested. It needs 5 years to understand the risks, and this is the most radical experiment in human history. Now, if people want to get the vaccine—

Chair Yeager:

Sir, you've reached your two minutes. If you could please submit anything else you have to say in writing, we would appreciate it.

Angel Ball:

I am first of all beginning my statement by thanking you, the Commission, for your service. I am calling to ask for your vote to continue the mandate for student vaccinations at university and college levels in Nevada. I myself am a professor. Current NSHE employees and students are depending on this mandate to be fully in effect after winter break. We are prepared. The Board of Regents followed the State Board of Health mandate for students in applying a vaccine mandate for NSHE employees, and as of December 13, only 3.5 percent of all NSHE employees were not yet in compliance with the deadline coming up of December 31. I remind the listeners that we have a system in

place for also medical and religious exceptions. Employees and students may request the exceptions, and in some cases they may be doing online, and they're excluded from the vaccine if they're doing online. That was not mentioned by any of the prior individuals. If we make the change at the last minute and do not continue this mandate, it's going to cause a considerable disruption. Myself and those of my students' safety depend on the safety procedures that are going to be in effect and that we are counting on. We have worked really hard since March of 2020 to follow health guidelines and to ensure the safety of our campuses. We've made sacrifices. We've altered routines. At this point, please let us continue as planned. A major shift right now would really increase the entire stress of the campus communities. There are those of us who have chosen not to vaccinate, and they've made other plans—

Chair Yeager:

Ma'am, you have reached your two minutes for public comment. If you'd like to submit anything else in writing, please do so.

Hannah Schultz:

I'm a junior at the University of Nevada, Reno (UNR), majoring in microbiology and immunology and minoring in community health sciences. I'm also the current president of the College's Science Student Advisory Board and a volunteer peer-health educator with the UNR Student Health Center. Today I am asking for you to support the student COVID-19 vaccine mandate. The return to in-person classes this past semester was extremely valuable for me and my fellow classmates. The interaction with my peers and the in-person instruction greatly benefits the quality of our education. I'm concerned about how all students—especially science majors like myself—will be prepared for the next steps in our education without in-person collaboration and hands-on learning experiences. Many are only comfortable with in-person instruction due to the current vaccine mandate, not only students but also our professors. I had professors this fall semester who, due to fear, would not meet with me for in-person office hours. Imagine if there's no student vaccine mandate. These concerns will only continue to increase. Please protect the health of our students and professors by making the student vaccine mandate permanent. Thank you.

Chair Yeager:

Thank you for your public comment.

Unidentified Public Commenter:

Hello, my name is—I'm a resident here in Reno, Nevada. My daughter goes to the University of Nevada in Reno, and I'd like to express my vehement opposition to these mandates. All the data out that these people are spouting is doing nothing but fear mongering and it's exaggerated. According to Dr. Jane Ruby, the Omicron variant is

rapidly being used to create false situations to justify prolonged tyranny, which is what is happening here, and particularly at the University. I heard earlier VAERS data, but according to the VAERS database as of December 3, 2021, there have been 946,461 adverse event reports from the COVID-19 vaccine, including almost 20,000 deaths, over 100,000 hospitalizations and over 32,000 permanent disabilities, okay? Now, you cannot use a drug that is considered experimental-use, okay? It's under—I'm sorry—emergency-use authorization. You cannot mandate that, as specifically with these numbers, okay? You're endangering people through misinformation and you're creating fear, okay, through this stuff. The PCR (polymerase chain reaction) tests are fraudulent. The swab that they've been using contains ethylene oxide, which is a known carcinogen. This stuff's dangerous and the people on the health board should know this stuff. As a matter of fact, the inserts to these vaccines are blank and they say at the top—

Chair Yeager:

Sir, you've reached your two minutes. If you'd like to submit additional comments in writing, please feel free to do so.

Leo Drozdoff:

Good afternoon, Chair Yeager, members of the Commission. I'm here to provide public comment today regarding regulation R169-20, which is under [agenda item IV-D](#). I'm here representing both the Truckee Meadows Water Authority, or TMWA. TMWA is Northern Nevada's largest municipal water purveyor. I'm also representing Albemarle Corporation, which is the world's largest producer of lithium, and it operates the only lithium extraction facility in the nation. That facility happens to be in Silver Peak, Nevada. Both organizations attended the five Nevada Division of Water Resources' workshops from June of 2020 to November of 2021. Both organizations provided written comments throughout the process. Both organizations believe the regulations, while not perfect, have improved throughout the extensive public process offered by the Division of Water Resources. Both organizations recognize the substantial time and effort the Division of Water Resources devoted to this effort, and therefore, both organizations believe the Commission should approve regulation 169-20. Thank you.

Chair Yeager:

Thank you for your public comment.

Susan Howell:

I am a resident of Reno, Nevada for the last 32 years, raised my children, now I'm a grandma, and I can't even—I'm gobsmacked that you people want to mandate these ([Agenda Item II E](#)). One of your commenters talked about how they're working out of fear. That's the point. So, for a 99.97 percent cure rate, how many of these boosters are going to be needed? Because boy oh boy, these boosters aren't boosters. These are the shots.

Again and again people are getting sicker and sicker and they are dying. If you pass this, you are absolutely on notice and you are responsible for all the deaths. Thank you.

Chair Yeager:

Thank you for your public comment.

Hope Backman:

Thank you for having me here today. I'm calling today because you want to mandate us ([Agenda Item II F](#)). We want to mandate you too. From here on out we are suggesting that once a month you get psychological evaluations for all of you, because we know the risk of you having PTSD (post-traumatic stress disorder) is very high. We need to make sure you're safe. We would like you to get and pay for this. You will be responsible for this cost to get psychologically evaluated once a month, and if anything pops up on your evaluation, you will be removed. Then you will have to get five booster shots. This is a new mandate that we're coming up for you, and once you're fired and you no longer have your job, you're going to have to live in society with us, the pissed off citizens, the ones you mistreated, the ones you tried to steal our freedom, and then you'll be with us. How do you think you'll be received once you're with the population? How do you think your citizens are going to receive you? I can tell you right now, not very well. These are the measures that we want taken for you guys, and we're going to keep insisting that if you mandate us, we're going to mandate you right back, okay, and I don't know if you've heard of the Nuremberg Code, but I would get real familiar with it because you're violating all of it. In this country we are free and we are free to make our own choices. You don't make those for us, okay? You don't get to think for us, and you will lose your spot. You will lose your position. You're not going to be there much longer. Then, you'll be in society with us, the people that do not like you at all. We do not like you, and we know you're not listening to us and we know you're going to pass it anyways without even taking in consideration for any one of us that don't want it. You have violated our Constitution—

Chair Yeager:

Ma'am, you have reached your two-minute limit. If you would like to submit additional comments in writing, then please feel free to do that, but at this time we will take the next caller, please.

Kent Ervin (State President, Nevada Faculty Alliance):

Kent Ervin, State President of the Nevada Faculty Alliance ([Agenda Item II G](#)). We work to empower faculty to be fully engaged in our mission to help students succeed. Your decision today in IV-C is whether to allow the medical experts on the State Board of Health to do their jobs. The Legislative Commission's review of regulations is only about whether the agency is following its statutory authority. The Board of Health clearly has authority in NRS to require vaccines for our higher education students, as they have for measles,

mumps, rubella, tetanus, diphtheria and meningitis. Requiring vaccines against the deadly coronavirus is merely an extension of that authority. The Board of Health acted after the Pfizer vaccine gained full non-emergency FDA (Food and Drug Administration) approval. Students and faculty are overwhelmingly in favor of the required vaccinations as the best way to ensure that we can go back to full in-person instruction in the spring and avoid another shift to remote or partial-remote operations. 1,273 members of the NSHE community—students, faculty, staff and family members—signed a petition for mandatory vaccinations that is submitted with my written comments ([Agenda Item II G](#)). Letting the temporary regulations lapse in the middle of enrollment for spring will cause greater confusion and disruption and is likely to lead to disenrollment of vaccinated students. The policies allow for exemptions for medical and religious reasons and do not apply to online courses, for which there are ample opportunities. If the Legislative Commission makes a political decision and blocks the Board of Health's science-based regulations, it makes it more likely that we will have to go back to remote instruction. Please, let the Board of Health do its job under statute. That's your duty. Thank you.

Chair Yeager:

Thank you for your public comment.

PJ Belanger:

Hi, this is Chaplain PJ Belanger. I'm also a certified health educator, certified health wellness educator, certified in kinesiology and have been doing health ministry for nearly 40 years ([Agenda Item II H](#)). Since the health board is corrupt and we all know it, it is your job to protect the people from them. Whatever is being said to those who are reading their scripted responses, they have been lied to and deceived. We know that far more people are being harmed by these shots—they are not vaccines—and that our own Supreme Court shot down the forcing of the vaccine because the scientists led by Dr. Robert J. Kennedy filed the petition to get it shot down because this is far more harmful and damaging to our immune system than the virus itself. The people who are dying from the virus are dying with it, not from it. They're dying because the proper treatments have been withheld from them. Do not be deceived. Do not vote for the forcing a harmful mRNA that changes human DNA. Don't do it. Don't do it. The VAERS report is one of eleven reporting agencies people don't know about, and we're only getting 1 percent of the adverse reactions being reported. Don't do it. You're being lied to, you're being deceived and you're going along with deep state evil mark of the beast systems. Don't do it. Take a stand for the people. The people, whoever they got to sign their petitions to go along with the health board, were deceived—

Chair Yeager:

You have reached your two-minute limit. If you would like to submit additional comments in writing, please feel free to do so. BPS, given that we have a number of guests who we need to make sure have a chance to present today, I'm going to ask at this time if we take

one more person in public comment and then we will defer the rest of public comment to the end of the meeting. At this time, let's take our final public commenter for this first round of public comment, please.

Chauncey Chau-Duong (Southern Nevada Water Authority):

Good afternoon, Mr. Chair, members of the Committee. Chauncey Chau-Dong on behalf of the Southern Nevada Water Authority. The Southern Nevada Water Authority is the largest purveyor of water in the state, providing water to over 2 million residents and over 40 million visitors each year. We would like to make public comment on regulation R169-20, a regulation from the State Engineer's Office pertaining to extensions of time, and would like to say that we appreciate the process the State Engineer's Office went through in regards to these regulations and commend them for having thorough discussions, holding workshops, engaging stakeholders and are hopeful that the Office engages stakeholders in a similar way for future regulations. Thank you for your time and for the ability to make public comment.

Chair Yeager:

Thank you for your public comment. As noted, Committee members, I'm going to go ahead and close public comment, agenda item II, but for those who are still on the line or still watching, we're going to have a second round of public comment at the end of the meeting, and of course, you're always free to submit public comment in writing.

That will take us next to [agenda item III](#), which is approval of the minutes. Committee members, you will have found in your packet the draft minutes from October 22, 2021 ([Agenda Item III](#)), which admittedly feels like a lifetime ago. These draft minutes are also available on the Legislature's website. If there's any discussion, I'll take that now, or if anyone would like to make a motion?

SENATOR SETTELMAYER MOVED TO APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON OCTOBER 22, 2021.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Okay, that takes us next to agenda item IV. Let me get my materials in front of me, because Committee members, as you know, we have quite a bit on today's agenda. I want to give you a little bit of the lay of the land of where we're going to go from here. Under item IV-A through IV-D, we have administrative regulations that are before us for consideration. Legislative Counsel Bryan Fernley is with us on the Zoom today to assist with these items. Now, we have four different categories of regulations for consideration today. Items IV-A and IV-B are requests to continue regulations not adopted within the 2-year deadline that is set by NRS. Item IV-C is a request for the early review of two regulations pursuant to statute. Then, under item IV-D, we have 28 regulations for consideration. Here's the order that we're going to do this in today. We are going to start with items IV-A and IV-B, and then we're going to move to item IV-D, which is the big list of 28, and we'll finish with item IV-C, because I anticipate there may be a little bit more discussion on that particular item.

Taking us first to agenda item IV-A, this is a request by the Division of Museums and History of the Department of Tourism and Cultural Affairs to continue 2 regulations, R061-19 ([Agenda Item IV-A 1](#)) and R116-19 ([Agenda Item IV-A 2](#)), that were not adopted within 2 years after submission to the Legislative Counsel as required by subsection 4 of NRS 233B.0681. An agency that has not adopted a proposed regulation within 2 years from the date the regulation was submitted to the Legislative Counsel has two options if they wish to proceed with the adoption of the regulation. Number one, they may request a new regulation containing the same provisions and begin the hearing and adoption process anew, or number two, the executive head of the agency may appear personally before this body, the Legislative Commission, and explain why the proposed regulation has not been adopted. I believe today we have Myron Freedman, Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs, as well as Anna Camp, Anthropology Curator with the State Museum. They're with us here virtually to request that the process of adoption for these 2 regulations, R061-19 and R116-19, be continued past the 2-year mark. Administrator Freedman and Curator Camp, you may proceed with your presentation.

Anna Camp (Curator, Anthropology Program, Nevada State Museum):

Myron Freedman should be on the line, so I'm not sure what's going on here.

Myron Freedman (Administrator, Division of Museums and History, Department of Tourism and Cultural Affairs):

Thank you, Chair. On these two items, we're asking for an extension on both the abandoned property and the Indian burial site permit regulation. This is due to the circumstances of the past year and a half with all of the troubles that we've had with COVID and the delays. We're asking for the extension on these two items. Thank you. Any questions?

Chair Yeager:

Thank you so much. Commission members, do we have any questions about this particular regulation and the request to allow the process to continue beyond the 2-year timeline?

SENATOR HARDY MOVED TO APPROVE THE CONTINUANCE REQUEST FOR REGULATIONS R061-19 AND R116-19.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

Chair Yeager:

All right, now item IV-B is a request much like the last item. It is made regarding R091-19 by the Housing Division of the Department of Business and Industry ([Agenda Item IV-B](#)). I believe we have Steve Aichroth, Administrator of the Housing Division, and Tim Whitright, Deputy Administrator of the Housing Division of the Department of Business and Industry, with us virtually to make this request. Administrator Aichroth, if you're there, you may proceed. I'm sorry, I got your name wrong.

Steve Aichroth (Administrator, Housing Division, Department of Business and Industry):

It's fine. It's not the first time. Good afternoon, Chair Yeager and members of the Legislative Committee. Thank you for your consideration of allowing the adoption of regulation R091-19. As you heard in the previous agenda item, the COVID pandemic impacted our ability to adopt this regulation within the timeline, and effectively we adopted it when we were able to. With that, if you have any questions, we stand ready to answer.

Chair Yeager:

Thank you so much. Are there any questions from Commission members? Not seeing questions, I would take a motion to approve.

SENATOR HARDY MOVED TO APPROVE THE CONTINUANCE REQUEST FOR REGULATION R091-19.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Okay, so as promised, at this point we're going to go to agenda item IV-D and then we are going to come back to IV-C. As is our usual method, we have a number of regulations under agenda item IV-D ([Agenda Item IV-D](#)). I'm going to let you know the regulations that I have been asked to hold for questions, and then after we identify those, I'll ask Commission members if there are additional regulations you'd like held for discussion. Once we pull all those out, we'll take a motion and approve what remains, and then we'll come back to those regulations that we pulled one at a time to discuss those. But before I get to that list, I did want to let the Commission members know that I have chosen to defer one of the regulations. On your agenda, these should be in numerical order by year. If you go towards the end of the agenda, regulation R066-21—that is from the Department of Employment, Training and Rehabilitation—I'm going to defer that regulation to a further meeting. I know there are a number of questions that were raised about that particular regulation, so I would encourage members to try to reach out to get some of those questions answered and encourage the agency to do the same and reach out to the members, and then hopefully we'll have a chance to consider this regulation at our next meeting in January. That one is being deferred.

Now, let me get back to the ones that have identified to be pulled for further discussion, and I'll take them from the top as listed on the agenda. The first one I have is R053-20 from the Division of Industrial Relations. The next one is R075-20. That's from the Public Utilities Commission of Nevada. Next we have R100-20 from the State Department of Agriculture. Next we have R169-20, State Engineer. Then, moving into the 2021 regulations, we have R008-21 from the State Board of Pharmacy, R023-21, also from the State Board of Pharmacy. I think those are all the ones that have been identified up to this point. Let me ask Commission members, with the exception of those regulations that have been identified and the one that has been deferred, are there any others? Senator Settlemeyer, please go ahead.

Senator James Settelmeyer (Senatorial District No. 17):

Thank you, Mr. Chairman. On the Department of Agriculture, I just wanted to make sure that you had both of those regulations pulled because my comments are on both 100-20 and 101-20. I just wanted to make sure, Mr. Chairman.

Chair Yeager:

Thank you, Senator. I did not identify the second one, so we will also pull R101-20, which is the State Department of Agriculture, and I assume we'll probably hear those two together. Any additional regulations that Commission members would like to have pulled in [agenda item IV-D](#)? Okay, I don't see additional items to be pulled. At this point, I would be looking for a motion to approve the remaining regulations under IV-D that were not pulled or deferred.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATIONS
R057-19, R091-19, R114-19, R021-20, R030-20, R044-20, R136-20, R167-20,
R168-20, R177-20, R179-20, R001-21, R003-21, R005-21, R022-21, R024-21,
R030-21, R042-21, R043-21 AND R047-21.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

I feel like it's a Friday, but it's not, just so everyone knows. All right, so what we're going to do now is we'll come back and consider the regulations that were pulled off that list, and we'll just start from the top. Let me get to my list here, and we will start in the 2020 regulations with regulation R053-20 ([Agenda Item IV-D](#)). That's the Division of Industrial Relations of the Department of Business and Industry. I believe we do have a representative here to address that regulation, and if I'm not mistaken, I believe it was Senator Hammond who had a couple of questions on this regulation, so please, go ahead.

Senator Scott Hammond (Senatorial District No. 18):

Thank you, Mr. Chair. I appreciate it, and I believe I did call Mr. Eccles, so if he is present or somebody from their Division, that would be great. The question I have is not necessarily with the exact regulations, it's, I guess, with the process. When this became apparent that it was going to be on the agenda and up for a vote, many of the folks and

associations and some of the trades had contacted me and let me know that they had actually sent a letter to the agency, several letters that were sent there with concerns about the regulatory provisions in the proposal, and wanted to address those. The letters were sent but never responded to, and nothing else further was actually—no other further action was extended towards those who sent the letters. I just wanted to know if you were able to follow up with some of those folks. I know that, talking about the Nevada Contractors' Association, talking about the Nevada builders and others who had sent them letters, do you have any other updates that you can give me that you actually responded to some of the concerns that were brought up by those people who will be implementing and putting this policy into practice?

Christopher Eccles (Division Counsel, Division of Industrial Relations, Department of Business and Industry):

To answer your question directly, there are a few others here that may be able to shed light on that. That is, we have William Gardner—he's the Chief Administrative Officer of OSHA—and Victoria Carreon is the Administrator. From my understanding, sir, the comments that were made, including the comments in the public comment section of this meeting earlier by Mr. Wadhams, there's no issues with the substance is my understanding. There were some concerns with the operational aspects, but those concerns had been allayed by Mr. Gardner in that we didn't see any conflicts with the timelines. As far as the reporting requirements, our understanding is that the OSHA 300 logs were not specific enough to the legislation at issue here and so we had to be more specific in creating a way for the hospitals and the medical facilities to report instances of violence in the workplace.

Senator Hammond:

You said violence? I was under the impression that we're talking about heat.

Mr. Eccles:

I'm sorry, I've got the numbers mixed up, Senator. As far as the heat stress regulation is concerned—yes, the violence in medical facilities is R044 that just passed by a vote. As far as the heat stress regulation, again, I would defer to Mr. Gardner on that issue. He, in my understanding, has been in contact with some of the stakeholders in the industry, and what was going on was that there's a number of concerns raised, but the regulation itself, as far as operational aspects of it, we created that to give flexibility to industry so that they would have the ability to, out in the field, deal with these heat stress issues such as coverage for shade, having water available, different kinds of measurements that could be taken by different thermometers and so forth. I think that the purpose of the reg was basically to give a lot of room for industry to address these issues out in the field. I would defer to Ms. Carreon, the Administrator, or to Bill Gardner, the Chief Administrative Officer, who can shed further light on that, sir.

Senator Hammond:

I do appreciate that, Mr. Eccles. Again, if the purpose was to give them room, I think that you solicited some opinions—were sent letters—and again, I think that the expectation was that that would be followed up with in some form or fashion, either a response, a letter, a response or perhaps another meeting, a stakeholder meeting where those individuals who've given a letter would be brought back in so they can give comment on the room that was given, the words that were put in to give the room that was mentioned by you a second ago, and I don't think that actually happened. That's I think the problem that I'm going to have with the regulation is that I think stakeholders wanted another bite at the apple to come in and talk to you about those and were never given that opportunity. I'll go ahead and yield my time, because I know that Senator Settlemeyer had his hand up, so I'll go ahead and I'll just say I've got issues with, again, the process. I think that we could've got another meeting, another stakeholder meeting, and I think those who are very interested stakeholders would have liked to have had another chance to speak to you about those proposed regulations. I think this came as a shock to them, to be honest with you, that this is on the agenda this quickly.

Chair Yeager:

Thank you, Senator. Please go ahead, Senator Settlemeyer.

Senator Settlemeyer:

Thank you, Mr. Chairman, I appreciate that. I guess my question is, if this is Division of Industrial Relations, this applies to all businesses in the State of Nevada, correct, or are any industries exempt?

William Gardner (Chief Administrative Officer, Nevada Occupational Safety and Health Administration, Division of Industrial Relations, Department of Business and Industry):

The reg as written applies to all businesses in the State of Nevada.

Senator Settlemeyer:

In that respect, sir, do you have any feedback from the agricultural community? A lot of the rules that have been implemented in the State of California are a little bit nonsensical. They don't necessarily have a lot of reasoning behind them. It tells you to have shade even if the person has shade on the job. In situations where people are on tractors that have shade and air conditioning are all the sudden being told they have to provide them shade in a field seems a little bit onerous. Are we talking the same type of regulations, or have you had any feedback from the agricultural community, just out of curiosity?

Mr. Gardner:

I don't recall getting any feedback from the agricultural industry. Victoria Carreon can support me if she has. But ultimately, the reg as written is very performance-based. It allows a lot of flexibility to the employer. It essentially requires the employer to assess the workplace and identify areas like that where, if there is shade that they can access, they can utilize it. It doesn't specify specifically what types of shade to use. It really allows for the employer flexibility.

Victoria Carreon (Administrator, Division of Industrial Relations, Department of Business and Industry):

We did not receive any comments directly from the agricultural industry, but yes, we believe we have enough flexibility for them to implement this.

Senator Settelmeyer:

Okay, it's saying that you guys have no additional costs for the enforcement of this because you're going to do it within the enforcement that you have ([Agenda Item IV-D](#)). I'm just looking at the small impact statement and I'm just trying to look at that to figure out—I think there is an effect on the small businesses to the State of Nevada. I mean, you've got to obtain a wet bulb globe heat stress meter, which starts at \$125. You're saying every business now in the State of Nevada will have to have in order to know whether or not they're in trouble or not? Am I reading that wrong?

Mr. Gardner:

Essentially, again, the reg allows the wet bulb method and it also allows the dry bulb method. The dry bulb method is just the general temperature gauge that we all have available to us. That was added after stakeholder comment.

Senator Settelmeyer:

I appreciate that. Mr. Chairman, I guess just so you know where I'm at, at this point in time, I'd have to oppose until I get some feedback from the agricultural business. Maybe it might be a suggestion just to delay this for one more meeting so we don't—so I have the ability to, again, talk to the agricultural industry, because unfortunately with COVID I think there is a lot of times that things are, through the fault of industry at times, not necessarily being given as much attention as they should. Just so you know, that's where I'm at, at this point in time. Thank you, and thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Do we have any additional questions on reg 053-20? Okay, I don't see additional questions, so at this point I'd be looking for a motion to approve regulation 053-20.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION
R053-20.

SENATOR HARRIS SECONDED THE MOTION.

Chair Yeager:

Still getting used to this Zoom world. Hopefully we'll be back in-person very soon. Any discussion on the motion, obviously beyond the discussion that we had during the questioning? Assemblyman Roberts, please go ahead.

Assemblyman Tom Roberts (Assembly District No. 13):

Thank you, Chair. I share the same concerns that Senators Hammond and Settlemeyer have and think there should be more time for input. I'll be a no as well.

Chair Yeager:

All right, someone else had their hand up that I saw. Senator Settlemeyer, please go ahead.

Senator Settlemeyer:

Thank you, Mr. Chairman. As indicated earlier, I just need some more time to be comfortable with this and reach out to the industry. I'm getting texts right now that they weren't even aware of this. Again, unfortunately sometimes we're victims of some of the bad laws passed in other states, and I'm just a little bit concerned about that and will be voting no today, but I could see trying to get some more research and information on this at a later time in order to get my arms around it better. I'm sorry for not doing that sooner. Thank you, Mr. Chair.

Chair Yeager:

Thank you. Senator Hardy, please go ahead.

Senator Joseph Hardy (Senatorial District No. 12):

Thank you, Mr. Chair. I concur with the time needed. Sometimes I think we reach out and do things to businesses or industries that otherwise don't know what just happened. I think it probably wise to pull this back and come back at another day.

Chair Yeager:

Thank you, Senator. Anybody else? Senator Denis, please go ahead.

Senator Moises Denis (Senatorial District No. 2):

Just a question. If we don't vote this today, does that mean they have to start over if it gets voted down, or if we vote it through, they go through and then they don't have to go back?

Chair Yeager:

Well, there are a few different options. That might be a good question for legal to answer. I don't want to get it wrong, but I think we have our Legal Counsel, Mr. Fernley, on with us. I don't know if that's something that he'd be able to address.

Asher Killian (Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau):

Mr. Chair, this is Asher Killian.

Chair Yeager:

I'm sorry. Mr. Killian, please go ahead.

Mr. Killian:

Thank you, Mr. Chair. The Commission would have a few options. There's currently a motion to approve before the body. If the body approves the motion to approve, then the reg would be filed with the Secretary of State and become effective. If the motion to approve fails, the Commission would have two options. One would be to defer the regulation to a future meeting, at which point the agency does not need to start over or take any other action on the regulation. It may submit a revised adopted regulation after that point but it's not required to. The third option would be that the Commission could vote to object to the regulation, at which point the Commission would send to the agency a list of its objections and the agency would then be empowered to revise its regulation to account for those objections and send it back to the Commission for approval at a future meeting.

Chair Yeager:

Thank you, Mr. Killian. Let me ask you while I have you here, if, as Chair, I would like—if I decide I'd like to defer this, do the motion and the second have to be rescinded, or can I simply do that?

Mr. Killian:

Mr. Chair, you'd have two options. You could either take a vote on the motion, or if the maker and the seconder wish to rescind their motion and second, then you would be free to proceed in that fashion as well.

Chair Yeager:

Thank you, Mr. Killian. It's always nice to have lawyers with us on Zoom. At this point I would ask—go ahead, Assemblywoman Jauregui. Would you like to withdraw your motion?

Assemblywoman Sandra Jauregui (Assembly District No. 41):

Yes, Chair Yeager, I would like to motion to withdraw my original motion.

Senator Dallas Harris (Senatorial District No. 11):

And I'll withdrawn my second, and I'll second that motion.

ASSEMBLYWOMAN JAUREGUI WITHDREW HER MOTION TO APPROVE
REGULATION R053-20.

SENATOR HARRIS WITHDREW HER SECOND TO THE MOTION TO
APPROVE REGULATION R053-20.

Chair Yeager:

Thank you. So, we have no motion on the table. I will exercise my discretion as Chair to defer regulation 053-20 to a future meeting and would just encourage members, and the agency as well, to continue discussions, and hopefully at our January meeting we can get this one figured out. Thank you, Committee. No further action is needed on 053-20.

That'll take us next to the next regulation that was pulled, R075-20 from the Public Utilities Commission of Nevada ([Agenda Item IV-D](#)). I know we have representatives here, and I believe it was Senator Dr. Hardy who had a question on this one, so please, go ahead when you're ready.

Senator Hardy:

Thank you, Mr. Chair. I appreciate it. I've got a simple question. I'm a little sensitive about gas prices now, natural gas, gas for my automobiles and gas for heating, so how is this regulation going to change or facilitate changes that would potentially increase the cost of energy, particularly vis-à-vis natural gas?

Daniel Haggarty (Assistant General Counsel, Public Utilities Commission of Nevada):

Good afternoon, Chair, members of the Committee. I'm happy to answer your question. The purpose of this regulation is to ensure that we are properly tracking the special contract agreements between natural gas utilities—I'm sorry, between customers of the natural gas utility to ensure that these certain agreements and contracts that they have specific to certain customers don't result in an unjust or unreasonable subsidy. In the past, the Commission has had some difficulty kind of tracking down these contracts and determining how they are properly accounted for when we design utility rates. This is to ensure that the prices are properly set, so nothing in these regulations, in my view, do anything to inherently increase or decrease gas rates. It's really just a matter of making sure that we're appropriately tracking costs for specific customers that take service under these agreements.

Senator Hardy:

Thank you, appreciate that. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator. Any additional questions from Commission members about this particular regulation?

SENATOR HARRIS MOVED TO APPROVE REGULATION R075-20.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That'll take us to the next two regulations, and I think we'll do these ones together. That's R100-20 and R101-20, both from the State Department of Agriculture ([Agenda Item IV-D](#)). I know we have representatives here, and I think Senator Settelmeyer is probably up first on this one, so please, go ahead.

Senator Settelmeyer:

Mr. Chairman, I appreciate it. I see that we have the capable Mr. Farris. His only fault is that he knew me in high school. Other than that, he's a pretty good guy. That being said, some of the questions I had, I understand the rate increases and the necessity due to the situation with increasing costs for the different departments and the necessity to be able to acquire a brand inspector because, well, if I don't get a brand inspector I don't get to sell my cattle, and I may not necessarily like the idea of paying more money, but I definitely don't like the idea of having to wait 3 additional days and pay the feed bill instead. In that respect, I can completely concur and agree with this regulation which, unfortunately, raises the cost for permits, but I'm willing to accept that as it's necessary for the industry to function because we do need to have someone—we need those brand inspectors for under the situation where someone's stealing cows, and yes, that still does occur in the State of Nevada. It's necessary to do just that. One of the things I want to have a little discussion on the record—which is related to this, and sorry, Mr. Chairman, not related to this is the situation where fees are being increased. I believe you're going to hire new, if I'm correct, seven FTEs (full-time equivalent), I believe Senator Goicoechea told me, but they're not necessarily brand inspectors. Why are we increasing rates to pay for individuals that aren't brand inspectors? I understand why, but I want to make sure we get this on the record, and also a concern—and I wish for the future legislators to look at this and go, "Never again." Why are we increasing rates on some people to pay for others? I guess that's a question to you, Mr. Farris. Like I said, I'm going to vote for this. I'll support it. It's necessary, but I am concerned about this trend.

Doug Farris (Administrator, Division of Animal Industry, Nevada Department of Agriculture):

Thank you, Senator Settelmeyer. I do think we may need some clarification as far as—these regulation changes were based off of the livestock inspection business plan that we were addressing. There was a letter of intent during the 2019 Legislative Session. We created a comprehensive business plan. In that business plan, we do—part of the business plan is to hire 30 seasonal or intermittent brand inspectors which would be state employees rather than the contracted positions that we have currently. There's also three full-time brand inspector positions in that, but there are no other positions as part of that business plan.

Senator Settelmeyer:

I appreciate that, Mr. Farris. Like I said, my question has been about related to the regulations, and a little bit about just trying to point out the concern I have. They went through IFC just a little while ago about raising fees or having fees used to pay for people that aren't brand inspectors. I'm just wanting to hear a concern or how that might be addressed in the future so that I feel more comfortable about raising the fees on myself and other agriculturalists to help pay for this problem, but there's a solution maybe in the future to not just have the rates go up on those that are using the service but those that also don't. I hope you understand my concern and I'm not rambling on too much.

Mr. Farris:

I do, Senator Settelmeyer. I believe you're referring to the agricultural police officers, which we have five sworn peace officer positions with the Department of Agriculture. They are 50 percent general funded, and then the other 50 percent of their salaries are funded through fees from livestock inspection and the Plant Industry Division. I will say that the agricultural police officers—when you reference cattle theft, which does occur still in the State of Nevada, that is actually the law enforcement officers that we employ who identify those thefts, investigate those and other instances. They do also do anything law enforcement-related with the Department of Agriculture. They also address those, but they are involved with the brand inspection program. They currently do perform brand inspections. That's not their full-time duty as we feel that, being they're sworn peace officers, they should be directing their activities to law enforcement activities, but they are involved in the livestock inspection program and I would say spend a majority of their time dealing with brand inspection, whether it's theft, disputes and things like that. I don't know if that answers your question, Senator Settelmeyer.

Senator Settelmeyer:

Thank you, Mr. Chairman, for that latitude, and thank you, Mr. Farris, for those answers. I'd be remiss and get in trouble with Senator Goicoechea if I did not ask those particular questions. Maybe in the future if they're going to be 50 percent paid for by the brand inspection department, they should do fifty percent of their time brand inspecting, but I'm not going to belabor this anymore, which everyone will be happy. If there's no further questions, Mr. Chair, I would move to approve 100-20, 101-20, if you would take that motion.

SENATOR SETTELMAYER MOVED TO APPROVE REGULATIONS R100-20
AND R101-20.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you, Mr. Farris, for being here. That'll take care of those two. Moving right along, we're still in the 2020 regulations. We're going to go next to R169-20 ([Agenda Item IV-D](#)). That is a regulation from the State Engineer, and I know we have someone here to talk about it. I think we'll start again with Senator Settelmeyer, who I believe had some questions or some discussion on this particular regulation.

Senator Settelmeyer:

Thank you, Mr. Chairman. I greatly appreciate the Department reaching out and asking questions a couple days ago. We had a discussion. There's just some things I need to make sure that are on the record. This talks about the extension of beneficial use, and there are situations that have come about for individuals who own water rights—first, let me start off by saying I'm very grateful for the Department starting to create one set of rules. When I began in this legislative building, municipal water holders versus private property water holders had different laws, and that was improper. We're working towards a concept of having one set of uniform laws, and I'm very appreciative of that because in the past, again, municipalities could never lose water if they didn't prove beneficial use, but private people could, and it seemed improper. I know that recently they did do a forfeiture of water rights because a municipal did not prove beneficial use, and I'm grateful for that so we're all on the same plane. With that being said though, I need to make sure on the record extensions of beneficial use are still going to be looked at and may be granted less than before, but they will still be granted for good cause. Situations where maybe the state decided to take your property rights or take your property for eminent domain but you retained your water rights. situations like that where it wasn't necessarily the fault of the individual for not putting proof to beneficial use because it wasn't their decision to sell the land to begin with, or maybe they acquired them through circumstances and such. So, there still will be the process? That was my first question, and then my second question was in relation to, there still will be the right to appeal? If an individual is told that they do not get an extension of beneficial use, they will still have a remedy to appeal that decision? Is that correct on both of those points?

Micheline Fairbank (Deputy Administrator, Division of Water Resources, Department of Conservation and Natural Resources):

Thank you, Senator Settelmeyer. In response to your first question with regards to the question about beneficial use and the hypothetical property being taken for inverse condemnation or some other action, the statutory standard under 533.380 doesn't

change. These regulations do not change the statutory standards of the policy set forth by the Legislature. What the regulations are doing is providing a little bit more guidance and curbs and gutters to say with regards to the content of applications for extensions of time to make certain that those water-right holders are providing our office with sufficient demonstration of their reasonable efforts to place their water to beneficial use so that we can evaluate those reasonable efforts against the statutory standard. It also creates greater transparency with how the State Engineer is going to be reviewing those applications for extensions of time. Sometimes the Office is criticized as operating in a black box and our rules are not necessarily transparent. That's how we crafted the regulations as to address those concerns. With respect to your second question relating to appeals, this regulation does not in any way, shape or form affect NRS 533.450, which provides any person feeling aggrieved by a decision or order of the State Engineer has the standing to challenge that decision through a petition for judicial review. Again, if someone were to disagree with a decision made by the State Engineer to either grant or deny an extension of time application, that decision is appealable still under 533.450.

Senator Settelmeyer:

Thank you for those answers. Mr. Chairman, I appreciate the opportunity to ask those questions, and if no other people have questions at this time, I would move to approve if there are no other further questions and you take that motion.

Chair Yeager:

Let me ask, any additional questions? I don't see additional questions, so Senator, I think your motion is in order.

SENATOR SETTELMEYER MOVED TO APPROVE REGULATION R169-20.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That'll take us to our next one under 2021 regulations, and that would be R008-21 from the State Board of Pharmacy ([Agenda Item IV-D](#)). I should ask, Senator Hardy, I think you wanted both. Do you want to hear these two pharmacy ones together or would you like to do them separately?

Senator Hardy:

Together would be great.

Chair Yeager:

Okay, so we'll also consider R023-21 at the same time ([Agenda Item IV-D](#)). We have those two State Board of Pharmacy regulations, and we'll go to Senator Hardy with some questions or discussion.

Senator Hardy:

Thank you, Mr. Chair. I tried to contact the Board earlier today. One of the challenges that we have with the provisions of the Prescription Monitoring Program (PMP) is how to differentiate the medication-assisted treatment on the EHR, or the Electronic Health Record, and the access by the police. For instance, if a patient is on the buprenorphine for a substance-use disorder, then they have confidentiality that isn't otherwise granted, and so if somebody comes in and says they want all your records, those records are protected if the person is under treatment for substance-use disorder with buprenorphine, which is a controlled substance which is on the electronic record. I would like some clarification as to how the investigations, as it were, can continue to honor the federal code that makes them sacrosanct records if they're on the medication-assisted treatment protocols. While they're thinking about that, the other one is a very simple question. On R023-21, I guess I think in a different way when they talk about CBD (Cannabidiol) and THC (Tetrahydrocannabinol). They say that if it's less than 0.0, less than or equal to 0.0, 0.1 percent THC by weight, then it's not a controlled substance, so I think somebody could say, "Well, is that dry weight or wet weight," and if they pour a little water into the thing, then the percentage goes down so the THC isn't as much. I'd like confirmation that that is dry weight, and then how do you determine what dry weight is? That's my concern. Is there a way around getting down percentage of THC, because you add water in essence or something else to the formula that they're weighing in order to define percentage of THC.

Dave Wuest (Executive Secretary, State Board of Pharmacy):

Good afternoon, Chairman and Senator Hardy. If you tried to get ahold of me, I'm sorry I missed you, but I think we just—so, happy to talk to you about that. Appreciate you asking the questions. I think he asked me both of them because they're tough ones together so that I couldn't answer them both, but I'll do my best that I can, sir, and we'll take our time. On the first one, as far as law enforcement—you know this already, but I'll put it on the record—that the traditional treatment center is not data that would be entered into the PMP. They are exempt from that data, although the way the PMP works, people could put data in there, so we do get data from time to time that's related to dogs and other things, but it's generally not there. As it relates to the last section of it is the law enforcement—this is really just a cleanup of what's already happened, and what we're

saying is that they have to—in section 4 there on page 5 ([Agenda Item IV-D](#)), the law enforcement have to have an active case in order to gain access to it. This prohibits phishing. The Board is very sensitive to any kind of phishing expedition that were going to look at people that's not related to a direct case, so this is them having to tell the Board that they have a direct case, and at that point they can have it because there is a provision in law that does allow law enforcement to gain access under certain conditions. We have some state law enforcement officers that their full-time job is narcotics, and they have a different access to it. Not an administrative access, but a broader view of access. This is talking about the employee that doesn't have that access, that they can let the Board know that they have a case. As it relates to your very good question directly to treatments, I agree with you; that should be protected information, and I'll take that back and maybe look at a way that we can tidy that up in the future, but I don't think this is opening that. The data's already in there, provided by the people that dispense the drug. I'll pause for any follow-ups on that, and I can move to the other question.

Senator Hardy:

Thank you, I appreciate it.

Mr. Wuest:

I welcome a call from you any time, Senator Hardy, you know that. On to the second regulation. Just to be clear, the CBD and the tetrahydrocannabinol and all that, that's not a change in this. It's already the law. The changes are found between 4 and 6, which are related to fentanyl. I'll talk about that really quickly. The Board of Pharmacy meets quarterly with all the crime labs in the state. They look at what drugs they're seeing out on the street, and if there's a significant finding of that drug being out there, then we ask you to modify what would be a criminal drug. We have to do it in a way that we don't eliminate the fentanyl that they would use for surgery and other things such as that, so it's highly particular to particular classifications of the fentanyl. To answer your CBD, we really leave that to the crime labs once they're doing that, so that's a question that I will get and follow up. I know that there's devious people with this drug use, so I could see your concern that changing the moisture of it could change it. I'll take that—maybe that's something in the future that we could tidy up, but the intent is that those things are illegal unless they're sold by a dispensary that's licensed by the State of Nevada.

Senator Hardy:

Thank you. I appreciate that. Mr. Chair, when and if you want me to put both of those together in a motion, I'll do it.

Chair Yeager:

Thank you, Senator. Let me just check quickly to see, are there other questions? Assemblyman Roberts, please go ahead.

Assemblyman Roberts:

Thank you, Chair. It's more of a question on PMP. I know law enforcement only has the ability if they have an active case, but does—if there's anomalies that are reported, how is that given to law enforcement? Let's say you see a doctor that's overprescribing or doing something they shouldn't be, or somebody getting multiple scripts and getting them filled in places. Is there a mechanism in place to notify law enforcement?

Mr. Wuest:

That's an excellent question. I should take one step back and say I had this in my notes but then I skipped it. The PMP is a shared endeavor between DPS, the Department of Public Safety, and the Board of Pharmacy. There's a clinical side with the pharmacists and then a law enforcement side with law enforcement. There are—and I can get these to you, but there are other obligations that if the Board of Pharmacy—and we run various reports changing all the time to see patterns of how people are prescribing. We have an obligation to, one, notify their primary regulatory board, which we do. So, if it's a physician or a nurse practitioner, they get notified. They also have certain access to the PMP, not the total access the Board of Pharmacy staff would have but the access allowed by law. Then secondarily, we work multiple cases with the Department of Public Safety and HIDTA (High Intensity Drug Trafficking Areas), and they'll go out—and the DEA (Drug Enforcement Administration) even sometimes and the FBI (Federal Bureau of Investigation) at times. There is a structure that we're required as we see what is called suspicious activity that we have to report it to the appropriate people. One last thing before it goes to the medical board or to the nursing board or the dental board, it does get de-conflicted with law enforcement every time to make sure that there is not an active case that we would be messing up, if they're looking at somebody.

Assemblyman Roberts:

Thank you for the answer. That's what I thought. I just wanted to make sure nothing had changed from your other—thank you very much. Thank you for the question, Chair.

Chair Yeager:

You're welcome, Assemblyman. Are there additional questions from Commission members? Seeing no additional questions, Senator Hardy, would you like to make a motion?

SENATOR HARDY MOVED TO APPROVE REGULATIONS R008-21 AND R023-21.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

If I am not mistaken, I think that takes us through everything that was in IV-D. If I am incorrect about that, someone please let me know. Okay, so that will take us through IV-D. Again, thank you, Commission members, and thank you for members from the agencies who are here to provide information.

That's going to now take us to agenda item IV-C. Agenda item IV-C is the early review of administrative regulations submitted pursuant to 233B.0681. We have 2 regulations, R069-21 ([Agenda Item IV-C A-1](#)) and R117-21 ([Agenda Item IV-C A-2](#)). They were both submitted by the Board of Health for early review. This provision allows an agency to seek early review of a proposed permanent regulation after the agency has given notice of a hearing on a regulation but before that hearing is actually held. If we approve these regulations today and the agency adopts identical language after holding a hearing on the regulations, the Legislative Counsel will be required to file the regulation with the Secretary of State and they will become effective upon that filing. Now, because I know there's quite a bit of interest in these two regulations, I think it probably makes sense to take them one at a time, because although they are related, they deal with different populations. I'd like to start with R069-21. That's the State Board of Health. I'm not sure who we have on from the agency, but what I wanted you folks to do before we take questions, if you could just give us a little bit of the lay of the land in terms of how we got here and why we're here on an early review of a regulation. If you could set that stage for us, and then certainly we'll go to Commission members for questions. Welcome, to those who are here on behalf of the State Board of Health, R069-21. We will give you a chance to make whatever comments you'd like, please.

Dr. Ihsan Azzam (Chief Medical Officer, Division of Public and Behavioral Health, Department of Health and Human Services):

Good afternoon, Mr. Chairman and esteemed members of the Commission. Good afternoon, everybody. Can you hear me well?

Chair Yeager:

We can hear you. Thank you.

Dr. Azzam:

Thank you. In the next 15 minutes or so, I would be presenting on two proposed very similar regulations relating to immunization ([Agenda Item IV-C B](#)). The first one, LCB (Legislative Counsel Bureau) File Number R069-21, is about revising requirements governing the immunization of students at Nevada postsecondary education institutions, and the second proposed regulation, LCB File Number R117-21, requires certain employees and contractors of the state government to be vaccinated for COVID. I will also update you on the status of the COVID pandemic and the tremendous value of adopting these two essential regulations. I'm joined today by several members of our immunization team.

Vaccination is the single most effective public health intervention to prevent and control infectious diseases. It's responsible for eradicating smallpox, eliminating polio and many other serious communicable diseases, such as diphtheria, mumps and measles. As you know, COVID is a highly contagious pathogenic viral infection that emerged in December 2019 and continues to spread in our nation and around the world. As long as it continues to spread, it will certainly continue to replicate and actively mutate, producing more infective and concerning variants, such as the highly contagious Delta and most recently the Omicron, which seems to be even more infective than Delta. As of yesterday, more than 274 million confirmed cases of COVID, including 5,352,000 deaths, were reported to the World Health Organization. Of those, 50,636,000 confirmed cases and 803,000 deaths occurred in the US, including the 471,000 COVID cases and 8,311 deaths that occurred in Nevada so far. A total of 8 billion, 338 million vaccine doses have been administered worldwide. Of those, almost half a billion vaccine doses have been administered in the US, including the 3,800,000 administered in Nevada.

The pandemic is still ongoing, and the vast majority of those who contract COVID are unvaccinated and continue to drive severe cases, hospitalizations and death. Currently, Nevada and the nation are experiencing high levels of transmission, and in addition to the Delta variant, now Omicron just became the dominant variant in the US. About 471,000 Nevada residents have tested positive for COVID so far, and the test positivity rate has risen from a low of 6.3 in late October to 7.6 yesterday. As the vaccine is keeping most people out of hospital, death rates are currently much lower than those observed last winter. CDC reports that unvaccinated individuals are 29 times more likely to be hospitalized with COVID than those who are fully vaccinated. According to FDA, CDC and many other national and international studies, COVID vaccines are safe and effective at preventing infections, serious illnesses and death. Under the most intense safety monitoring in history, about half a billion doses of COVID vaccines have been administered in the US. Vaccines not only decrease transmission but also decrease disease severity among individuals who do acquire the infection. Vaccinated people with breakthrough infections, including infections with the Delta variant, are less likely to develop symptoms and are more likely to recover from their illness quickly and much less likely to require hospitalization compared with unvaccinated people. A recent article published in the *Journal of the American Medical Association, JAMA*, demonstrated that

the age-adjusted rate of hospitalization among US adults aged 18 and older was 83.6 per 100,000 for unvaccinated people, compared with only 4.5 per 100,000 for fully vaccinated persons. According to CDC, vaccinated individuals are less likely to transmit COVID to close contacts compared with unvaccinated people. Additionally, most recent studies demonstrated that vaccines continue to be effective and can provide protection against emerging variants of concern. Despite all the emergence of several more infective lineages of the virus, the vaccine is performing very well against the widely circulating Delta variant and continues to be our best defense against the newly emerging and rapidly spreading Omicron variant.

Currently authorized COVID vaccines are very safe and very effective. However, even highly effective vaccines cannot curb the pandemic without high population coverage and maintenance of other mitigation strategies. The impressive scientific achievement of the vaccine paves the way to controlling and eventually ending the pandemic, provided that vaccine uptake is sufficient. While the exact proportion is uncertain, it is likely that a high percentage of the US population will need to be fully vaccinated for our country to obtain adequate herd immunity. The State Medical Advisory Team recently estimated that at least 80 percent of Nevada residents should be fully vaccinated in order to build effective collective community resilience. Since the natural immunity developed after recovering from COVID infection is brief and does not provide adequate protection, full vaccination is strongly recommended for all eligible individuals. CDC recommends that all eligible individuals receive a COVID vaccine as soon as possible. Additionally, the Nevada Medical Advisory Team determined that requiring COVID vaccination is necessary to control this pandemic. Numerous interventions to improve voluntary uptake of the vaccine have been advanced. These interventions often focus on fostering public trust in the vaccine effectiveness and safety and promoting acceptance through community engagement, identification of trusted leaders, monetary incentives and public health messaging. Prior to the COVID pandemic, vaccine-preventable infections were low and well under control by public health measures, including vaccine mandates. Requiring COVID vaccines is the next step in controlling and eventually ending the COVID pandemic.

Receiving the COVID vaccine is the most effective way to protect employees from contracting severe COVID infections and transmitting this infection to other vulnerable individuals, which can cause serious illness, hospitalization and even death. The intent of LCB File Number R117 proposed regulation is to protect the safety of all employees and the vulnerable populations they serve. Once everyone is vaccinated, rates of hospitalizations and severe cases will be significantly reduced. Similarly, the regulations proposed in LCB File Number R069 will limit transmission, severe infections, hospitalizations and even death among Nevada's students attending postsecondary institutions, allowing them to remain safely in classrooms without potential for increasing risks of vaccine-preventable disease outbreaks. Unvaccinated individuals are at increased risk to contract the highly infective emerging variants, then spreading them to and infecting most vulnerable elderly and immunocompromised people. Additionally, once infected, unvaccinated individuals are more prone to develop severe forms of

COVID that may require hospitalizations and can overwhelm the health care system. Individuals with other prevalent, serious medical and surgical emergencies who may need immediate in-patient care, such as those who develop heart attack or stroke, may not be able to access necessary and timely care or be admitted to hospitals that are overwhelmed with unvaccinated critical cases of COVID. As of yesterday, Nevada vaccination rates were significantly lower than the national average. So far, about 64 percent of Nevada residents age 5 and older have initiated vaccination and almost 54 percent completed their vaccination series. With such a low uptake of the vaccine in Nevada and the US and a very low vaccination rate worldwide, the risk for even more dangerous variants to emerge seems to be inevitable. Not approving these regulations would mean high rates of susceptible employees who may remain unvaccinated. It would be a missed opportunity that may put employees, their families and the vulnerable population they serve at increased risk of contracting and transmitting the infection, causing substantial detriment to the public welfare. It will also substantially impair the opportunity to achieve adequately high rates of immunized employees that can effectively slow and ultimately prevent further transmission of COVID.

Mandates that require employees to be vaccinated against COVID have proven to be very effective. States have long required hospital employees and other health care workers to be vaccinated against other infectious diseases, such as influenza, to better protect staff and patients from flu outbreaks. On October 13, 2021, the White House Response Team announced that vaccination rates against COVID in the US have risen by more than 20 percent after several institutions adopted vaccine requirements. Additionally, vaccine rates increased considerably after New York State Health Department issued an order that required all health care workers in New York to be vaccinated against COVID by September 27, 2021. Vaccine mandates are best practices in the postsecondary institution settings. For example, 25 states currently require the meningococcal vaccine for university enrollment. Currently, Nevada requires vaccination against measles, mumps, rubella, tetanus, diphtheria and *Neisseria meningitidis*. The only way we can move past this pandemic is to ensure that every eligible person is vaccinated, and that includes those who are taking care of our vulnerable family members and loved ones. According to the University of Hawaii, vaccination mandates have had a significant impact on vaccination uptake. These increased vaccination rates are an encouraging indication of the efficacy of the mandates. Approving these regulations and making them permanent is consistent with CDC recommendations and would be in the best interest of the employees, the vulnerable population they serve and the Nevada community as a whole. Additionally, receiving the COVID vaccine is the only way to protect our students and others from contracting severe COVID infections and ensuring they can stay in classrooms and limit the transmission of the virus.

Due to the very heavy medical, societal and economic burden of this once-in-a-life pandemic, we felt it's necessary to swiftly move ahead with these proposed regulations and request preapproval by the Legislative Commission. Preapproval will ensure that NSHE campuses and our state-operated facilities are as protected as possible prior to the peak of the influenza season, which may coincide with a widespread transmission of

the Delta and Omicron and other emerging variants, and for the NSHE to be ready prior to the start of the spring semester. We believe that presenting these essential regulations for preapproval is the most expeditious way for completing the process in a timely manner, allowing the Legislative Commission the opportunity to review the regulations and offer feedback prior to the formal process. Additionally, we were unsure when the next Legislative Commission meeting would occur, which could increase the time needed to complete the regulation promulgation process, leaving our institutions at risk.

I will be providing a written copy of this testimony, including extensive bibliography for data and information sources ([Agenda Item IV-C B](#)). We are joined virtually by our colleagues at the Nevada System of Higher Education as well as the Department of Corrections to answer questions. With this, I am concluding this update. Thank you for your consideration, and we will be happy to answer your questions. Thank you.

Chair Yeager:

Thank you so much for that information, Doctor. We appreciated it and certainly would appreciate a written copy of that ([Agenda Item IV-C B](#)). There was a wealth of information in there and I think it would be helpful to see that in written form as well. Now, Commission members, I know we said we were going to take these one at a time, but I think the presentation really did hone in on both of the regulations. So, what I would like to do is give members an opportunity to ask questions on one or both of the regulations. I just would ask if your question pertains only to one regulation if you could perhaps state that in the question. That will just make the minutes a little bit easier for folks who come after us to comprehend. I see that Senator Hardy had a hand up, so we'll start with Senator Hardy. I'm sure there will be some other questions, but please go ahead.

Senator Hardy:

Thank you, Mr. Chair. I'm going to phrase my three pages as a question, with your indulgence. I'm a doctor. I believe in vaccines. I even feel that development of the COVID vaccines have been miraculous by any standards of the past. I am fully vaccinated. I am fully boosted by choice. I wear a mask. I wear a mask when I'm around other people, as it were. I'd like to give protection not only to myself but the person next to me and others. I hope that I never have to be the index person who passed the virus on to a vulnerable person who died. This is not smallpox, it's not measles, it's not polio, it's not meningitis. Yes, this particular COVID virus is going to, I'll call it, preferentially kill people over 65. Some cannot, or should not, even be vaccinated because of health or religious beliefs. Temporary mandates for vaccination have a role, and they've played that role while they've been trying to catch up with science. Science, however, has been a moving target with a loss of credibility by many rational people. Now the CDC, for instance, panel recommends Pfizer and Moderna but not J&J (Johnson & Johnson). Yes, there are known potential complications to the vaccine, but less than the significant hospitalization and deaths to the disease.

There is a risk-benefit ratio that we see shifting as we learn more. Most people develop a level of comfort versus fear as to their personal risks. We now know that fully vaccinated and boosted people can get the virus and variants as well as asymptotically carry and give it to others. Many people are considerate of others and wear a mask to help themselves and decrease water droplet transmission, respiratory spread. Few wear a double cloth mask correctly or avoid touching the mask with their hands. Few people wear an N95 mask. Just because we are “allowed” to eat/drink with others does not magically give us protection from viral sharing. We now know potential antiviral pills, such as Paxlovid, are on the horizon, as are newer vaccines. We all know someone who has died of COVID, and more will die despite our best efforts. We are still in our infancy of contact tracing in schoolroom exposures between all parties. We understand partying and close personal contacts are more risky than well-ventilated, self-distancing classrooms. We are all suffering from what I call COVID fatigue at home, work, school, recreation and mental health isolations. We have had a temporary mandate requiring vaccinations to decrease the spread of disease. A permanent mandate will not, in this regulation’s verbiage, prove our immunity. Denial is a well-known coping mechanism to help us deal with day-to-day risks, even from traffic accidents. Fear immobilizes us personally and economically. We do not have any means at all that proves our immunity. We can lessen our risks, but there are no guarantees. False reassurances may put us in dangerous areas. It is wishful thinking that the, what we call the invincibles who go to college, will conform to risk-free behaviors outside of class or the workplace. Thus, I am opposed to this ideal, less than ideal, well-meaning attempt at a permanent regulation.

As far as if I can go now to R117-21, I think it’s ironic that we are proposing a mandate for people who take care of prisoners, the staff, and we don’t have that same mandate proposed to take care of the very vulnerable people in prison. Let’s just look at 117, for instance, and consider the prisons. In our state, we have a population of black or African-American, 10 percent of the population approximately, and prison population about 31 percent. The very people who we think are vulnerable, we’re not treating. We’re not mandating them, so I think it’s a little awkward for us to say we want to treat state employees who go into the prison but we don’t want to treat the prison there.

I will be against both of these, not because they aren’t without well-meaning intentions, but because these two have fatal flaws that need to be fixed, and then when they’re fixed we can have this going the right way. We deferred something earlier today because it didn’t go through the right process, as it were, and now we are looking at a process that’s just backwards. It comes to us first and then it goes to immediate transmission to the Board. That’s not how this whole public process works. I will be voting no on both R069 and R117, both 21s. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Dr. Hardy. Again, I’ll just remind members we don’t have a motion on the table just yet. There will be an opportunity for comments if and when we get to a

motion, but I particularly wanted to see if folks had questions. I see Assemblyman Roberts has his hand up. We'll go there next.

Assemblyman Roberts:

Thank you, Chair. I think Dr. Hardy covered a lot of the issues good. I'm just curious; currently, are they under temporary regulations on both of these? I guess this would apply to both regulations that are before us today. Are they currently requiring vaccinations for contractors and employees in both of these institutions, and is that a temporary regulation? Then, I guess that'd be my first question and maybe a follow-up.

Chair Yeager:

Thank you, Assemblyman, and we have legal here, but my guess is we probably have someone on the Zoom who might be able to address that particular question. If there is someone, if you could just pipe up and let us know your name and what the answer to that would be.

Joe Reynolds (Chief General Counsel, Nevada System of Higher Education):

Chair Yeager, with your indulgence, I might be able to shed some light to answer the questions before the Commission. I'm also here today, just for the Commission's knowledge, with other representatives from the NSHE COVID-19 Task Force. We have Dr. Cheryl Hug-English, who is the Director of Student Health for UNR. We have Amy Pason, who is the Chair of the Faculty Senate Chairs for the entire system. I have Director Adam Garcia, who directs our public health in Southern Command for NSHE. Patty Charlton, who's the Provost and Vice President of the College of Southern Nevada. My Co-Chair on the NSHE COVID Task Force, Vice Chancellor, Caleb Cage, who many of you may also know as a former state director of Nevada's COVID response.

I'm here solely today on behalf of the NSHE COVID Task Force to support the regulations that are promulgated by the Division of Public and Behavioral Health in the amendments to NAC (Nevada Administrative Code) 441A.755. To answer Assemblyman Roberts' question, these are emergency regulations that were enacted by the Board of Health on August 20 of 2021. Partly, I believe it was in response to a recommendation by the NSHE COVID-19 Task Force.

To give a little bit of background, Chair Yeager, with your permission, on what brought us here, the NSHE COVID-19 Task Force was established by former NSHE Chancellor Thom Reilly back in March of 2020 right as the system was transitioning to fully remote instruction and as our state was, for lack of a better word, shutting down due to the pandemic. The members of the Task Force were nominated by presidents of all eight NSHE institutions to have medical, legal, human resource, risk management expertise, and to provide some recommendations to the Chancellor and the presidents as we move through this really rapidly evolving landscape with changing data, laws, directives, as we

try to navigate this pandemic. When Chancellor Melody Rose took the helm last fall, she continued with the COVID Task Force.

When we saw a spike and Nevada's COVID cases increased dramatically in August of this year, the Task Force did make a recommendation unanimously, all 19 members of our Task Force, to the Chancellor to request that the Board of Health consider enacting emergency regulations to add COVID-19 to the list of mandatory vaccinations that were already on the books in NAC 441A.755, and I think it's important to emphasize that. Mandating regulations by the Board of Health is not new. That has been on the books, as this Commission has heard, I believe for at least over 30 years. The authority of governments and especially the State Board of Health's to enact mandatory vaccinations has been established for over 100 years. What the request was is to add COVID-19 to the list of vaccinations that were already required for university students and then to expand that requirement to not only our university students but all NSHE institutions, including our community colleges, for that mandate. Again, if I can emphasize, mandating vaccines is not new. It has already been the law that has already been on the books and has already occurred, as members of the Commission may know too that the Nevada Legislature itself established the Board of Health as the supreme, and I quote, supreme, in non-administrative health matters relating to the preservation of the health and lives of citizens of Nevada and also granted the Board of Health the authority to adopt, amend and define regulations that control the spread of dangerous communicable diseases.

With that, the State Board of Health did enact these regulations. They are only good pursuant to state law for 120 days. That 120 days has expired over this past weekend. The permanent regulations before the Commission today are necessary in order to keep the current vaccine process for students in place so that we can start our spring semester safely and with fully vaccinated students in the classroom. I know that that was a long answer to the question, but I thought it was necessary to provide some more context as to how we got here. Any of the members of the COVID Task Force who are on this call would be happy to answer more specific questions regarding medicine or faculty—

Assemblyman Roberts:

Thank you. Thank you, Chair, again for the follow-up. I have a follow-up as well. I appreciate the detailed answer and the history on it, and you answered it. Right, it's a temporary regulation, and could that regulation be extended? Can you do subsequent 120-day extensions? Is your ability to adopt those regulations based on the declared state of emergency? Does that have anything to do with it? Would that allow you to continue these temporary regulations?

Mr. Killian:

Mr. Chair, if it would help?

Chair Yeager:

Please.

Mr. Killian:

Pursuant to NRS 233B.0613, which is the regular process for emergency regulations, an emergency regulation can be in effect for no more than 120 days and an emergency regulation can only be adopted through that process once. Since this vaccine requirement was adopted as an emergency reg, state law prohibits that emergency reg from being renewed. The only way to effectively extend an emergency reg is for the appropriate agency to subsequently adopt a permanent regulation that receives approval of the Legislative Commission to extend it beyond that initial 120-day period. I apologize, Mr. Chair. That's not a power that's granted by the state of emergency. That is a regular power granted by state law through NRS 233B.0613.

Assemblyman Roberts:

Thank you. Thank you for the answer. So there's no other way to extend this or adopt a new emergency regulation?

Mr. Killian:

Mr. Chair? That's correct, Assemblyman. The only way to extend this policy would either be through an action of the Legislature itself or through the approval of a permanent regulation that contains the same provisions. I would note though for the record that permanent regulation does not necessarily mean a regulation that never expires. It is possible for the agency to insert an expiration date in a regulation, so it doesn't have to be forever or nothing. The agency could choose to have it expire after a certain period of time and then at that point in time decide whether to adopt a regulation extending the time or not.

Assemblyman Roberts:

Thank you for the answer, and thank you for the questions, Chair.

Chair Yeager:

You're welcome, Assemblyman. Are there other questions? Okay, I've got some hands up. I see Senate Majority Leader Cannizzaro has a virtual hand up, so we'll go there first, and I think we had Assemblywoman Dickman, and I saw Senator Hardy again. We'll go in that order. Please go ahead, Senator.

Senator Nicole Cannizzaro (Senatorial District No. 6):

Great. Thank you, Mr. Chair, and I think I probably have a couple of questions that are legal in nature, and then I think probably some more for the folks over at NSHE. I apologize, I've got my little one who is very upset that I set him down, but he'll be fine, I promise. I wanted to talk a little bit about for students who are currently enrolled in the universities and community colleges, if they are choosing not to get vaccinated, are there alternatives for them in terms of instruction? Then, can you talk about whether or not this regulation would allow for religious or health exemptions if the student had a religious or health exemption for getting the vaccine?

Chair Yeager:

I don't know who best on Zoom with us to answer that question. I know we have Mr. Reynolds, but we also have representatives from the NSHE institute. The screen is very small, but I see someone in red with a hand up, so we will go to you.

Dr. Cheryl Hug-English (Medical Director, Student Health Center, University of Nevada, Reno):

Chair Yeager and members of the Commission, just to answer the question, just like with any other vaccine requirements there are waiver processes for both religious and medical reasons. Those processes have been ongoing for all of our campuses during this time since the initial regulation was passed by the State Board of Health. Yes, any student can appeal and request an exemption for religious or medical reasons.

Chair Yeager:

I think the second part of that question was about if there are students who don't want to be vaccinated. What options would they have?

Patty Charlton (Provost and Vice President, Henderson Campus, College of Southern Nevada):

Yes, Chair Yeager. Thank you so much for this opportunity, and also through you to the members of the Commission. In addition, if a student were to enroll in a program of study that is fully online, they also do not have to provide evidence of a vaccination at this time. That's also another opportunity for students to complete their educational pursuits in addition to the medical and the religious waiver.

Chair Yeager:

Thank you. Senator Cannizzaro, did you have additional questions?

Senator Cannizzaro:

I think I have one more. Maybe two, Mr. Chair, if you would allow. The way that I'm reading this regulation, and I don't know if this might be better for either legal counsel or for potentially our State Board of Health folks—and I'm so sorry, he's very mad—but the way that I'm reading the regulation is that it would be tied to the CDC guidelines. If the CDC were to revise—because we've talked a little bit about how different vaccines have been approved or not recommended anymore, this regulation would conform with that. As the CDC may adopt different guidelines, this regulation seems to be tied to whatever the CDC recommendations are, if I'm reading that correctly. I just wanted to confirm that.

Karissa Loper (Health Bureau Chief, Bureau of Child, Family and Community Wellness, Division of Public and Behavioral Health, Department of Health and Human Services):

That is correct, Senator. We are referencing back to CDC guidelines.

Senator Cannizzaro:

Okay, great. Thank you, and I think that answers the questions that I have, Mr. Chair. I appreciate it.

Chair Yeager:

Thank you. Certainly appreciate that you're having to deal with life there, so thank you for getting those questions in. Senator Settlemeyer, I promise I see you with your hand up. I'm going to come to you at some point. I just wanted to pick up the order that we had, which was I think Assemblywoman Dickman, Senator Hardy and then Senator Settlemeyer. So, we'll go in that order. Assemblywoman Dickman, please go ahead.

Assemblywoman Jill Dickman (Assembly District No. 31):

Thank you. I appreciate the question. Sorry for my clumsiness with Zoom. One of my questions is, we keep hearing a lot about proof of immunity, and I'm wondering why there's no allowance or consideration for natural immunity that's obtained by those who have recovered from COVID. That would be one question, in general. Not sure who that would be for.

Dr. Azzam:

For the record, this is Ihsan Azzam—

Assemblywoman Dickman:

Lady in red.

Dr. Azzam:

Sorry.

Dr. Hug-English:

Go ahead, Doctor.

Dr. Azzam:

Sorry. Thank you for this great question. Natural immunity—first it depends on how severe the case was. More severe cases produce better and higher level of antibodies. However, regardless of what the natural immunity was, it is inadequate to provide protection against reinfection. So many papers and studies, and I would be happy to share with you these articles, are showing really that regardless of what was the circumstance—even there was a study among young people in the Navy, and they measured the level of reinfection after vaccination and without vaccination, if they had history of COVID. They found really out that individuals who were not vaccinated, while had history of the COVID infection, had significantly higher rates of reinfection. Definitely regardless of the history that people had the disease or not, natural immunity is not adequate to protect us from severe illnesses, because the goal as of today is to get as much as we can of the—population nationwide and in our state vaccinated. Certainly, we may not be able to prevent all infections, but the vaccines are extremely effective in preventing severe cases, hospitalization and death. Thank you.

Assemblywoman Dickman:

Thank you for that answer, and then you may be the one to answer my next question. I'm not sure. It sounds like you're saying that the only way we will ever protect people from severe infection is through vaccinations, but this morning I believe IFC gave money, over \$19 million, for treatment. I'm just wondering, since we are seeing advances in treatments and testing, I think that needs to be taken into consideration before we require mandates. But I guess my question is, don't the treatments and testing work?

Dr. Azzam:

Again, it's a really great question. I just want to share with you that treatment is an intervention that occurs after individuals contract the infection. We need a mechanism to prevent the infection, because as Dr. Hardy mentioned, Paxlovid, which is a Pfizer pill, is not yet approved, yet seems to be effective. There's an approved pill, which is called Molnupiravir, which is effective by about 30 percent. Yet remember, really, we don't want to wait until the people contract the infection and get sick, then we start treating them. The easiest way is to give them some protection through the vaccine. Again, certainly the vaccine is not going to protect everyone. As we saw in the clinical trials, 93 percent effectiveness, which means that for the 300 million Americans, you are going to have 21

million who are not going to be protected by the vaccine. They call them breakthrough infections. Here we didn't even count the immunocompromised and the individuals who are having treatment for cancers. So eventually, the vaccine, while it's not perfect, I think it's extremely effective in preventing severe cases, and that is our goal. We want to prevent death and hospitalization. We want to prevent overwhelming our health care system, because eventually we do have women who need to deliver babies. We have people who may have broken bones and emergency heart disease, heart attacks, stroke, so we don't want the hospitals to be crowded with cases. We consider in public health developing a disease a failure. Our mission is to try to prevent that disease, and the only way to prevent it is through vaccination and other prevention measures, as Dr. Hardy mentioned: using the mask, social distancing, avoiding the crowd, environmental hygiene or individual hygiene. Just also, I want to touch on something. Even if individuals who are contracting the infection when vaccinated or after vaccination, their level of spreading the virus, and I can provide documentation on that, is significantly lower than individuals who are asymptomatic and have no vaccination. Additionally, the duration of shedding the virus for those vaccinated is significantly shorter. So truly, again, while the vaccine is not perfect, it's our best tool for our way to control this pandemic and eventually ending it. Thank you.

Julia Peek (Deputy Administrator, Community Services Branch, Division of Public and Behavioral Health, Department of Health and Human Services):

I do want to address the monoclonal antibody treatment and acknowledge the Interim Finance Committee for approving it. As Dr. Azzam summarized, public health takes a prevention approach that is primary, secondary and tertiary prevention. The vaccination as he noted is primary prevention and absolutely a foundational piece of the COVID response in Nevada, but that does not negate that we also need to address secondary and tertiary prevention in our model. Tertiary prevention is what we presented this morning with the monoclonal antibody treatment and is so necessary in our state for vaccinated or unvaccinated if they're at risk for severe disease to ensure that they can access the treatment appropriately. Again, just understand, it's a system of COVID response of which this is a piece of it, but by no means is the monoclonal antibody treatment, as Dr. Azzam mentioned, hoping for a really successful oral antiviral medication, but again, that does not negate vaccination in our approach to prevention. Thank you.

Dr. Azzam:

Remember really that monoclonal antibody treatment requires injections, and certainly both injections again for monoclonal antibodies are way more difficult than getting the vaccine. Also, the monoclonal antibodies are not yet fully approved. They are under emergency authorization. Eventually, we do have fully approved vaccines and we do have almost 8 billion doses given worldwide. In the US, we have about a half billion doses. This vaccine is extremely effective and extremely safe and probably is the only way to see our way out from this pandemic.

Assemblywoman Dickman:

Thank you for those answers, and thank you, Mr. Chair, for the questions.

Chair Yeager:

You are very welcome. We're going to go next back to Senator Dr. Hardy, and then we'll go to Senator Settlemeyer. Dr. Hardy, please go ahead.

Senator Hardy:

Thank you for allowing me to talk a second time. I think we're all kind of saying the same thing. Vaccines are wonderful. I love vaccines. They prevent some people from getting sick. The goal to prevent all people from getting this particular virus may be a little more wishful thinking than otherwise. As we look at the variants as they come, it's reminding us more and more of the flu. It's reminding us more and more of the common cold as far as its infective ability. I'm not as optimistic. I think this virus, in one variant or another, is going to be around for a long time. The pills that are coming out are much like the pills, an antiviral pill, that we use for the flu virus, but that doesn't prevent the flu. Flu vaccines don't prevent up to 50, 70 percent of the flu. We have a bad virus and it's going to be around, and we should vaccinate everybody that we can. Vaccination is probably the pillar of all the things that we can do, and there are going to be more vaccines. We are going to see more variants and they're going to respond to other vaccines. To say that we're going to prevent the disease I think is optimistic in every case. We need to do everything that we can to prevent the disease as well as treat the people who have their complications. When you start looking at the literature, it all talks about it's this much effective at preventing hospitalization and death. That's the standard that they're looking at now is how does it prevent. Probably most of the diseases are asymptomatic and we don't even know they have it, so you see people now lined up in New York getting tested. The combination of vaccination and testing is probably going to be a very critical marriage between those two philosophies for a long time—and by the way, the monoclonal antibodies aren't working for the Omicron.

Everything that we do, viruses are pretty smart. They change and adapt and get varieties, and so yeah, I believe in vaccines. I believe that we should do them. I don't think that we need to mandate something that is changing. This is a permanent, a permanent, regulation, and it's a changing world and a changing environment. I don't think a permanent regulation is a wise thing to do now, but to look at the 120 days, make a substantial change in the emergency regulation that uses real words instead of prove immunity and just require vaccination if you want to do a mandate, and require it for another 120 days so you can do and adapt and figure this out. This is what I would call unfair to many people to spring this on us and then have it effective before we actually have a full 30 days' of notice and discussion. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Hardy. Senator Settelmeyer?

Senator Settelmeyer:

Thank you, Mr. Chairman. Sorry about that, technical difficulties. I was kind of curious, one of the things that was brought up was 120 days. What I'm looking at is, why doesn't it automatically end if the state of emergency ever ends? And I say that because we've been under a state of emergency now for what, 21 months, 93 weeks, 645 days, depending which way you look at it. We tried to put some constraints on that during the legislative session. Unfortunately, that bill was not entertained or allowed to be given a hearing. But in that respect, I'm curious why come they didn't at least link it to the statewide emergency, for one? The second question I had was on the concept of medical exemptions. The reason I ask that is, living in Douglas County, I live close to the Capital. There are many state workers that are my constituents. Several of them have had, in my opinion, valid medical exemptions. One of them, she's allergic to the vaccine because one of the carrier agents is eggs or something like that. Then to boot, unfortunately she has a sinus problem and her ENT (ear, nose and throat) says she cannot take the nasal swab test. To me, that sounds like a medical exemption, but it's interesting that the Executive Department said, "No, it's not. You're fired. Go find a new place to work." So, I'm curious, what constitutes a medical exemption?

Chair Yeager:

I'm not sure who would like to take that on, but would someone on Zoom like to weigh in on that one?

Ms. Loper:

Yes, medical exemptions are determined by a person's medical provider. However, my understanding legally is that then the business for which they work has a legal ability to review those accommodations and accept or deny them. But I cannot speak to specifics for every type of business.

Senator Settelmeyer:

In that respect, and I'm asking a question from the state workers, would you—who has the ability to override a doctor?

Lisa Sherych (Administrator, Division of Public and Behavioral Health, Department of Health and Human Services):

Specific to DPBH (Division of Public and Behavioral Health), those medical accommodations or religious accommodations are worked through our human resource

department. I will say we have not terminated anyone, and I don't want to speak for the other Department of Health and Human Services entities or Department of Corrections, but I don't believe any terminations have occurred. My understanding is we have not discounted any accommodation for DPBH when it's—

Senator Settelmeyer:

If I could follow up, Mr. Chair?

Chair Yeager:

Please, go ahead.

Senator Settelmeyer:

Are we saying that somebody in HHS who is not a doctor, I mean let alone a doctor in the State of Nevada, let alone somebody that's a doctor in the United States of America, we're saying somebody that's not even a doctor, period, anywhere—and I won't even go further on that point, but I think you know where I'm going, has the ability to override my family physician?

Dr. Azzam:

I would really say that we shouldn't override any recommendation of any physician. The problem is really that we saw a lot of medical exemptions coming from non-physicians, and we also saw exemptions of persons who cannot take the vaccine, yet they had history of taking all other vaccines which has similar contents. While the health care provider is the doctor on record, obviously it doesn't make sense when a person took other vaccines which are comparable and they cannot take this vaccine just because it's the COVID vaccine. So anyway, I would say really that while we need to respect what the doctors recommend, we cannot take it 100 percent, because the doctors have 10, 15 minutes with the patient. They don't probably know the history or what's happening. Certainly the case you mentioned, that the person has an ENT problem and they cannot get the swab, I think this is extremely valid and nobody would question that, but a person who took a lot of vaccines and suddenly don't want this vaccine doesn't make sense to me.

Dr. Hug-English:

If I might respond, Mr. Chair, as well?

Chair Yeager:

Please go ahead.

Dr. Hug-English:

I just want to emphasize that for all of our NSHE institutions, we have waiver committees with medical—a wide variety of people on the committees to review these requests for waivers. There are some real standards that CDC has set for exemptions for medical reasons. For example, anaphylaxis to other vaccines or allergic to some of the components, but these vaccines do not have eggs. Polyethylene glycol and polysorbate are the two ingredients that these vaccines have. They really don't have many ingredients, which makes them really easy from that standpoint. I just want to reassure everybody that it is really taken to heart. Committees review these waiver request forms very seriously. Thank you.

Chair Yeager:

Senator Settlemeyer, do you have any other questions?

Senator Settlemeyer:

No, sir. Thank you, Mr. Chairman.

Chair Yeager:

Committee, we've been at it for a little bit, but I see we have a couple of additional questions. I'm going to go next to Senator Harris, but before I do that, let me ask, is there anybody else on the Committee that has a question? Of course, if and when we take a motion, there will be a chance to make a statement, but anyone else with questions besides Senator Harris? It doesn't look like it. Senator Harris, I think you're going to have the final question or two. Please go ahead.

Senator Harris:

Thank you, Mr. Chair. I guess this question will probably be for legal. Is there any possibility of issuing a new emergency regulation that would extend for 120 days? If that's possible, how different would that regulation need to be in order not to violate our statutes on emergency regulations?

Mr. Killian:

Thank you, Mr. Chair. The legal requirement under NRS 233B.0613(4) is that a regulation may be adopted through the emergency procedure only once. For any other regulation dealing with this topic, if it would contain the same terms and be a simple 120-day extension, that would be the same regulation, so state law would prohibit that from being adopted through that process more than once. There could potentially be some other regulation dealing with the same topic in a different way that could be a substantively different regulation for which the emergency procedure would be available, but since state

law is specific that a particular regulation can only be adopted through that process once, if the agency were to submit another regulation that is substantially the same regulation just to evade the 120-day expiration requirement of state law, that regulation would probably not be enforceable and would instead have to go through the permanent regulation process.

Senator Harris:

Okay, thank you.

Chair Yeager:

Okay, well Committee, as I noted, we've been at it for a little while. What I would like to do at this point is—and again, you'll have a chance to make any comments you would like, but I would be looking for a motion to approve R069-21 and R117-21.

ASSEMBLYWOMAN JAUREGUI MOVED TO PREAPPROVE REGULATIONS
R069-21 AND R117-21.

SENATOR DENIS SECONDED THE MOTION.

Chair Yeager:

We have obviously had some discussion and comments already, but I want to give members of the Commission a chance for any further discussion before we take the vote on the motion. I know there's some out there. Who would like to go first? We'll start with Senator Hardy. Please go ahead.

Senator Hardy:

Thank you, Mr. Chair. It's fascinating. We do wordsmithing all the time in this body and it's fascinating to hear the permanent regulation process—it would have to go through the permanent regulation process, so then, what are we doing now that we're doing a permanent regulation process by going around the permanent regulation process? This is a permanent regulation but we're not doing it the permanent regulation process way. We aren't having public hearings. We're not doing it that way, so why are we doing a permanent regulation? This is a permanent regulation. Why aren't we doing it in a permanent regulation way? I think realistically this is a disservice to the public, what we're trying to do now. I'm not against vaccinations, and I think if you recognize that this is flawed and that it requires proof of immunity, that's wrong. It's scientifically wrong. We cannot prove immunity. If we were to say this is the permanent regulation that proves immunity, read about yourself in the newspaper. It's not, and so I can't in good conscience

have this thing go forward as a permanent regulation. I think it's flawed. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Hardy. I will just note for the record that there is a statutory provision, 233B.0681, that does allow for an agency to submit a regulation for early review. That certainly is not something that happens often at the Legislative Commission, but it does happen regularly. I just wanted to make sure that there wasn't an implication out there that something under-handed was done. This is a statutory procedure that is available to any agency. Obviously it is up to the Legislative Commission about whether to go ahead and approve that regulation, at which time, if it's approved, the agency would have to go through their normal public hearing and all that. So, that would happen in this case if this were to be approved. I just wanted to make that clear for anyone who might be watching the Legislative Commission and not really be familiar with what we're doing here. But I appreciate the comments, Senator Hardy. Any additional discussion before we take the motion?

Senator Hardy:

Can I ask a question then? If this passes, there will be a regulatory body that meets and hears and accepts and does and approves like we normally do, and it will require them to have a vote? That would do it?

Chair Yeager:

Well, I can pass that over to Mr. Killian to tell you what would happen if we were to pass these regulations. Mr. Killian?

Senator Hardy:

Thank you.

Mr. Killian:

Thank you, Mr. Chair. That's correct. If an agency uses the NRS 233B.0681 early review process, then effectively the regulation approval happens in the reverse order that it typically does. Typically the agency would first have a public meeting to vote on approving a regulation. That regulation would then come to the Legislative Commission for a second and final vote on approval. If 233B.0681 is used, then instead, the Legislative Commission votes first on the regulation, and then if the agency seeking to adopt the regulation adopts an identical regulation to what the Legislative Commission granted early review to, then it's that second vote of the agency that makes the regulation effective and allows it to be filed with the Secretary of State. There would be a subsequent meeting of the State Board

of Health to adopt regulations, and if they are in identical form to the ones granted early review by Legislative Commission, they could then become immediately effective.

Senator Hardy:

If I may then, it's not effective immediately right now? It would only be effective after that 30 days of hearings and people approving it?

Mr. Killian:

Mr. Chair, that's correct. It would become effective only after the proper 30 days' notice and then subsequent meeting of the State Board of Health to adopt the regulations that are identical to the ones granted early review today, assuming Legislative Commission approves them today.

Senator Hardy:

We could actually not approve this, have a hearing for 30 days and approve it, and it would end up at the same time that we're talking about now?

Chair Yeager:

Well, I don't think it would end up at the same time because it would have to come back in front of Legislative Commission for approval, and I think that was candidly the issue, Senator Hardy, was to have this in place before the next semester of classes. When we're talking about NSHE, it essentially has to go through this process because I don't think there's enough time for it to go through the Board of Health and then come back to Legislative Commission for the normal process, I think. That's my opinion as to why we are where we are with this early review regulation.

Senator Hardy:

Thank you, Mr. Chair.

Chair Yeager:

You're welcome. Are there additional discussion? Senator Settlemeyer, please go ahead.

Senator Settlemeyer:

Thank you, Mr. Chairman. As stated earlier, I am concerned that HHS department, or the human resources department, rather, would have the ability to override a family doctor. I find that very troubling. In many of these situations, that person's decision at human resources is final and cannot be appealed to a court. I find that extremely troubling and will be opposing this legislation today. That, added to the concept that while a prison

guard is mandated to have a vaccination, the prisoners are not, and that seems contrary to me. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Further discussion from Committee members? Senate Majority Leader, please go ahead.

Senator Cannizzaro:

Thank you, Mr. Chair, I appreciate it. I wanted to just highlight I think a couple of things that give me a lot of comfort in voting to approve this regulation. I'll talk specifically—I know we're talking about the universities and the System of Higher Education regulation, but I think it equally applies, and some of my own observations equally apply to our other regulation that is before us as well. First, I think there are the appropriate religious and medical exemptions. I don't foresee—and I have been a student in the university system here in Nevada and in multiple forms, and there are always different things that you have to do and a variety of ways in which you can either appeal them or ask for different consideration. I am comforted by the fact that our System of Higher Education would be able to accommodate any student requests, and certainly the answers I think that were provided by our colleagues at the Department of Public and Behavioral Health with respect to their review of physician recommendations or other requests for exemptions, I feel comfortable that that is in fact the case and that they are applying that in an appropriate fashion. I think that those are the same kinds of things that we've heard. Well, what if people have a religious exemption to this? What if there's some sort of ongoing medical concern? That is clearly addressed, not only in these regulations but also is in the patterns and the practice of our state agencies and within NSHE itself. Additionally, and one of the reasons why I wanted to clarify, is that there is also a different alternative path for someone who does not wish to get the vaccine. This is not something where we are mandating that everybody must line up and you have to get a shot in the arm. If there are exemptions, or if you choose not to, then you are welcome to attend school online, which obviously we would all prefer to not be in the middle of a pandemic. We would all prefer for COVID to not exist. We would all prefer to not have to have this discussion in the first place, but the idea that somehow we are stripping choice from students is actually factually false.

Additionally, I think if the issue comes down to one of process, that we have these temporary regulations in place and that somehow if we want to adopt a permanent regulation but we would be comfortable with the same regulation if there were some sort of statutory avenue to approve it for another 120 days, then we are not really arguing about the substance of what it is that we are voting on and we are not actually opposed to the underlying policy if we are going to let this come down to a process issue where we would be comfortable for allowing this to continue at 120-day increments, yet we are not going to approve a permanent regulation to do the exact same thing.

I am also comforted by the idea that as the CDC recommendations evolve and as we learn more about the virus and as we learn what sorts of things are appropriate or not appropriate, this regulation is designed to be fluid and to be flexible with respect to those ongoing scientific concerns. At this point when we are saying that we believe that vaccines work and we believe that vaccines are going to help to reduce hospitalizations and deaths and we believe that vaccines are the pathway to getting us to a sense of normalcy in whatever fashion that may be, then that is what the medical evidence shows and that's what this regulation reflects. I think it's a red herring to argue that because a vaccine is not foolproof in some way and will not prevent for each and every person in every situation from ever getting COVID or from ever getting sick from it that we should not approve a policy that is intended to protect the public health of our students and our faculty and state workers. That is irresponsible of us. It is irresponsible of us to say that because something is not foolproof that we do not support it. I think one of the clearest examples and what comes to my mind is we don't say that most people who are in a car crash and are injured can be helped at a hospital, so let's not wear seatbelts, let's not use car seats, let's not make sure that we're following the rules of the road, let's not have speed limits or other traffic merging devices or other sorts of things that we know protect public safety, because if you're in an accident, the odds that the hospital will be able to save your life are greater than that they would not be. That's not what we do. We don't say, well, seatbelts might not protect you 100 percent, so let's not wear them, right? We have seatbelts. We also have airbags. We have child safety seats. We have rules of the road. All of those things play into public safety. So yes, we may have taken action today in IFC to approve things like monoclonal antibodies, which are a form of treatment, we might be saying that certain individuals are more or less susceptible to hospitalization or death from COVID, but none of those are reasons to say that we shouldn't support a well-founded policy that we know is going to save lives and that we know is going to help from spreading the disease and from spreading the more dangerous versions of the disease or help from keeping people who are more immunocompromised from getting sicker. That is something that we as public servants have an absolute obligation to do.

This, by the way, is not a new—to me, it's unfathomable that we are arguing over whether or not a vaccine policy is something that we should support or not support. As I mentioned, I was a student in the Clark County School District for my entire kindergarten through twelfth grade high school, graduation career. I had to have proof of vaccination in order to attend our public schools here in Nevada. When I then decided to attend the University of Nevada, Reno up in Reno, Nevada, I also had to go and get booster shots and prove my vaccination status. When I then got accepted to law school, I had to go again and yet again get more boosters and prove my vaccination status. Frankly, when I went to go work in restaurants, which I have been doing since I was 16 all the way through and up into law school, I had to go down to the Health Department and get vaccinated for hepatitis and show other vaccines in order to get a card that would simply allow me to get a job working in a restaurant so that I could serve food to individuals for a minimum wage job. This is not new policy. This is something that we ask people to do each and every day. It is something that I have been asked to do many, many times, and yet this is the first time that it is a source of debate. I myself am vaccinated. I got vaccinated while I was pregnant

with my child. I received a booster thereafter. I have been breast-feeding my child as well after having been vaccinated and boosted in order to help protect him as well. To me, when we have students and faculty who are requesting for us to continue this policy, a policy that we have done in a myriad of other facets for something that we know is a public health mechanism and something that we know will work, and there's an appropriate amount of flexibility, to me, it is irresponsible of us not to approve this.

This is common sense public health policy that we are being asked to approve. To do anything less than approve these regulations today I think is simply pandering to a political message. That is not what we are here to do and what we should owe to the people of the State of Nevada, especially because—and I find this so interesting—if we don't approve this today, you can go to our universities—we can say to our state workers, “We don't really care about your health and safety. We don't really care if you are vaccinated or the people around you are vaccinated, but if you go to a Raiders game, we should be vaccinated.” Granted, I think you should be vaccinated to go to a Raiders game, but we are not asking for something that is ludicrous or obscene or something that is inappropriate. We are asking for what is common sense health policy that we have all been subjected to in a number of ways. Many of the people that I'm sure are on this particular Zoom meeting, myself included, are vaccinated. I'm just not really sure how it is that we find ourselves at a crossroads of not approving what we know we should approve because we support vaccines and because we believe in science and because we believe in keeping people safe. We do it in so many other ways, and simply because something is not the one and only be-all, end-all and simply because there are some folks who are uncomfortable with it. Listen, there are alternatives for that, and we should be doing everything we can to keep people safe.

Mr. Chair, I apologize for what is a rather lengthy comment, but as you can see, I'm pretty passionate about this, and I just think that this is the responsible and the smart thing for us to do, and getting bogged down in some of the other political pieces of it I just think is the wrong place for our heads to be. I will be supporting both regulations and I would urge my colleagues to do the same.

Chair Yeager:

Thank you, Senator Cannizzaro. Assemblywoman Dickman, please go ahead.

Assemblywoman Dickman:

Thank you, Chair. I just have a question. Do you think it would be wise to take some public comment so we can hear where people stand on this, since the public comment after this will be over?

Chair Yeager:

Thank you for the suggestion, Assemblywoman Dickman, but we don't allow public comment during a hearing on the regs, so we won't be able to accommodate that. I think we did hear some of both sides of the public comment before the hearing, and I know all of you, like me, read your emails, and we've gotten quite a few emails that I will say are on both sides of that issue as well. I appreciate the suggestion, but we won't be able to do that before taking the vote.

We do have a motion on the table, and I just want to make a couple of quick comments. One, I want to thank Committee members for being respectful in this dialogue. I know this is an issue that gets people really fired up, and so I want to thank you for your professionalism. I want to thank the folks who are on Zoom. Not all of them got a chance to speak, but I think what comforts me in supporting these regulations are the fact that, with respect to R069-21, we heard essentially from NSHE representatives that they want this. They asked for the emergency regulation, and the Board of Health promulgated that. It's been in place, and by all accounts it's been working as well as anyone could have hoped, and they're coming to us asking to extend that. I don't feel comfortable standing in the way of our medical professionals and the Board of Health, and I think we've heard the medical case for why this makes sense. The health and safety of our students is of utmost priority, and I certainly would hate to see our higher education institutions have to go back to distance learning. We can keep people together, we can save lives and we can keep students in the classroom. With respect to R117-21, we are talking about vulnerable populations, some of the most vulnerable in our state. Many of those are prison facilities or other lockdown facilities where the people who are there don't necessarily have a choice to be there, so I think asking that staff and contractors be vaccinated certainly makes sense.

As this new variant comes upon us, you've all seen the news. It's spreading. I fear that our frontline hospital staff are once again going to be stretched to their limit like we had back in 2020. I fear for that, and I think just to kind of conclude, according to the CDC, and this really is the point for me, in terms of someone who is not vaccinated versus fully vaccinated, the unvaccinated are 10 times more likely to get the virus, 29 times more likely to be hospitalized and a staggering 60 times more likely to die from the virus. When we talk about protecting public health, looking out for folks, vulnerable people, students, I think this all makes sense. I'm not under the illusion that anything that I said changed anybody's mind on the Commission, so I will end my remarks there. If there aren't any further discussion remarks, we will go ahead and take the vote, but I'll give one more chance for anyone who would like to say something before we vote. Okay, so again, the motion is to approve.

THE MOTION DID NOT PASS (SENATORS HAMMOND, HARDY AND SETTELMAYER, ASSEMBLYWOMEN DICKMAN AND KRASNER, AND ASSEMBLYMAN ROBERTS VOTED NO).

Senator Hardy:

Is that both bills?

Chair Yeager:

I'm sorry? Yes, that's on both bills. Senator Hardy, were you intending to vote differently on—

Senator Hardy:

I want to make sure for the record that we're voting no on both bills. Thank you.

Chair Yeager:

Okay, yes. Yes, the motion was for both bills. We have a situation where we have six in favor and six opposed, so the motion does fail. I think that takes us through agenda item IV. Now, Commission, take a deep breath. We still have some work ahead of us to get through, but I think it will be a little bit more expedited than what we just went through.

At this time, I want to take us to item IV-E, which is appointments of members to committees and similar entities and the designation of chairs and vice chairs of committees. Let's start with the appointment of the Subcommittee to Review Regulations. Subsection 6 of NRS 233B.067 provides that this Subcommittee must consist of at least three members and that each member must be a member or alternate of the Legislative Commission. In the meeting materials and in our packet on the Legislature's website, we have a recommendation for the appointment of the following four members: Assemblyman Steve Yeager, Assemblyman Greg Hafen, Senator Dallas Harris and Senator James Settelmeyer ([Agenda Item IV-E 1](#)). I would be looking to take a motion to appoint these members, or any other motion that might be out there.

SENATOR HARDY MOVED TO APPOINT ASSEMBLYMEN YEAGER AND HAFEN AND SENATORS HARRIS AND SETTELMAYER TO THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW REGULATIONS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you, Committee. Next, we will consider the appointment of members to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System ([Agenda Item IV-E 2](#)). Members, you'll see that we have six proposed appointees: Assemblywoman Sarah Peters, Assemblywoman Lesley Cohen, Assemblywoman Lisa Krasner, Senator Chris Brooks, Senator Melanie Scheible and Senator James Settelmeyer. I'd be looking for a motion to approve these appointments.

SENATOR HARDY MOVED TO APPOINT ASSEMBLYWOMEN PETERS, COHEN AND KRASNER AND SENATORS BROOKS, SCHEIBLE AND SETTELMAYER TO THE LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

With Vice Chair Monroe-Moreno, we have a little bit of a delay on your feed, so I'll acknowledge that you were a yes on that as well. That motion does carry. All right, next, Commission members, we need to add three additional members to the Nevada Silver Haired Forum. Under the NRS, there are 21 members who are nominated by members of the Senate, who are supposed to consult with their counterparts in the Assembly. You may recall, at our meeting in October 2021, we appointed 12 members to the Forum. You should have received a copy of a motion providing nominations to be approved by the Commission today ([Agenda Item IV-E 3](#)). This information has been posted to the website as well. We have two additional members to appoint. That would be Valarie Woods and Roger Troth, and an additional member to reappoint to the Forum is Dr. Marilyn E. Jordan. I'd be looking for a motion to make those appointments.

SENATOR HARDY MOVED TO APPOINT VALARIE WOODS, ROGER TROTH AND MARILYN JORDAN TO THE NEVADA SILVER HAIRED LEGISLATIVE FORUM.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Okay, next up, the Legislative Commission's Audit Subcommittee is the last item under item IV-E ([Agenda Item IV-E 4](#)). This is an informational item. The statute requires the Chair of the Legislative Commission to appoint five members and five alternates. All members and alternates are required to be current members of the Legislative Commission or of the Interim Finance Committee, and then the Chair is also required to designate one member to serve as chair. Again, we don't need a vote on this, but just so the record is clear, the members who were appointed are Assemblywoman Sandra Jauregui, Chair, Assemblywoman Brittney Miller, Assemblywoman Jill Dickman, Senator Marilyn Dondero Loop and Senator Scott Hammond. Those will be the regular members of the Audit Subcommittee. The alternates are Assemblywoman Sarah Peters, Assemblywoman Michelle Gorelow, Assemblywoman Robin Titus, Senator Mo Denis and Senator James Settelmeyer.

The next item on the agenda is item IV-F, which is the approval of the interim committee budgets and work programs. Section 8(c)(3) of AB (Assembly Bill) 443 of last session requires the Legislative Commission to review and approve the budgets and work programs of each joint standing committee and any changes to the budget or work programs. Under tab IV-F in the materials in your packet and on the Legislature's website, there is a recommended budget and a work program for each committee ([Agenda Item IV-F](#)). These work programs reflect the number of meetings requested by the chair of each committee and the estimated cost for those meetings. So, Commission members, I hope you'd had a chance to review those. I would take any questions that you have on that item at the moment, and if there aren't questions, would be looking for a motion to approve.

SENATOR HARDY MOVED TO APPROVE THE INTERIM COMMITTEE BUDGETS AND WORK PROGRAMS.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

I'll just say I'm very excited for these interim joint committees to start meeting in January. I think we have a lot of potential and a lot of good that can be accomplished, so I appreciate Commission members' support in getting the ball rolling on that.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Next we are going to go to item IV-G. Under NRS 459.0091, the Legislative Commission is required to provide a list of three persons from which one member of the Nevada Commission on Nuclear Projects will be appointed by the Governor. Under tab IV-G in your packet of materials and on the Legislature's website, there is a recommended list of three persons, which include M. Paul Workman, Joseph Strolin and John Walker ([Agenda Item IV-G](#)). At this time, I'd be looking for a motion to send those three nominations to the Governor.

ASSEMBLYWOMAN JAUREGUI MOVED TO RECOMMEND M. PAUL WORKMAN, JOSEPH STROLIN AND JOHN WALKER TO THE GOVERNOR FOR CONSIDERATION OF APPOINTMENT TO THE NEVADA COMMISSION ON NUCLEAR PROJECTS.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Senator Settlemeyer, I will say your screen was freezing on and off, but I didn't hear you say no, so I'll take that as a yes. That motion does carry. Okay, Committee, I promise we are working our way through this agenda. The next item on the agenda is item IV-H regarding the appointment of a Deputy Director of the Legislative Counsel Bureau, and I believe it would be appropriate for our own Director, Ms. Brenda Erdoes, to present this item to the Commission, so please take it away.

Brenda Erdoes (Director, Legislative Counsel Bureau):

Thank you, Mr. Chair. Item IV-H is the appointment of a Deputy Director of the Legislative Counsel Bureau pursuant to subsection 7 of NRS 218F.100. Subsection 7 of NRS 218F.100 authorizes the Director of the LCB with approval of the Legislative Commission to designate one of the division chiefs as the Deputy Director of the LCB. Under the item IV-H tab in your meeting packet and in the materials on the Legislature's website, there is a copy of Roger Wilkerson's resume ([Agenda Item IV-H](#)). I'm seeking your approval today to designate Roger as the Deputy Director of the LCB. I believe it will be very beneficial to have a deputy administrator to both serve as backup when the Director is out of the office, but I think more importantly to ensure the preservation of institutional knowledge of the LCB. I believe that Roger Wilkerson is an excellent candidate for this additional designation because he is well qualified both in education and experience. I would ask that you approve his designation as Deputy Director of the Legislative Counsel Bureau. I'm happy to answer any questions.

Chair Yeager:

Thank you, Ms. Erdoes. Do we have any questions for Ms. Erdoes about this agenda item? I don't see questions. I'd be looking for a motion to approve the appointment of Roger Wilkerson as Deputy Director of the LCB.

SENATOR HARDY MOVED TO APPROVE THE APPOINTMENT OF ROGER WILKERSON AS DEPUTY DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Congratulations, Mr. Wilkerson. We appreciate your willingness to fill in this role, and we look forward to working with you. All right, next on our agenda is item IV-I regarding the appointment of the Director of the Research Division of the Legislative Counsel Bureau. I believe it would again be appropriate for Ms. Erdoes to present this item, so please go ahead.

Ms. Erdoes:

Under the item IV-I tab in your meeting packet and on the materials for the Legislature's website, there's a copy of Nick Anthony's resume ([Agenda Item IV-I](#)). I believe Nick is uniquely qualified by his education, experience and personality to lead the Research Division into the future. I would ask that you approve the appointment today of the new Director of the Research Division of the LCB. Again, I'm happy to answer any questions you might have.

Chair Yeager:

Thank you, Ms. Erdoes. Do we have any questions about this agenda item? I'm not seeing questions, so at this time I'd look for a motion to approve the appointment of Nick Anthony.

ASSEMBLYWOMAN KRASNER MOVED TO APPROVE THE APPOINTMENT OF NICOLAS ANTHONY AS DIRECTOR OF THE RESEARCH DIVISION OF THE LEGISLATIVE COUNSEL BUREAU.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Congratulations, Mr. Anthony, on your appointment, and we know you're going to do a great job, and we obviously look forward to working with you and your team. We are now ready for [agenda item V](#), which is our first status report from the Nevada Department of Motor Vehicles (DMV) regarding the Department's progress in refunding the Senate Bill 542 from 2019 technology fee that was held unconstitutional by the Nevada Supreme Court. The Department is required by the Court to make periodic reports to both the Legislative Commission and the Interim Finance Committee as part of the stipulation between the parties to the lawsuit. I believe today we have a representative from the Department of Motor Vehicles with us to provide a report. I think that's you, Ms. Butler. I can't tell, because you're very small on my screen, but please go ahead and present the update.

Julie Butler (Director, Nevada Department of Motor Vehicles):

Thank you, Chair Yeager and members of the Committee. I'm here today, as you said, as a result of the court order and the approved stipulation between the parties to provide

the status report on our technology fee refunds ([Agenda Item V](#)). I do have with me our Deputy Director, Tonya Laney. I also have Angela Smith-Lamb and Melaine Mason from our fiscal staff in case there are questions that arise of a fiscal nature. The plan that was approved and agreed to by the parties in the lawsuit and agreed to by the Court was that the Department will issue checks to businesses and fleets that have paid the technology fee from July 1, 2020 through August 31, 2021. We will be issuing cash refunds via our individual field offices to other individuals who have paid the technology fee during the relevant time period. We are currently finalizing the requirements internally to effect these refunds with Wells Fargo. We are developing an end-to-end testing plan of the solution from a customer's experience at the front window to the IT (information technology) solution that the staff will be using to make sure that it is a successful rollout. It is our plan to hire temporary staff in our larger field offices. For our rural offices, it will be DMV staff that will be effecting these refunds. The Department recently amended its contract with our advertising agency, The Abbi Agency, at the Board of Examiners last month to allow for advertising via our social media channels to get the word out to the public about the technology fee refunds, and we will go live sometime in the first part of the calendar year. I don't have a firm date yet. As I said, we are undergoing testing and making sure all the processes are dialed in to ensure a successful rollout. We do have daily stand-up meetings and we are working on this as expeditiously as possible to get this money back to Nevada taxpayers. Thank you very much, and I—question.

Chair Yeager:

Thank you, Ms. Butler. Commission members, this is just an informational item. It doesn't require approval of the Commission, but this is your chance to ask any questions that you might have of Ms. Butler. For those of you on IFC, I think this is the second time you're hearing this update, but does anyone have a question for Ms. Butler? I think you're going to get off easy today. I appreciate the update, and we'll look forward to hearing future updates from you at Legislative Commission meetings.

Ms. Butler:

Thank you very much, Chair.

Chair Yeager:

That takes us next to [agenda item VI](#). Agenda item VI is a presentation of the Legislative Counsel Bureau's Fiscal Year 2021 audited annual financial report by the LCB's Chief Financial Officer, Daniel Rushin, and representatives of the LCB's external audit firm, Crowe LLP. A copy of the full report is located under tab VI in the member packet of materials and on the Legislature's website ([Agenda Item VI](#)). Mr. Rushin, welcome, and I understand you might have a presentation or some information to provide for us. So, when you're ready to do that, please begin.

Daniel Rushin (Chief Financial Officer, Legislative Counsel Bureau):

Very good. Thank you, Mr. Chair. I'm pleased to present today the annual financial report of the LCB for the fiscal year ended June 30, 2021. As you indicated, copies of the report are in the meeting packet under item VI on the website, and I believe it begins on page 139. Given that our time is limited and the report contains a lot of information, I am going to take a high-level approach, go through the report and briefly comment on certain key elements in each section. I'll reference specific page numbers where applicable, and as always, please feel free to stop me at any time if there are any questions.

The annual financial report was prepared in accordance with US generally accepted accounting principles, and it includes the stand-alone financial statements of the three funds that are administered by the LCB. Those are the Legislative Fund, the Contingency Fund and the State Printing Office Fund. These financial statements were audited by the CPA (certified public accountant) firm of Crowe LLP, and at the conclusion of my presentation, I will introduce representatives of the firm who will provide additional information related to their audit. I prepared this report with financial data that was provided by the LCB's Accounting Unit, and I wanted to take a moment to express my sincere thanks to the Chief Accountant and the staff of the Accounting Unit for their efficiency and accuracy in maintaining the financial records of the LCB. Despite having a vacant position in the Accounting Unit near the end of this fiscal year, there were no delays in the year-end close procedures and the external audit was completed on time with no findings noted. I appreciate their hard work.

The annual financial report begins with the introductory section, which contains the letter of transmittal, the organizational chart and the list of principal officials. The letter of transmittal provides some basic context for the report's presentation and format. It also defines management's responsibilities and provides a definition of internal controls as they relate to the report. The financial section begins on page 1 with the independent auditor's report. It is important to note that this audit report is unmodified, which represents the highest level of assurance available for the auditing profession that the LCB's financial statements are fairly presented. The audit report is then followed by management's discussion and analysis, which begins on page 3. This section of the report is a narrative intended to provide an objective and easy to understand overview of the financial statements as a whole and to also provide a summary analysis of the LCB's financial activities during the year.

Following management's discussion and analysis is the complete set of LCB's financial statements, including notes and required supplementary information. As a governmental entity, the LCB's financial statements are prepared in accordance with the reporting standards issued by the Governmental Accounting Standards Board, or GASB. These standards require that the LCB prepare two distinct sets of financial statements that use two different measurement focuses, also sometimes referred to as the basis of accounting. These are the government-wide financial statements and the fund financial statements. The government-wide financial statements consist of the statement of net

position on page 9 and the statement of activities on page 10. These statements present the LCB as a whole and therefore there is no distinction made between the LCB's three funds. Rather, activities are presented as either governmental or business-type. The governmental activities include both the Legislative and Contingency Funds, and the business-type activities include the State Printing Office. It is important to note that the government-wide statements are prepared using the economic resources measurement focus, which requires that the statements include all of the LCB's long-term assets and liabilities. This is also referred to as the full accrual basis of accounting. The statement of net position on page 9 presents the LCB's assets, liabilities and the resulting net position at June 30, 2021. This statement is similar to a balance sheet used by nongovernmental entities. Significant long-term assets reported on this statement include the land, buildings and equipment owned by the LCB. Significant long-term liabilities include those resulting from pension and other postemployment benefit liabilities. This is sometimes abbreviated as OPEB. As the statement shows, when all of the LCB's assets and liabilities are reported, the ending net position—that is, assets less liabilities—totals approximately \$23.3 million.

The statement of activities on page 10 presents the revenues and expenses of the LCB for the fiscal year ended June 30, 2021 as a whole. This statement is similar to an income statement used by nongovernmental entities. The majority of LCB's revenues consist of general revenues in the form of appropriations, and expenses are categorized on this statement based on the functional nature of the related activities. Overall, as this statement reports, the LCB's net position decreased—that is, expenses exceeded revenues—by approximately \$24.1 million during the year. This was primarily due to the substantial amount of appropriations that were reverted back to the state's general fund during the year. The total amount of reversions was unusually large in Fiscal Year 2021, primarily due to the requirements of Assembly Bill 3 of the 31st Special Session, which in essence reduced prior year appropriations in response to the economic distress caused by the COVID pandemic on the state's economy. The second largest expense in Fiscal Year 2021 was the cost of holding the sessions that occurred during the year, which totaled approximately \$23.3 million.

We will now move on to the fund financial statements which, as the title implies, presents the three separate funds administered by the LCB individually as stand-alone funds. The fund statements begin with the balance sheet on page 11 and the statement of revenues and expenditures and changes in fund balances on page 13. These statements are prepared using the current financial resources measurement focus. This is also sometimes referred to as the modified accrual basis of accounting. As a result, only the LCB's current assets and liabilities are included on these statements. Long-term accrual-based expenses such as depreciation and the pension and OPEB expenses are excluded. Some users find these statements more useful than the government-wide statements because they present the activities in the same general format as the budget. Because the government-wide and fund statements are prepared using different measurement focuses, reconciliations are included between the statements on pages 12 and 14 that show what specific balances caused the differences between the two

statements. On page 11, the balance sheet shows that the Legislative Fund, which accounts for the operations of the LCB, ended the fiscal year with a fund balance of approximately \$31.1 million. Of this total amount, \$1.2 million is classified as non-spendable as it relates to inventory and prepaid expenses. \$16.6 million has been committed for specific purposes. This leaves approximately \$13.1 million for the general operations of the LCB. This amount approximates 3 to 4 months of regular non-session operating expenses. The Contingency Fund ended the year with a balance of \$32.5 million. On page 13, the statement of revenues and expenditures and changes in fund balance shows that the Legislative Fund's fund balance increased by \$14.8 million during the year and the Contingency Fund's fund balance decreased by about \$36.2 million. Overall, the most significant factors contributing to these changes in fund balance were the same items that were noted on the statement of activities. That is, reversion of appropriations and session costs. Pages 15 through 17 present the financial statements of the State Printing Office. The Printing Office's revenue is roughly equal to expenses for the year, and the net position increased by \$166,000.

The notes to the financial statements, which begin on page 18, provide some additional detail for the balances reported in the statements. Given that our time is limited for this presentation, I won't go into a significant amount of detail on the notes. I'll just point out that Note A summarizes our accounting policies and provides some additional detail regarding the significant balances in the statements. Note D provides details of the LCB's capital assets. Note H provides details of the ending fund balances, especially those that are committed for specific purposes. Notes I and J provide a lot of data regarding the LCB's pension and OPEB liabilities. The financial statement concludes with the required supplementary information, which consists of a set of schedules that include a budget to actual presentation of the Legislative Fund and some other schedules that provide additional detail of the long-term liabilities related to pension and OPEB.

Finally, the annual financial report concludes with the compliance section, which contains an additional audit report issued by the LCB's external auditors. This report provides an assurance opinion on the LCB's internal controls over financial reporting, compliance with the provisions of laws, regulations and contracts, and other matters. I am pleased to report that this audit report is also unmodified and there are no audit findings reported for Fiscal Year 2021.

This concludes my portion of the presentation. Are there any questions before I turn things over to our external auditors?

Chair Yeager:

Thank you, Mr. Rushin. Are there any questions from Commission members? I don't see anyone with a hand up at the moment, so we can go to our folks from Crowe LLP, please.

Mr. Rushin:

Okay. Thank you for this opportunity to present the annual financial report. I would now like to introduce Katherine Lai, who is our engagement partner with Crowe LLP, and Joseph Widjaja, who is our engagement manager. Thank you.

Kathy Lai (Partner, Crowe LLP):

Thank you, Dan. I'm a partner with Crowe and your partner over this engagement. We're very pleased to be here and to report the audit results ([Agenda Item VI](#)). Dan's done a very thorough job with respect to many of the items that we were going to discuss, so we'll go ahead and make this fairly quick. As he mentioned, we have concluded our financial statement audit and have issued our audit report over the Legislative Counsel Bureau. For our respective agenda here today, I just parsed our remarks into three different sections. First, to just cover over the audit objectives, what we were engaged to do; secondly, the audit results; and then third, under our professional auditing standards, we are required to make certain communications to those charged with governance.

So, moving right along on the audit objective section here, the objective of the audit, what we were engaged to do is to determine and express an opinion on the financial statements as to whether or not they were fairly stated in accordance with what's called generally accepted accounting principles, or GAAP for short. The audit of those financial statements—as an auditor, I'm responsible to conduct the audit in accordance with generally accepted auditing standards, and then also we've issued an opinion over internal controls over financial reporting in relation to the government auditing standards as well. As part of following those professional standards, those standards require that we plan and perform our audit to obtain reasonable assurance as to whether or not those financial statements are fairly stated in accordance with GAAP. So, those are our audit responsibilities. It's important to note management's responsibilities relative to this process. Management is responsible for the compilation with respect to the report, as well as ensuring that those financial statements are fairly stated in accordance with generally accepted accounting principles, and likewise, all the internal controls over the financial reporting process as well. Those are our engagement objectives.

Dan had mentioned on the next slide here, these are the three different reports that we make. The first one is the independent auditor's report. That's our opinion. Our second one is the independent auditor's report on internal controls over financial reporting and on compliance and other matters. That's commonly referred to as the GAGAS report. The last one is just this required communication to those charged with governance today.

So, moving right along, I'll go ahead and present the audit results. As Dan mentioned, we did issue an unmodified opinion. My opinion essentially states that the financial statements are fairly stated in accordance with generally accepted accounting principles, so if that statement is unmodified, it's in fact very good news. It's again the highest level of assurance. In tandem with that, on the report on internal controls of financial reporting

and on compliance and other matters, the GAGAS report, we did not identify any compliance findings or internal control recommendations that we need to call to your attention, so very good news.

On the next slide here, we are going to go through the required communication. As Dan had mentioned, the first one is in relation to the summary of significant accounting policies. Those are summarized in the footnotes of the financial statements. As auditors, we go through those policies and determine whether or not they are clear and consistent and in compliance with generally accepted accounting principles, etc. I'm pleased to report we didn't have any findings relative to this, likewise with management's judgments and accounting estimates. Certainly with every set of financial statements there are estimates that are involved. A great example as Dan had covered could be the respective liabilities for pension, or OPEB benefits. So again, no findings that we need to note. We believe that the estimates are appropriate and subjected them to our audit.

On the next slide here, Dan had also alluded to the Governmental Accounting Standards Board. They're the body that actually establishes the generally accepting accounting principles, or GAAP, that the Legislative Counsel Bureau has to follow. There are three different standards, as well as several implementation guides, that were issued. Management had reviewed those and determined that there was no material impact to the financial statements, and we concur with that conclusion.

On the next slide here, you'll see a requirement to report any type of misstatements, whether they were corrected by the organization or uncorrected. I'm pleased to report that we did not note any during our audit.

Then, last but not least, I'm pleased to report that we did not note any of these items here listed on this slide. There were no significant accounting policies in controversial or emerging areas, unusual transactions. There was certainly no difficulties encountered during the audit, and likewise with management. It was quite the opposite. Management was very cooperative throughout the process, and we certainly appreciate that.

With that, that concludes my remarks, and I'll turn it back over to Dan.

Mr. Rushin:

Okay, very good. Thank you, Katherine. We appreciate you attending the meeting. I would just like to point out to the Commission that during Fiscal Year 2021, because of the end of the contract term with our previous audit firm, we submitted a request for proposal for multiple CPA firms to provide auditing services. Those proposals were evaluated and scored, and Crowe LLP scored the highest, and I just wanted to express appreciation. Early on in the process, we set out a plan for the audit engagement, a time schedule, and everything was adhered to, so that work schedule worked out very well. Our audit report was issued on October 27, which enabled us to provide the annual report to the Controller's Office in advance of the requested date of November 2, so there were no

delays during this year's audit and everything went very well, so thank you very much. Aside from that, I'm available for any questions, or at this point, I will turn it back over to you, Mr. Chair.

Chair Yeager:

Thank you, Mr. Rushin. I appreciate your presentation and appreciate our friends over at Crowe LLP. Commission members, this was just informational, but any additional questions right now that any of you have? Okay, I don't see any. I do want to invite Commission members if you have questions after going back and reading through some of this, feel free to reach out to Mr. Rushin. I know he would be happy to speak with you. Again, thank you to the three of you for being here to present this afternoon.

Okay, Commission, just a couple more agenda items. We're going to go next to item VII, and I will tell you, there are photos associated with this item, so you'll want to look at your packet because we don't often get photos, and they're very informative ([Agenda Item VII](#)). Agenda item VII is a brief overview of current LCB capitol projects. Ms. Erdoes, would you like to tell us about these projects and how they are coming along?

Ms. Erdoes:

Yes, thank you, Mr. Chair. In your meeting packet under item VII, the tab there, there are brief descriptions of the projects and some of the pictures that might be interesting to you. Those are also on the legislative website ([Agenda Item VII](#)). The first project I'd like to tell you about is the addition of a sort of pop-out security checkpoint at the east entrance of the Legislative Building, which is the entrance closest to the parking garage. There are two artist renderings in the pictures included which kind of show the basic concept of this pop-out. We have known since we first added the security checkpoint in the old grounds shop in the garage during the 81st Session that it could only be temporary because the distance between the exit of the checkpoint and the entrance of the Legislative Building is too great for safety and it needs to be fixed. In addition, the current space is far too small to allow use of the more efficient security systems, which would, for example, allow people to pass through the checkpoint without removing items from pockets and without placing small items, including food items, on the x-ray conveyor belt.

As background, it would not be possible to install the security checkpoint inside the east entrance as it exists today due to various safety issues. It's just too small and it blocks the main hall or the primary ones. In addition to facilitating the proper location of the security checkpoint, this pop-out will also remedy several current ADA (Americans with Disabilities Act) issues with the east entrance of the building as well as providing a covered walkway from the parking garage all the way to the entrance of the east entrance of the Legislative Building. I'm happy to answer any questions on this project, or I can proceed to the next one.

Chair Yeager:

Let's take a quick pause there. Any questions on this project from Commission members? I don't see questions. It looks really exciting. I appreciate that you included the artist renderings. So, Ms. Erdoes, if you want to take us to the next project, please?

Ms. Erdoes:

Okay. The second project is the abatement of asbestos in areas around the leadership offices on both the first and second floors of the west side of the Legislative Building. The main reason for this project is to simplify and enhance the safety of those members of the LCB staff who respond to leaks and more leaks and more leaks and other issues in the ceiling space above these older areas of the building that did not get asbestos removed. It's a pretty simple project. It will result in replacement of those ceiling tiles in the area to make it look nice again. I'm happy to answer any questions on this one also, if you have any.

Chair Yeager:

Commission members, any questions on the asbestos abatement project? Okay, I didn't think there would be questions on that one. Ms. Erdoes, if you want to take us through the next one, please?

Ms. Erdoes:

Thank you. The third project is a remodel of the area formerly used for the caucus deli, and because of various changes in the circumstances relating to the operation of a restaurant-style facility in the Legislative Building, we are proposing a new use for the space, and that is to facilitate the relocation of part of the Research Library from the first floor of the Sedway Office Building. The idea is to move the library resources over that would be most useful to legislators so that you'll have quick access to the Research Librarians and historical and other paper documents that would be helpful in carrying out your work. In addition to this primary purpose, there are also at least two other direct benefits of this renovation, including making more much-needed space in the Sedway Office Building for use by the Research Division, but also enabling us to direct all of the public use of the three legislative buildings in Carson City to consolidate that in just the Legislative Building where we have the security checkpoint, and it's also more workable for any kinds of coronavirus or other health issues that we have. The general idea is to add glass walls around the area to mirror the gift shop, though these walls would be several feet back from the area in front of the elevators to ensure that there's still adequate space for gathering in that area of the building. Again, I'm happy to answer any questions on this one, or I can move on.

Chair Yeager:

Commission members, any questions? I don't see any questions, so let's hit the next one, please.

Ms. Erdoes:

The fourth project is upgrades to the parking garage. We're happy to report that as of August of this year, the parking garage was found to be structurally sound by the engineers. The proposed garage projects are maintenance projects to ensure the garage continues to be structurally safe and sound. As you can see from the pictures in your packet and on the Legislature's website ([Agenda Item VII](#)), there are various types of issues to be fixed. I'm happy to answer any questions on this one too.

Chair Yeager:

Any questions, Commission members? Seeing no questions, I think we have one more, right?

Ms. Erdoes:

Yes, that's it. The last project before you today is the restoration of the exterior of the Legislative Building. The current exterior treatment has essentially failed, and it's also become discolored, but the failure is that it has separated from the structure of the building on all sides of the building and has allowed rainwater to creep in between the exterior and the structure and freeze, and that causes cracks and leaks and other problems. There are many new affordable building treatments that have been estimated to extend the life of the building by at least 20 to 30 years. The project may also end up including replacing the dome once its condition is fully evaluated. If so, we will have the option of replacing the dome with another igloo dome, which is what we have now, or a bell dome, which would match the rest of the Capital Complex and which was actually part of the original architect's plans for the building. Again, I'm happy to answer any questions on any of these, and I also have Jon Vietti, our Facilities Manager, standing by in case you stump me.

Chair Yeager:

Thank you, Commission members. Any questions on this last project or any of the capital projects that were discussed? Okay, I don't see questions. Thank you for the presentation and thank you for being here to answer questions. It looks like we have some exciting things coming to the Legislative Building, and it's always good to stay up to date on that. Again, Commission members, this was for information only, so no approval needed.

That will take us to our second-to-last item on the agenda, which is item VIII, a report regarding litigation. We have our General Counsel, Mr. Kevin Powers, here to present

this item, and then we'll have a chance for questions. So, welcome, Mr. Powers, and please go ahead.

Kevin Powers (General Counsel, Legal Division, Legislative Counsel Bureau):

Thank you, Mr. Chair. Again, I'll try to provide a high-level overview of the litigation we have in progress. There's 10 cases to report on, however, so I will not promise it's going to be entirely too brief. So, moving forward quickly through those cases then, the first one to report on is *Lander County v. State of Nevada* and *Nevada Gold Mines v. State of Nevada*, both in the Nevada Supreme Court, case 82561. These consolidated cases involve the three joint resolutions passed during the 32nd Special Session in 2020. Each of the resolutions proposed revising provisions of the Nevada Constitution relating to taxation of mines, mining claims and extracted minerals. During the 2021 Regular Legislative Session, the Legislature had the opportunity to consider these proposed constitutional amendments for a second time. It declined to consider those constitutional amendments and did not pass them a second time. Therefore, the plaintiffs moved to dismiss their appeal in the Nevada Supreme Court based on mootness, and the Nevada Supreme Court on August 27, 2021 dismissed the appeal as moot. This case therefore is now closed.

The second case to report on is *Meehan v. Erdoes*, and that's in the United States District Court, District of Nevada. This case arose during the 2021 Regular Session. The plaintiffs, who are lobbyists, brought federal and state constitutional claims against the LCB Director challenging her decision at the beginning of the regular session to close the Legislative Building to all persons other than legislators, essential staff and a small news media pool in response to the COVID-19 pandemic. However, as the regular session progressed and the COVID-19 vaccines became available, the Director reopened the building under health and safety protocols. On November 12, 2021, the Federal District Court dismissed this case. The Court found that the plaintiffs' federal constitutional claims were rendered moot by the reopening of the building. The Court also found that the plaintiffs' claims for monetary damages were barred by the state's sovereign immunity in federal court under the Eleventh Amendment. Finally, the Court declined to exercise supplemental jurisdiction over the plaintiffs' state constitutional claims. The plaintiffs have not appealed the dismissal of their case to the Ninth Circuit US Court of Appeals, therefore this case is now closed.

The next case is *Nevada Hospital Association v. State of Nevada*. That's in the First Judicial District Court in Carson City. The plaintiffs challenged the constitutionality of section 20.9 of SB (Senate Bill) 329 of the 2021 Regular Session, which prohibits providers of health care from including certain anti-competitive contractual provisions in their contracts with third-party health care coverage providers. The plaintiffs have filed a motion for a preliminary injunction to enjoin the enforcement of the bill, and the state defendants and the Legislature have filed motions to dismiss. The parties will complete their briefing on their motions in January and it is likely that the District Court will hold a hearing on the motions thereafter.

The next case to report on is *Polymer80, Inc. v. Sisolak*. That is in the Third Judicial District Court, Lyon County. This case involves AB 286 of the 2021 Regular Session, which enacted provisions prohibiting a person from engaging in certain acts relating to firearms. In particular, this bill contained provisions relating to ghost guns, as it was commonly known. The plaintiff claims that the challenged provisions of AB 286 are unconstitutionally vague in violation of the due process clause of Article 1, Section 8 of the Nevada Constitution. On October 5, 2021, the plaintiff issued a subpoena to Assemblywoman Jauregui to take her deposition in this litigation concerning matters relating to AB 286. In particular, the plaintiff contended that it wanted to depose the Assemblywoman about public statements she made regarding AB 286 during a radio interview conducted outside the legislative process. LCB Legal filed a motion to quash the subpoena and for a protective order. On November 22, 2021, the District Court granted the motion to quash and issued the protective order. The District Court determined that Assemblywoman Jauregui's testimony regarding the media interview would not be particularly relevant to the claims and issues raised in the case because an individual legislator's testimony generally is not attributable to the entire Legislature, and as a general matter of law, post-enactment depositions of legislators are generally not admissible to prove anything regarding legislative intent, motive, purpose or understanding with regard to legislation. That ends the LCB's participation in this case at the moment. It is proceeding on the constitutional issues in the District Court and it is likely that this case may head to the Nevada Supreme Court after that as well.

The next case to report on is *Killebrew v. State of Nevada*. That's in the Second Judicial District Court in Washoe County. This case involves SB 512 of the 2017 Legislative Session, which amended and revised the statutory authority of the State Land Registrar to charge fees for the use of piers and mooring buoys or similar devices for mooring vessels that are associated with navigable bodies of water in this state. Under the statutory authority of SB 512, the State Land Registrar promulgated annual use fees by regulation, which was LCB file number R167-18, which was approved by the Legislative Commission. The petitioners filed a petition for declaratory relief challenging the validity of the provisions of the regulation relating to the annual use fees. On October 19, 2021, the District Court upheld the regulation and the annual use fees. The petitioners have filed an appeal with the Nevada Supreme Court.

The next case to report on is *State of Nevada v. Eighth Judicial District Court*, which has a defendant known as Plumlee, and also *State of Nevada v. Eighth Judicial District Court*, which has a defendant name of Molen. Those cases are both in the Nevada Supreme Court, case number 82236 and 82249. In these cases, one of the issues is whether state legislators are prohibited by the separation of powers provision in the Nevada Constitution from holding positions of public employment with the state executive branch or with local governments. In particular, the District Court held that a state legislator who was employed as a deputy district attorney was prohibited by the separation of powers provision from prosecuting criminal cases. On September 9, 2021, the Nevada Supreme Court heard oral arguments in the case, and the parties are awaiting a decision.

The next case is *Nevada Policy Research Institute v. Cannizzaro*. That is in the Nevada Supreme Court, case number 82341. In this case, NPRI (Nevada Policy Research Institute) claims that state legislators are prohibited by the separation of powers provision from holding positions of public employment with the state executive branch or local government. However, the District Court held that NPRI lacked standing to bring its constitutional claims. NPRI appealed, and on November 3, 2021, the Nevada Supreme Court heard oral arguments in the case, and the parties are awaiting a decision.

The last two cases to report on are the two-thirds cases from the 2019 Legislative Session. The first of those is *Morency v. State Department of Education*, case number 81281. That's in the Nevada Supreme Court. In this case, the plaintiffs challenged the constitutionality of AB 458 of the 2019 Regular Session. That bill revised the amount of tax credits that are available under the Nevada Educational Choice Scholarship Program. The plaintiffs claim that AB 458 created, generated or increased public revenue and that the bill violated Article 4, Section 18 of the Nevada Constitution because the bill did not receive a two-thirds majority vote in the Senate. On October 7, 2021, the Nevada Supreme Court issued a published opinion in the case, which is reported at 137 Nev., Advance Opinion 63. The Court held that AB 458 was not subject to the two-thirds majority requirement. Specifically, the Court determined that AB 458 does not create, generate or increase public revenue for purposes of the two-thirds provision because the total public revenue collected under the modified business tax was not changed. All the bill did was redirect some of the revenue that was for the scholarship program and reverted it back to the State General Fund. So, the Court concluded that there was not an increase in public revenue that would trigger the two-thirds majority requirement. On October 25, 2021, the plaintiffs filed a petition for rehearing with the Nevada Supreme Court asking the Court to rehear and withdraw its published opinion. The parties have completed their briefing on the petition for rehearing and are awaiting a decision.

Finally of the cases we are discussing today is the *Legislature of the State of Nevada v. Settemeyer*. That's Nevada Supreme Court case number 81924. In this case, the plaintiffs challenge the constitutionality of SB 542 and SB 551 of the 2019 Regular Session. SB 542 extended the DMV technology fee for two fiscal years. SB 551 repealed the statutory mechanism whereby the Department of Taxation is required to recalculate and reduce the rate of the modified business tax under certain circumstances. The plaintiffs claim that both bills created, generated or increased public revenue and that they violated Article 4, Section 18 of the Nevada Constitution because the bills did not receive a two-thirds majority vote in the Senate. On May 13, 2021, the Nevada Supreme Court issued a published opinion in this case, which is reported at 137 Nev., Advance Opinion 21. The Court held that SB 542 and SB 551 generated public revenue within the plain meaning of the two-thirds requirement and they were not constitutionally passed because they needed a two-thirds majority vote in the Senate. With regard to SB 551, the Court applied the severance doctrine and struck down only the unconstitutional sections of the bill, which were sections 2, 3, 37 and 39, and upheld the remaining sections of SB 551. Finally, the Court upheld the dismissal of the individual legislative and executive defendants and determined that they could not be held liable for damages, attorney fees

or costs because they were entitled to legislative immunity. In particular, the Court found that in passing and signing the bills, the individual defendants were performing core legislative functions and their actions fell within the sphere of legitimate legislative activity and were therefore protected by legislative immunity. After the Nevada Supreme Court's decision, the case returned to the Carson City District Court. The District Court awarded the plaintiffs attorney fees and costs against the Department of Taxation and the Department of Motor Vehicles. The departments have appealed the award of attorney fees and costs to the Nevada Supreme Court. Finally, as you heard from the DMV today, the Court approved a stipulation dealing with the refund procedure for the DMV technology fees, and so under that stipulation, the Legislative Commission and the Interim Finance Committee will be receiving regular reports from the DMV on the progress of the refund of the DMV technology fee.

That was a lot of information, Mr. Chairman, in a short period of time. I am certainly open for any questions. Thank you.

Chair Yeager:

Thank you, Mr. Powers. It sure was a lot of information very quickly, so thank you for sticking with us and providing that information. Commission members, you obviously have the opportunity to ask Mr. Powers questions whenever you would like, but seeing that he's here today with the litigation update, is there anyone who'd like to ask him any follow-up questions based on what he just described? I think it was 10 updates. Well, Mr. Powers, I'm not seeing any hands go up, so I don't think we have questions. But Commission members, again, if you do have questions later on, feel free to reach out to Mr. Powers on your own time and he will answer those questions for you. Thank you again for being here, Mr. Powers. We certainly appreciate it.

Okay, Commission, we are on our last agenda item. Second to last, really. Our last substantive agenda item, which is our second period of public comment, item IX on the agenda. Again, if there's anyone wishing to provide public comment, please call the number that is indicated on the agenda and you will be informed by our BPS staff when you have been connected and it is your turn to speak. Just as a reminder, comments will be limited to two minutes per person, but you can submit comments in writing. As always, we'll just ask that our public commenters be as respectful as possible to the legislative process and to the listening public. BPS, I'd like to turn it over to you now to see if there's anybody who would like to give public comment under agenda item IX.

Angel De Fazio:

Thank you. Mandating a medical procedure that has not been fully approved using EUA (emergency use authorization) as if it was fully approved is not acceptable. You can't fast-track long-term studies of the so-called vaccine. The COVID-19 vaccine is not a vaccine. Vaccine definition, from the fifteenth addition of *Taber's Cyclopedic Medical Dictionary*, the Merriam-Webster for the medical field: a suspension of infectious agents or some part

of them given for the purpose of establishing resistance to an infectious disease to stimulate the development of specific defense mechanisms in the body that result in more or less permanent protection against the disease. An attack of smallpox or diphtheria, for example, usually leaves the recovered patient permanently immune to those diseases. As a result of infection, the body succeeds in building up its own defenses so that a new infection causes no illness. A successful vaccine does the same thing without risk of illness. These shots do not provide permanent immunity, as stated by Dr. Hardy. This is a prophylactic treatment, like having football players wear protective gear. They're gonna get hurt, AKA catch COVID, but it will be milder. This vax doesn't work and they are claiming that boosters are needed. At what point will these shots become effective without constant boosters? You mandate without—

Chair Yeager:

You have reached your two minutes. Please, if you have additional comments, feel free to submit them in writing.

Casey Rodgers:

I am quoting Dr. Robert Malone, and he says—I am speaking to you as a parent, grandparent, physician and scientist ([Agenda Item IX A](#)). I don't usually read from a prepared speech, but this is so important I wanted to make sure that I get every single word and scientific fact correct. I stand by this statement with a career dedicated to vaccine research and development. I'm vaccinated for COVID and I'm generally pro-vaccination. I have devoted my entire career to developing safe and effective ways to prevent and treat infectious diseases. Before you inject your child, a decision that is irreversible, I want you to know the scientific facts about the genetic vaccine, which is based on the mRNA vaccine technology I created. There are three issues parents need to understand. The first is that the viral gene will be injected into your children's cells. This gene forces your child's body to make toxic spike proteins. These proteins often cause permanent damage in children's critical organs, including their brain and nervous system, their heart and blood vessels, including blood clots, their reproductive system. This vaccine can trigger fundamental changes to their immune system. The most alarming point about this is that once damages have occurred, they are irreparable. You can't fix the lesions within their brain. You can't repair their heart tissue scarring. You can't repair genetically reset immune systems. This vaccine can cause reproductive damage and could affect future generations of your family. The second thing that you need to know about this is the fact that this novel technology has not been adequately tested. We need at least 5 years of testing research before we can really understand the risks. Harm and risks in the new medications often become revealed many years later. Ask yourself if you want your own children to be a part of the most radical medical experiment in human history. One final point: the reason they're giving you a vaccine, your child a vaccine, is a lie. Your children represent no danger to parents or grandparents. It's actually the opposite. Their immunity after getting COVID is critical to save your family—

Chair Yeager:

You have reached your two minutes. Ma'am, if you'd like to submit anything else in writing, please feel free to do so.

Randi Ranae:

Hello. I'd like to say thank you for the members that voted no on the vaccine—gene-therapy, actually—mandates ([Agenda Item IX B](#)). Natural immunity is not being recognized, and this is still listed—I'm looking right at the CDC website—emergency-use only. The fact that we are using propaganda to say that it's FDA-approved—I would suggest you guys pull up the CDC website. Comirnaty is the only FDA-approved and it is not offered in the United States. If you can find a facility where it's offered, then you get an FDA-approved—I spoke with Pfizer on the phone. If you haven't talked to Pfizer, I suggest you do it. They will let you know it's still emergency-use authorization only. I'm also looking at the NIH website at the vaccine trials. I suggest all of you look into the trials, especially the children's trials, and look at the side effects they're having and they've had with the trials. I heard the health department—I don't know his name, the health department doctor that was speaking—you said the monoclonal antibodies were only emergency-use authorization only. Well, so are these vaccines, unless you have Comirnaty, and I don't believe you do. It's the name only that got approved. I would suggest you guys do some research, and especially look into India. They spent \$2 on—you guys aren't using any therapeutics in the hospitals here that could be saving lives. If this was about saving lives—

Chair Yeager:

You've reached your two minutes. Please feel free to submit additional comments in writing.

Ms. Hammack:

Hi there. Again, I want to try to understand why you would even consider putting a permanent code on something that's under temporary-use authorization ([Agenda Item II B](#)). This is still under trial, it says on every shot's website, and why is every single law and every single meeting and every single thing getting changed just over this COVID vaccine? That's a huge, huge red flag right there. You're setting us all up for all these future laws so they can pretty much change everything that they want. I mean, this is something that goes into somebody's body that you cannot take back out. We deserve the time as Nevada citizens. Seven years, five years, whatever would normally be required of anything else. We deserve that time, especially for our children. Thank you.

Chair Yeager:

Thank you so much for your public comment.

Mr. Unger:

Thank you, Chair Yeager, and Members of the Commission. I'd like to express the disappointment of Nevada faculty that the vaccine mandate for NSHE students was not approved today ([Agenda Item II C](#)). I'm already receiving messages from professors who will be petitioning their chairs and deans to switch to remote teaching or online teaching, which we know is only about 80 percent as effective as in-person teaching in many cases and many fields. It will certainly take away a great deal of the joy of teaching to know that our workplaces are far less safe. We also are going to face the difficulty of possible long-haul COVID cases. I want to remind every member of this Commission, Republicans and Democrats, that the 81st Nevada Legislature was the first in the history of state employee health care to eliminate long-term disability insurance for state employees. Now that this vote has been made and our workplaces will be less safe, I'm asking all of you to commit and to try to get American Rescue Plan's funds allocated to restore at least long-term disability insurance for Nevada state employees, who are now going to run a far greater risk of being infected with long-haul COVID cases that may damage their careers and be left without a safety net of any kind. We're hoping to find other solutions to get our students vaccinated and keep our workplaces safe. I understand this has been a very difficult meeting and decision. Thank you for it, and thank you for your service.

Chair Yeager:

Thank you for your public comment.

Janine Hansen (State President, Nevada Families for Freedom):

Good evening. Thank you for having these mandatory vaccine regulations fail ([Agenda Item IX C](#)). We appreciate it very much. We are opposed to both. These regulations have nothing to do with health and everything to do with violating our individual God-given and constitutional rights to control our own bodies. People like me who've already had COVID have no need to take any vaccine as natural immunity is far more effective than these experimental vaccines. Vaccinated people, if the vaccine works, have nothing to fear from un-vaxed people. Many people have medical reasons to not be vaccinated, but it's hard to get a medical exemption. My daughter, who works at a hospital in Nevada, has a medical exemption because as a two-year-old she had a severe life-threatening reaction to a vaccine. She had a febrile seizure and went into anaphylactic shock and quit breathing. I was able to resuscitate her. Others have critical health issues which the vaccine would exacerbate. One important reason to refuse the vaccine is if a woman is pregnant. Studies show 8 in 10 woman have had spontaneous abortions if they took the vax before the third trimester. The general rate of miscarriages in the United States ranges from as low as 10 percent to as high as 26 percent. Others have deeply held religious reasons for opposing the vaxes, but it's been very hard and difficult for people to obtain religious exemptions. The Utah Legislature has passed legislation which not only recognizes medical and religious exemptions but also exemptions for personal reasons. We recommend that very reasonable standard for your consideration. A

personal reason might be because someone already has natural immunity because they have had COVID. COVID has been devastating, not so much as a disease but as a destroyer of our economy, our jobs, our freedoms, our human rights and our lives. The mandatory vax is a violation of our individual liberties and our right to determine what we put in our own bodies regarding—

Chair Yeager:

You have reached your two minutes. If you'd like to submit additional comments in writing, please feel free to do so.

BPS:

Chair, at this time, there are no further callers in the queue to provide public comment.

Chair Yeager:

Thank you. First, let me just say thank you to our staff, who worked very hard today in both doing IFC and Leg Commission. Obviously this was a longer meeting than we're used to in Leg Commission, so I just wanted to recognize them on this holiday week, and also thank the members for being here and for your attention this morning. As I noted, this was a longer meeting and we had some contentious issues on the meeting, but I appreciate us being respectful to each other. Given that it's almost 5:30, we will be adjourning here in just a moment, but I did want to take an opportunity to wish everyone really a great holiday season and great new year in the event that we don't see each other before then. I think we have a lot collectively to be thankful for. It doesn't always seem that way, but I'm sure we all do. We just ask each of you to think about that this holiday season and then perhaps to reach out to those who aren't as fortunate and make sure that they're doing okay during these difficult times. Thank you, Commission. Thank you, staff. Have a great holiday and a great new year. This meeting is adjourned at 5:29 p.m.

RESPECTFULLY SUBMITTED:

Jordan Haas, Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chair

Date: _____

Agenda Item	Witness/Agency	Description
<u>Agenda Item II A</u>	Steven Cohen	Public Comment
<u>Agenda Item II B</u>	Elizabeth Hammack	Public Comment
<u>Agenda Item II C</u>	Doug Unger, Nevada Faculty Alliance	Public Comment
<u>Agenda Item II D</u>	Vernon Hatch	Public Comment
<u>Agenda Item II E</u>	Susan Howell	Public Comment
<u>Agenda Item II F</u>	Hope Backman	Public Comment
<u>Agenda Item II G</u>	Kent Ervin, Nevada Faculty Alliance	Public Comment
<u>Agenda Item II H</u>	PJ Belanger	Public Comment
<u>Agenda Item III</u>	Jordan Haas, Commission Secretary	Draft Minutes of the Meeting Held on October 22, 2021
<u>Agenda Item IV-A 1</u>	Bryan Fernley, Legislative Counsel	R061-19 for Continuance
<u>Agenda Item IV-A 2</u>	Bryan Fernley, Legislative Counsel	R116-19 for Continuance
<u>Agenda Item IV-B</u>	Bryan Fernley, Legislative Counsel	R091-19 for Continuance
<u>Agenda Item IV-C A-1</u>	Bryan Fernley, Legislative Counsel	R069-21 for Early Review
<u>Agenda Item IV-C A-2</u>	Bryan Fernley, Legislative Counsel	R117-21 for Early Review
<u>Agenda Item IV-C B</u>	Dr. Ihsan Azzam, Chief Medical Officer	Testimony on Early Review Regulations
<u>Agenda Item IV-D</u>	Bryan Fernley, Legislative Counsel	Review of Administrative Regulations

<u>Agenda Item IV-E 1</u>		Appointments to the Legislative Commission's Subcommittee to Review Regulations
<u>Agenda Item IV-E 2</u>		Appointments to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System
<u>Agenda Item IV-E 3</u>		Appointments to the Nevada Silver Haired Legislative Forum
<u>Agenda Item IV-E 4</u>		Appointments to the Legislative Commission's Audit Subcommittee
<u>Agenda Item IV-F</u>		Interim Committee Budgets and Work Programs
<u>Agenda Item IV-G</u>		Recommendations for Appointment to the Nevada Commission on Nuclear Projects
<u>Agenda Item IV-H</u>	Brenda Erdoes, Director	Resume of Roger Wilkerson
<u>Agenda Item IV-I</u>	Brenda Erdoes, Director	Resume of Nicolas Anthony
<u>Agenda Item V</u>	Julie Butler, Department of Motor Vehicles	Technology Fee Refund Project Status Report
<u>Agenda Item VI</u>	Dan Rushin, Chief Financial Officer	Annual Financial Report of the Legislative Counsel Bureau
<u>Agenda Item VII</u>	Brenda Erdoes, Director	Overview of Current Capitol Projects
<u>Agenda Item IX A</u>	Casey Rodgers	Public Comment
<u>Agenda Item IX B</u>	Randi Ranae	Public Comment
<u>Agenda Item IX C</u>	Janine Hansen	Public Comment

Additional Public Comment	
Exhibit A	Compilation of written comments received from members of the public who did not speak during the meeting. These comments are individually posted at the following address: https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2021/Meeting/24132