MINUTES OF THE 2021-2022 INTERIM
LEGISLATIVE COMMISSION

February 28, 2022

The meeting of the Legislative Commission was called to order by Chair Yeager at 1:01 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 James Settelmeyer, Senatorial District No. 17
Senator Pat Spearman, Senatorial District No. 1 (Alternate for Senator Dallas Harris)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

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

OTHERS PRESENT:

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Alida Benson, Political Director, Nevada Republican Party
Kerry Durmick, Nevada State Director, All Voting is Local
Lindsay Anderson, Washoe County School District
Mathilda Guerrero, Representative, Let Nevadans Vote Coalition
Leonardo Benavides, Clark County School District
Alex Lawson, Election Integrity Director for Nevada, Republican National Committee
Former Senator David Parks
Former Senator Joyce Woodhouse
Tonya Laney, Deputy Director, Department of Motor Vehicles
Kailey Musso, Management Analyst, Nevada Department of Wildlife
Jeff Briske, Director of Licensure, Department of Education
Chris Sewell, Deputy Director, Department of Employment, Training and Rehabilitation
David Schmidt, Chief Economist, Research and Analysis Bureau, Department of Employment, Training and Rehabilitation
Troy Jordan, Legal Counsel, Employment Security Division, Department of Employment, Training and Rehabilitation
Mark Wlaschin, Deputy Secretary of State for Elections, Secretary of State's Office

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

Good afternoon, everyone. I'm going to go ahead and call this fourth meeting of the Legislative Commission to order. I want to welcome all of you joining us here on the Zoom and all those who may be watching on the internet or who may have called in on the phone. Please mark Senator Settelmeyer present when he arrives. I expect him to join us here very shortly. That means we do have a quorum.

Just a couple of housekeeping matters to go over. First, I want to again welcome all of you. It seems like it's been quite a while since we've been together in Legislative Commission. I don't know if that's the case, but it sure feels like it. It's good to see all of you here on the Zoom today. It is Monday, as you know, and Monday tends to throw curve balls, at least in my opinion. I wanted to let the members on the Zoom and anyone who might be watching in the public know that we've been having some network issues today that may cause disruptions to our meeting. This is something that is out of our control, but we're doing the best we can to deal with it. When this happens, broadcast staff will alert us that the meeting is no longer live and then we'll take a short recess while they reconnect us. This has been happening about every 30 minutes today, and it's taken about a minute or so to get us back hooked up. I just want to let folks on the Zoom know, if that happens, do not log off. Stay on the Zoom and we'll get reconnected and proceed with our meeting.

Again, if you are going to testify today, please make sure to state and spell your name for the record before you testify. 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 Legislature's website or by providing your information to our staff. Contact information for staff is also listed on the Legislature's website. In addition, we accept written comments, which may be emailed or mailed before, during or after the meeting. Information regarding where to send written comments is also on the website and listed on the agenda for this meeting.

That now takes us to agenda item II, which is public comment. If you have called in and you 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 no more than two minutes per person. I will be timing, and I'll let you know when your two minutes are up. You are welcome to submit any additional comments in writing and they'll be added to the record for this meeting. If you prefer to wait to speak until later, there will be a second period for public comment at the end of today's meeting. I'm now going to turn this over to our staff at Broadcast and Production Services to queue up anyone calling in to speak. Just remember, a member of the staff will inform you when it is your turn to speak. Thank you, BPS, and I'll hand it over at this point.

Christine Saunders (Policy Director, Progressive Leadership Alliance of Nevada):

Good afternoon, Chair and members of the Committee. I'm here in regards to regulation R130-21 on the implementation of last session's AB (Assembly Bill) 495 mine tax. In the exhibits you will find a letter signed by many of our coalition partners, but I wanted to highlight a few top lines (Agenda Item II A). While the originally proposed regulations by the Nevada Department of Taxation were reasonable, we oppose the amendments that were made by the Nevada Tax Commission. These include changing the name from the Gold and Silver Excise Tax to the Mining Education Fund and changing the timeframe for what was taxable in 2021. We believe that the name of the tax should remain as the Gold and Silver Excise Tax, as titled in the text of AB 495, to be in line with the naming conventions of other taxes being based on what is being taxed, not where the revenue goes. We have the Retail Cannabis Tax and the Wholesale Cannabis Tax, not the Cannabis Education Tax. In addition, we agree with the Legislative Counsel Bureau who presented to the Commission on February 18 that the tax should not begin on July 1, 2021. The taxable timeframe for 2021 is clearly and plainly stated in section 62 of AB 495 to begin January 1, 2021. AB 495 is a start to addressing the privileged position mining has held in Nevada's tax code until now. We should not allow what was voted on with bipartisan support in full view of the public to be manipulated in the regulatory process. We urge that you do not accept the amended version before you and return the draft to their initial form. Thank you.

Chair Yeager:

Thank you for your public comment. Next caller, please.

Alida Benson (Political Director, Nevada Republican Party):

Hello. Thank you to the members of the Legislative Commission for allowing this opportunity to speak. As you work through the agenda today and consider item VI, potential adoption of administrative regulations, we have some relevant facts for you to consider before you vote on the block of election regulations. As you are aware, meaningful observation of the regulatory process is a foundation of our balanced government. The public craves and demands transparency, and by law, the government is required to provide it. We made comments and recommendations on behalf of all Republicans in Nevada on these regulations over the course of many hours and hearings. We have been informed that there have been changes made to the proposed regulations outside of the public hearings. If our comments and recommendations were incorporated into the regulations, we don't know because these changes were not released. The version of these election regulations you are looking at today has never been released to the public for digestion. Indeed, the public has no idea what the Legislative Commission is about to vote on because they've never been given the opportunity to review these changes as a part of the standard adoption process. As the champions of transparency that you are, we ask that you do not vote on something that the public has never seen. These regulations should be tabled until the public has been given the opportunity to review them. This concerns regulations R080 through 084, as well as R087 through R112. Thank you.

Chair Yeager:

Thank you for your public comment. Let's take the next caller, please.

Kerry Durmick (Nevada State Director, All Voting is Local):

Good afternoon, Chair and members of the Committee. I applaud the Secretary of State's Office and the Legislative Commission Bureau for all the work they have done on the adopted election regulations that are on the agenda today. These regulations will create clarity and guidance for our election officials and Nevada's election system, which benefits all Nevada voters. While there's still more work to do in communities across this state, these election regulations need to be passed to create a fair and equitable election system. Please vote yes on the adopted block of election regulations that is on the agenda today. Thank you for your time.

Chair Yeager:

Thank you for your public comment. Next caller, please.

Lindsay Anderson (Washoe County School District):

Good afternoon, Mr. Chair and members of the Legislative Commission. On behalf of the Washoe County School District, I'm here to ask for your support on regulation R028-21.

Our District has been committed to keeping students on campus for in-person learning as much as possible during this pandemic. We appreciated the emergency regulations similar to this that was available to us during the initial phases of COVID. That emergency regulation had expired during the Omicron surge, and our District struggled to keep schools fully staffed for in-person instruction and desperately needed access to a wider pool of substitute teachers to avoid sending kids home for distance learning due to lack of staffing. We appreciate Superintendent Ebert bringing this forward and the support of the Commission on Professional Standards and the State Board of Education to fast track this policy and help school districts like ours during this state of emergency. If passed, we know this will be a help to us during this school year. I want to ensure this Commission that, while this increase in the pool of community members able to become licensed substitute teachers, there is still a hiring process in place internally to ensure safety and screen for competency while providing a basic level of training to our guest teachers, as we call them. Recruitment and retention of educators will continue to be a priority for our District, and substitute teachers is one place we look towards finding future educators. Please support the swift adoption of this regulation to demonstrate your commitment to keeping schools in Washoe County open for in-person instruction. Thank you, Mr. Chair.

Chair Yeager:

Thank you for your public comment. Next caller, please.

Mathilda Guerrero (Representative, Let Nevadans Vote Coalition):

I'm calling on behalf of the Let Nevadans Vote Coalition (Agenda Item II B). While states across the nation push back on voting rights, Nevada continues to protect the vote by passing bills that expand access to the ballot box, such as rights restoration and the UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) ballots to be used by voters with disabilities. We support all 30 election regulations on item VI because they provide blueprints for our election officials to administer the provisions passed by this body while providing transparency and clarity in our election process to your constituents. We submitted a letter but wanted to highlight that all 30 elections regulations address your constituents' concerns regarding election security, integrity and the voter roll. Also, while mail ballots are still relatively new, Nevada's voters like the option that Assembly Bill 321 provides, which is evident from the 2021 Boulder City Municipal Election. Our deepest gratitude and appreciation goes to Mr. Wlaschin for his patience and commitment to public service. Mr. Wlaschin did a fantastic job at providing information and navigating folks through any gray areas during the six elections regulation workshops. Thank you.

Chair Yeager:

Thank you for your public comment. Let's take the next caller, please.

Leonardo Benavides (Clark County School District):

Good afternoon, Chair Yeager and members of the Legislative Commission. I'm here today with the Clark County School District (CCSD). I'm here to say that CCSD supports regulation R028-21, the Department of Education's proposal to give principals additional options for putting substitute teachers in classrooms. With a nationwide teacher shortage, school districts across the state and country must utilize every option to pair teachers with students to raise academic performance and satisfy the social, emotional well-being of our students. We appreciate the continued commitment by the Commission on Professional Standards, the State Board of Education and the Department of Education to continue to tweak the regulation over the next few months and look to be involved in those discussions as well. Thank you.

Chair Yeager:

Thank you for your public comment. Next caller.

Alex Lawson (Election Integrity Director for Nevada, Republican National Committee):

Hi. I just wanted to reiterate Alida Benson's comments from the Nevada Republican Party. The RNC (Republican National Committee) submitted numerous amendments and recommendations on how we could fix some of these election regulations that are on agenda item VI. However, we also have no idea if any of these were incorporated into the final copy as these were not available to the public. We recommend also that you table this vote until the public has had adequate time to review and give feedback on these regulations. Thank you.

Chair Yeager:

Thank you for your public comment. Next caller, please.

Broadcast and Production Services Staff (Administrative Division, Legislative Counsel Bureau):

Chair Yeager, the line is open and working. However, there are no additional public comment callers at this time.

Chair Yeager:

Thank you, BPS. I'll go ahead and close agenda item II, public comment. Just by way of reminder, there will be a chance for public comment at the end of the agenda on agenda item XII. That'll take us now to agenda item III, which is approval of the minutes. Committee members, you will have found in your packet the draft minutes from the December 21, 2021 meeting (Agenda Item III), so it was a while since we've been

together. These draft minutes are also available on the website. If there's any discussion on the minutes, I would take that, or if anyone would like to make a motion?

Senator Joseph Hardy (Senatorial District No. 12):

I would like to amend on page 34 under my comments on the sixth sentence up where it says, "For every 100 people over 65 who will die, there are 1,400 people who are under 65 who would die." I think that statistic is challenged, and so I'd like to just strike that sentence.

Chair Yeager:

Thank you, Senator Hardy. We'll go ahead and strike that from the minutes. Is there any additional discussion on the minutes before we take a motion? Committee members, I'll tell you there's obviously a lot of folks on the Zoom with us, so be patient. If you do have something, if you could raise your hand on your screen, that's probably the best way for me to see you.

> ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON DECEMBER 21, 2021.
>
> ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

I think, again, the best way to probably take this motion, I like the way that Chair Brooks does it for IFC (Interim Finance Committee)—

Senator James Settelmeyer (Senatorial District No. 17):

Mr. Chairman, can I clarify that the amendment that is properly before us is amend?

Chair Yeager:

That's correct. Thank you, Senator Settelmeyer. Assemblywoman Dickman, are you okay with a move to amend and approve the minutes?

Assemblywoman Jill Dickman (Assembly District No. 31):

Yes.

Chair Yeager:

And Assemblywoman Jauregui, will you second that motion?

Assemblywoman Sandra Jauregui (Assembly District No. 41):

Yes, Chair.

Chair Yeager:

Fantastic. So, we'll go ahead and take the vote, and I'll just have you raise your hands in front of your screens. I think that's the easiest way to see.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON DECEMBER 21, 2021.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

All right, bear with me here for just a second. There's a lot of paper in front of me. Trying to figure out where we're going. Agenda item IV is next up on the agenda, and for that we have a presentation, I believe, by former Senators Woodhouse and Parks regarding a memorial for Carole Vilardo. It's nice to welcome both of you back for a legislative meeting. Please proceed when you're ready, and then we'll see if there are any questions.

Former Senator David Parks:

Good afternoon, Chair Yeager, Vice Chair Cannizzaro and Legislative Commission members. I am David Parks, Former Senator from District 7. This afternoon I'm joined by former Senator Joyce Woodhouse to present item IV, which requests authorization to plant a tree on legislative grounds in honor of long-time former lobbyist Carole Ann Vilardo. With your approval, I'd like to turn the presentation over to Senator Woodhouse at this time.

Chair Yeager:

Thank you so much, Senator Parks. It's good to have you here, and good to see you, Senator Woodhouse. Please, go ahead.

Former Senator Joyce Woodhouse:

Thank you. Thank you, Senator Parks. Good afternoon, Chair Yeager, Vice Chair Cannizzaro and Commission members. I am Joyce Woodhouse, Former Nevada State Senator from District 5 in Clark County. Senator Parks and I are here this afternoon to present agenda item IV regarding the planting of a tree on the legislative grounds in Carson City, Nevada in memory and remembrance of Ms. Carole Vilardo. I will be sharing a few comments as to the why, and Senator Parks will follow up by sharing the how of this agenda item.

On December 5, 2021, many of us, including past and present legislators, legislative staff, legislative advocates and the general public, lost a true friend to Nevadans as we learned of the passing of Carole Vilardo. Often known as the "Tax Lady" and the "Hat Lady," Carole was the epitome of professionalism in her work with the Nevada Taxpayers Association and as the consummate citizen lobbyist always cognizant of tax policy and the consequences of such legislation. So many of us have stories and reflections of our experiences and work with Ms. Vilardo, and they are documented in news stories following her passing a few months ago. I'm sure that there are so many more stories to tell that haven't been printed or spoken yet, and I would like to share one of mine. As a freshman State Senator in 2007, I submitted a bill draft request which became Senate Bill 172, and it had been requested of me by a constituent. This bill was to exempt certain mobility-enhancing equipment from sales and use taxes. I soon received a visit from Ms. Vilardo in my office, who said, and I quote, I'll never forget this, "Senator, I understand what you want to do with this legislation, and I appreciate it, but respectfully, I do not believe you understand the unintended consequences of this legislation. If you're interested, I would be happy to work with you on it, but at this time I have to be opposed when it comes before the Senate Taxation Committee for a hearing." She said this so kindly, and I was so pleased. I already knew the legend of Carole Vilardo and did welcome her assistance. We revised the measure and it passed out of Senate Taxation with Ms. Vilardo speaking under the neutral position as she shared her concerns and the fact that we had worked together to make my bill a little bit better. Of course, Senate Bill 172 failed in Senate Finance Committee. This experience cemented a strong respect for Ms. Vilardo's experience and understanding of tax policy and a friendship that I will cherish forever. I welcomed all meetings and conversations with her over the years, including attending several of her Nevada tax policy seminars, and I believe many of us did that.

In conclusion, I would like to share several quotes from individuals about Ms. Carole Vilardo and what she meant to them and to Nevada. From Cindy Creighton of the Nevada Taxpayers Association: "She was a careful, creative and a critical thinker who read broadly and thought deeply." From the Vegas Chamber: "She was a trusted voice and

served the very best interests of our state." Billy Vassiliadis of R&R Partners: "She was the most important person in the Nevada Legislature who wasn't elected, ever." Sabra Newby of UNLV (University of Nevada, Las Vegas): "She was a role model for female lobbyists: intelligent, hard-working, tough, classy, no nonsense and with a quick wit." I could share many more remembrances from legislators and others of Ms. Carole Vilardo on the impact that she had on them personally as well as on the State of Nevada.

At this time, I would like to pass the microphone to Senator Parks to address our thoughts on how we can all show our respect and admiration of Ms. Carole Ann Vilardo. Thank you.

Former Senator Parks:

Thank you, Senator Woodhouse. As you're all well aware, a tree planted in somebody's memory is a fitting memorial tribute that benefits both the present and the future. Senator Woodhouse and I propose the planting of a tree on the legislative grounds at no cost to either the Legislature or the state. Costs for the selection and planting of the tree, as well as the purchase and placement of a memorial plaque, would come from the acceptance of private donations. Since we anticipate monetary contributions from numerous individuals, we believe the requested individual contribution will be modest. Senator Woodhouse and I will work with LCB (Legislative Counsel Bureau) Director Erdoes and Building and Grounds to select an appropriate site for the tree. Upon acquisition of the tree, we will coordinate the tree's planting and placement of the plaque.

I'd like to close by repeating the quote from Mr. Billy Vassiliadis of R&R Partners. He said, "I think Carole Vilardo was the most important person in the Nevada Legislature who wasn't elected, ever." Senator Woodhouse and I would be happy to answer any questions you might have. Thank you for the privilege of your time and consideration.

Chair Yeager:

Thank you, Senators. I appreciate you being here and bringing this idea in front of us. Senator Woodhouse, I have a pretty similar experience with Carole Vilardo, and I kind of viewed her as the conscience of the Legislative Building when it came to taxation. She's obviously going to be sorely missed. But before we consider a motion, I wanted to ask the members of the Commission, are there any questions or any discussion? We'll go to Assemblywoman Dickman first.

Assemblywoman Dickman:

Thank you, Chair. I don't have a question, but I just wanted to say how appropriate this is and how lovely that you thought of it. Just want to say thanks.

Chair Yeager:

Thank you, Assemblywoman Dickman. Do we have any further questions or discussion? Senator Settelmeyer, please.

Senator Settelmeyer:

Thank you, Mr. Chairman. I do find it a little bit ironic in those conversations that I had with Carole Vilardo over the years at how much paper this building wastes, so it's appropriate we plant a tree. However, we probably should—thank you. Any time you're willing to accept a motion, I think all of us would love to make it at the same time, but that's my opinion.

Chair Yeager:

Thank you, Senator. Before we get to the motion, anyone else? Any questions or further discussion from anyone? I see smiling faces. That's generally a good indication here at Leg Commission. Senator Settelmeyer, did you want to go ahead and make a motion? Senator, I think the motion would be to ask LCB to work with our two Former Senators here to come up with a plan to make this happen.

Senator Settelmeyer:

Agreed, and that would be the motion, sir.

> SENATOR SETTELMEYER MOVED TO APPROVE THE REQUEST FOR AUTHORIZATION TO PLANT A TREE ON THE GROUNDS OF THE NEVADA LEGISLATURE IN HONOR OF THE CONTRIBUTIONS MADE BY CAROLE ANN VILARDO.
>
> ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.
>
> THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

I would ask our Director to work with Senator Woodhouse and Senator Parks to carry out the motion approved today, and again, thank you two for being here today and for bringing us this idea. We really appreciate it. And now, they get to move on to the rest of their day, and we still have a little bit more work to do.

So, that's going to close out agenda item IV, and that will take us to agenda item V, which is our second court-mandated status report regarding the Nevada Department of Motor Vehicles' (DMV) technology fee refund project. I believe we have DMV Director Julie Butler and Deputy Director Tonya Laney, maybe both, or at least one of them are here with us virtually today, and we'll have you proceed when you are ready and then we'll see if there are any questions.

Tonya Laney (Deputy Director, Department of Motor Vehicles):

Good afternoon, Chair Yeager and members of the Legislative Commission. Julie was not able to attend today. Unfortunately, she is away at a conference and was not able to step away during this time period, but I'm happy to provide an update (Agenda Item V). I believe the Commission received our last status report in late January or early February, and I have just a couple updates since that report was given to the Commission. Since the last report, our business checks did process mid-last week. That is for all the business customers. Their portion of the tech fee refunds did get mailed out in check form through our partner, Wells Fargo. We are still working on the individual tech fee refund process, which we are hoping to have ready to go some time at the beginning to mid-April, and I'm happy to answer any questions that the Commission may have.

Chair Yeager:

Thank you so much for the update. Commission members, just a reminder that this is an informational item so it does not require any action on our part, but today is your chance to ask any questions you might have regarding the project. So, Commission members, any questions out there on agenda item V? I'm not seeing anyone raising their hand, so Ms. Laney, I think we don't have any questions for you, but appreciate you being here today and presenting an update, and we'll look forward to having you at our next Legislative Commission meeting to do the same.

Ms. Laney:

My pleasure. Thank you.

Chair Yeager:

Thank you so much. Have a great day. Okay, so that takes us through agenda item V and takes us to the meat of our agenda, which is item VI, which is the review of the administrative regulations. Just as a reminder, Legislative Counsel Bryan Fernley is with us on the Zoom today to assist us should we require his assistance. Now, before I go through the list, I wanted to just make one announcement. I'll say this: I'll try to go through this slowly because I know there are a lot of regulations in front of us. Commission members, members of the public, you should have a list (Agenda Item VI A-1). The first thing I would like to announce is one of the very last, the second to last regulation that is listed on the agenda, and that is regulation R130-21—that is from the Nevada Tax

Commission—I will be exercising my discretion as Chair to defer that regulation to a future Legislative Commission meeting. So, that one will not be considered and voted on today.

Again, we have a number of regulations under item VI today. As is our usual practice, I'm going to let you know the regulations 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 would like to be held for further discussion. Once we pull all of those out, we will take a motion and approve what remains, and that will allow some of our guests with us on the Zoom to get along with their day. Then, we'll come back to the regulations that we pulled one at a time to discuss those and take a vote on them. Again, Commission members, I want to thank you. A number of you reached out to let me know that there were regulations that you would like pulled. That's really helpful for me and for staff to know some of that ahead of time. I know it's not always possible, but just want to say thank you as Chair for doing that work on the front end. Let me go ahead and give you a rundown of what I have been asked to pull already, and after that we'll see if there's anything else.

We'll start from the top of the list of regulations (Agenda Item VI A-1). The first one I have you'll find on page 2 of the regulations, R176-20, the Board of Wildlife Commissioners. That will be pulled for discussion. The next one is R028-21, Commission on Professional Standards in Education. That will be pulled for discussion. The next one is R081-21 from the Secretary of State. We will pull that one for discussion. Next up, R083-21, also from the Secretary of State. The next one to be pulled would be R087-21 from the Secretary of State. Next one to hold for discussion, R089-21 from the Secretary of State. Next, R096-21, Secretary of State; R097-21 from the Secretary of State; R098-21, Secretary of State. We are getting there. Just a few more I have so far. R106-21, Secretary of State, and the last one I've been told ahead of time is I think the only 2021 regulation that is on our agenda, and that is R066-21 from the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Does anyone want me to go through those again, or did we get them all? If anyone wants me to go through them again, just raise your hand and I can do that quickly. Okay, Assemblywoman Dickman has asked, so I'm going to go a little quicker this time and I'm just going to go ahead and list the numbers of what we are holding from the top: R176-20, R028-21, R081-21, R083-21, R087-21, R089-21, R096-21, R097-21, R098-21, R106-21 and then the last one we have is R066-21. Feel like someone should be yelling Bingo at this point, but I'm going to go ahead and give Commission members, I know sometimes there are additional regulations that you identify that you want pulled, so let's see. I have Assemblywoman Krasner. Please, go ahead.

Assemblywoman Lisa Krasner (Assembly District No. 26):

Thank you, Chair Yeager. Some additional regulations that I had a question or a concern on were regulation R093-21, R102-21, R104-21 and then you already called out R081-21, I believe. So that's all, thank you.

Chair Yeager:

Thank you, Assemblywoman Krasner. I'm going to go ahead and just make sure I'm on the same page as you. I think you said that there were—let me count here. I think I have three additional to be pulled, and let me just make sure I have them right. I have R093-21, and the next one you identified was R102-21, R104-21, and those are all from the Secretary of State. What was the last one? I just wanted to confirm that we had pulled that one that you mentioned.

Assemblywoman Krasner:

R081-21, and I think you already listed that.

Chair Yeager:

Yes, that one has already been listed. So, we will add those three to our list to be pulled. Commission members, are there any other regulations you'd like to have pulled for further discussion this afternoon? Okay, I don't see any hands up as our Zoom participants—Assemblywoman Dickman, did you have additional ones?

Assemblywoman Dickman:

I thought we were already planning to pull R090-21, so can you add that one, please?

Chair Yeager:

So, R090-21, that's the one, correct? We will add that one. Sorry there, I didn't see you. It's *Hollywood Squares* version of trying to see everyone on the screen. Senator Settelmeyer, did you have any additional ones?

Senator Settelmeyer:

No, Mr. Chairman. If you want, I can try to see how well I can do with hitting the correct Bingo lottery number.

Chair Yeager:

One second, Senator Hardy has his hand up so I wanted to see if he had additional ones. Senator Hardy, please go ahead.

Senator Hardy:

Thank you, Mr. Chairman. Did we pull R130-21?

Chair Yeager:

Stand by. We deferred that one to a future Commission agenda, so it is not going to be discussed or voted on today.

Senator Hardy:

Thank you.

Chair Yeager:

Okay, so Senator Settelmeyer, all of our Zoom participants and guests, take a deep breath to hope that there—if you want to go ahead and make a motion on the rest, I would take that now.

Senator Settelmeyer:

Chairman Yeager, I would move to do pass regulation R115-19, R026-20, R040-20, R041-20, R146-20, R165-20, R173-20, R174-20, R006-21, R009-21, R010-21, R021-21, R036-21, R046-21, R082-21, R084-21, R085-21, R086-21, R088-21, R091-21, R092-21, R094-21, R095-21, R099-21, R100-21 and I think R101-21, unless I got that one wrong. If I did, I apologize.

Chair Yeager:

No, I think that one is on the list for the motion, as far as I know.

Senator Settelmeyer:

Okay. R102-21 has been pulled, so we'd skip then to approving R103-21, R105-21, R107-21, R108-21, R109-21, R110-21, R111-21, R112-21, R123-21.

Chair Yeager:

That was a mouthful, and I think you got them all, so thank you, Senator. It tracks with the notes that I have in front of me. Go ahead, Senator Hardy.

Senator Hardy:

Did we not pull 108-21? Assemblywoman Krasner pulled 108-21.

Chair Yeager:

I did not have that on my pull list, but maybe we can ask Assemblywoman Krasner. Did I miss that? Did you want 108-21 pulled?

Assemblywoman Krasner:

I didn't ask to have that pulled, but Assemblywoman Dickman might have.

Chair Yeager:

I'm seeing a shaking of the head "no" from Assemblywoman Dickman, so Senator Hardy, I don't think anyone has asked that 108-21 be pulled. Did you want it to be pulled?

Senator Hardy:

No way, Jose.

Chair Yeager:

Okay, then I think we have an accurate motion.

> SENATOR SETTELMEYER MOVED TO APPROVE REGULATIONS R115-19, R026-20, R040-20, R041-20, R146-20, R165-20, R173-20, R174-20, R006-21, R009-21, R010-21, R021-21, R036-21, R046-21, R082-21, R084-21, R085-21, R086-21, R088-21, R091-21, R092-21, R094-21, R095-21, R099-21, R100-21, R101-21, R103-21, R105-21, R107-21, R108-21, R109-21, R110-21, R111-21, R112-21 AND R123-21.
>
> ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Senator Settelmeyer:

I appreciate the regulations that have been done, and some of these regulations dealing with matters—I think it's important that we remember that sometimes it's better to have one set of rules for the entire State of Nevada rather than conversely causing some of these to fail, which then would mean we'd have 17 different sets of regulations in each county, and that is partly why I am supporting this motion on the majority of these because I think uniformity in the electoral process is important so we don't have one county doing it one way and another county doing it completely opposite. So in that respect, that's why I put forth said motion. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator Settelmeyer. Senator Hardy, did you have any comment? I see you have your hand up on the screen.

Senator Hardy:

My compliments to the Secretary of State. We could have just voted basically on the bill itself again, but defining these out by regulation allows us to look individually as well as collectively at the things that would make us more secure in our elections, and I appreciate the Secretary of State for doing it the way they have done it. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Hardy. Further discussion before we take the motion? I don't see further discussion. I just did want to say, when we take this giant motion and a lot of the folks with us on Zoom then drop off the Zoom and we don't get a chance to talk with them, but wanted to say thank you to all of those who are here today and have worked hard on the regulations that we're going to approve. We appreciate your work on it and appreciate you being here in the case that anyone had any questions. We just wanted to take the opportunity to tell you thank you for your work and thank you for joining us for a little bit of time here on Zoom.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That took care of a lot of the regulations that we had on our agenda, and we are going to come back to the regulations that were pulled for discussion. What I wanted to let the members and those on Zoom know, though, is we are going to go slightly out of order. As you all know, we have a lot from the Secretary of State, so we are going to make sure we do the other regulations that are not the Secretary of State regulations first so folks can get along with their day. What we will do is take the—we will go in order of the agenda with one exception. We will take the Wildlife Commissioners, the Professional Standards in Education and then we are going to do the DETR (Department of Employment, Training and Rehabilitation) regulation before we get to the bulk of our work, which is the Secretary of State regulations. That is how we will do it. With apologies to Mr. Wlaschin, I know you are going to be with us for quite a long time this afternoon, but we appreciate your patience and you being here.

We are going to go first to the consideration and discussion of R176-20 (Agenda Item VI A-1). That is the Board of Wildlife Commissioners. I'm under the belief we have somebody here who can talk to us about that regulation and answer any questions, so let's go ahead and get that person queued up, please.

Kailey Musso (Management Analyst, Department of Wildlife):

I am here, Chair Yeager. Thank you.

Chair Yeager:

Thank you. Thank you for being here. Who had questions on this regulation? Senator Hammond, that was my recollection. Please, go ahead.

Senator Scott Hammond (Senatorial District No. 18):

Thank you. I'm not sure who—I guess I'd better do the wider view and find out who said they're here. Who was it that said—okay, Ms. Musso, is it? I've got to pronounce it right or else I'll get in trouble. Is it Musso?

Ms. Musso:

Yes, it's Kailey Musso, and I am the Management Analyst in the Director's Office for the Nevada Department of Wildlife, but we also have our Deputy Director on as well in case a question needs to be answered by him, and then I also have Captain Jake Kreamer sitting next to me in case he is needed as well.

Senator Hammond:

Great, thank you so much. Ms. Musso, the question I have concerns, in this regulation, I think it is section 6 dash 3 dash 4, or better yet, just on page 29. It talks about the location where the mountain lion was killed. To my recollection and as I've talked to others around the state, I don't know of any other animal that we harvest where an animal is harvested and then the information given includes the actual longitude and latitude of where the animal was taken. Is this the only place in any kind of regulation where you are actually asking for that particular information, exactly where the animal was harvested, and in so doing, someone would have to have a GPS (Global Positioning System) on them, and so if—one, is it the only place that I can find where an animal is actually—you need that information about where they were harvested, and two, can you tell me a little bit about why you wanted the exact location?

Ms. Musso:

Thank you for the question, Senator Hammond. I do believe we ask for the location for every big game species that we have tags for, it's just more specific for the mountain lion. But when you do a check-in for your other big game species or you submit a harvest questionnaire, you are asked where you took that animal as well. We do have it a little bit more specific for the mountain for biological reasons, but you'll see that we also collect more from a mountain lion than we do for other species as well. We collect the teeth for biological reasons, as well as some other hair from the pelts as well.

Senator Hammond:

So, when you say that you ask for location for other big game animals, is it more general? Where did you take it? You don't ask for latitude and longitude?

Ms. Musso:

That is correct, Senator. We ask for the unit for other big game animals, but mountain lion can be hunted all across the state and so it's not so specific to units for mountain lions.

Senator Hammond:

Okay. I saw that, and so that was the reason why I asked that, because I've never seen it asked about latitude and longitude, and it's not an easy thing. I know that it costs money now you're sending folks out there in the wild and they've got to have an exact location with the instruments that are necessary, so it is actually an added expense. I didn't know if you got any feedback from stakeholders across the state when you proposed this, and if so, I didn't see any information on here where you may have gotten some information back from people and how they felt about it, but that was the only—out of the three regulations that you guys proposed, that was the only thing that I kind of called into question when I read it. So, I'm okay with this, I'm just a little taken aback, but I know that Senator Settelmeyer may have another question as well.

Ms. Musso:

Thank you, Senator Hammond. I do just want to also clarify, I guess since you did have concerns, we did not get any comments on that at any of our Committee meetings or Commission meeting. This particular regulation did go through an extensive amount of public scoping because it went through a Commission-Committee and then through multiple Commission meetings. I also did want to add that I recently did witness a few mountain lion check-ins, and if the hunter did not specifically have the latitude and longitude then our biologist worked with them on a map to where they could point out a location, and they just give it their best guess at that point. But our biologists do work with them when they come bring the mountain lion to be checked in, and so I actually personally got to witness that a couple of times recently.

Senator Hammond:

Thank you so much, and now I'll defer to Senator Settelmeyer.

Chair Yeager:

Thank you. Please go ahead, Senator Settelmeyer.

Senator Settelmeyer:

Thank you, Mr. Chairman. Ms. Musso, I appreciate your background drawing there of lovely Douglas County because that's kind of where the question comes about. Is this bill only pertaining to individuals who got a tag, or does this also deal with anyone who has a depredation permit and also individuals who are literally just protecting their animals from mountain lions?

Ms. Musso:

Thank you, Senator Settelmeyer, for the question. I also am from Douglas County, so I do love that place. This particular section in the regulation is specific to just people that draw a tag. The depredation permits would be a whole different process.

Senator Settelmeyer:

So in that respect, I appreciate the language that was done here to take it from 72 hours to 5 days, but then it's interesting by saying unfrozen, now someone is going to potentially have a jaw propped open and an unfrozen pelt in their possession for 5 days, which isn't a really pleasant thought to have, so I'm curious on all that and the GPS coordinates. It just seems a little bit onerous overall, and I appreciate though this doesn't apply to depredation permits for someone just protecting their own property because, as you know, in Douglas County that—mountain lions mainly dealing with sheep that we've had to have protection done. I'll just leave it at that. So I appreciate, and I am concerned about the details of the GPS. Seems like we're getting pretty onerous. Thank you.

Chair Yeager:

Okay, Commission members, any further questions on R176-20? Don't see further questions, would be looking for a motion to approve.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION R176-20.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

Thank you for being here to answer questions, certainly appreciate it, and you are now off the hook. So Commission, that takes us to our next regulation for discussion, which is R028-21 (Agenda Item VI A-1), the Commission on Professional Standards in Education, and let me see who we have here. I see the Department of Education is on video, so please go ahead and just identify yourself for the record and any opening remarks before we have questions, please.

Jeff Briske (Director of Licensure, Department of Education):

Thank you, Chair. Jeff Briske, Director of Licensure for the Department of Education, and I'm available for questions. Thanks.

Chair Yeager:

Thank you so much. Senator Hammond, did you have a question on this one as well?

Senator Hammond:

Yes, I did have a question, and actually I had the Department reach out to me, Chair. Thank you very much for this, and they did call me this afternoon because I did have a question about this, and it is mostly because of the emails that I'm getting where folks are very concerned about lowering the standard. So, more than anything, I just want to get on the record as we go to vote for this that I want to make sure people understand where I stand. It is not easy in this world right now to staff schools, especially during the pandemic where you've had so many teachers and staff members out when they were taken ill. I want to make sure on the record we clarify that this particular regulation only involves finding staff members and teachers, substitute teachers, to fill in with the standards that you've given in the regulation, meaning they have to have a high school diploma and a couple other things, but that only applies when there is a state of emergency. So, we are not talking about putting folks in in normal circumstances, it's just when we want to make sure we can staff and put people into a school, into a classroom, and so we can try to get through as normally as possible. Is that a fair statement to make?

Mr. Briske:

Yes, that is correct.

Senator Hammond:

If the state of emergency is lifted, how long will you be able to keep that person in the classroom? For example, the state of emergency is lifted on March 1, then you have somebody with that substitute license in the classroom. How long will they be able to stay

there before they are no longer allowed to, under the emergency regulations, be in the classroom?

Mr. Briske:

The way the regulation's currently written, they would be allowed to stay in the classroom for the remainder of the school year.

Senator Hammond:

Okay, until that June date. So it's basically during a time of emergency where we are having a hard time finding anybody to be in the classroom. It's not indefinite. Then the regulation goes away and the staff member also goes away at the end of the year. I'm okay with that. Thank you so much for answering my questions.

Chair Yeager:

Thank you, Senator Hammond. Any other questions on this particular regulation? Senator Denis, please.

Senator Moises Denis (Senatorial District No. 2):

I just want to make sure that we get on the record when it comes to that it's an emergency regulation and that this is optional for the school district, right? This is not saying you have to do this, but they are saying in an emergency situation, if you choose to do this, you can do this, is that correct?

Mr. Briske:

Yes, that is correct.

Senator Denis:

Okay, thank you. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Denis. Further questions on this particular regulation?

Senator Hammond:

I'd be willing to make a motion, Mr. Chair, if you are ready for that.

SENATOR HAMMOND MOVED TO APPROVE REGULATION R028-21.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

Thank you, Mr. Briske, for being here, and have a good rest of the day. Commission members, as I noted, we are going to go slightly out of order. Everything else we have left, with the exception of one regulation, is Secretary of State, so we are going to hold those. At this point we are going to go all the way to the end of the regulations list and we are next going to consider R066-21 from the Employment Security Division of the Department of Employment, Training and Rehabilitation (Agenda Item VI A-1). I believe we have representatives from DETR here. We also have Mr. Fernley, LCB's Legal Counsel, who is available to answer any questions, and Mr. Killian it looks like as well. I see that he just turned his camera on, so he may be the designated person for this regulation. But we will go ahead and open it up for any questions that folks might have, and just so you know, I don't know if everyone is on the *Hollywood Squares* version, but we have the DETR conference room with some folks there and we have Mr. Killian from LCB who is here to answer questions as well. Who would like to start with questions? Senator Settelmeyer, please.

Senator Settelmeyer:

Thank you, Mr. Chairman. I appreciate that. In that respect, there are some questions. This is a holdover from last Legislative Commission meeting, and I've still yet to get some of the answers from the last time. I do recognize that the other day I was unavailable to answer a phone call from the Division—was trying to get ahold of me. Unfortunately, I had already planned on another thing going on that day, all day. But the two questions that I have, if someone could answer, and I was told that David Schmidt might actually be able to help explain it, because sometimes it's difficult to explain things to me, Mr. Yeager, as you well know. That being said, this does not create a windfall for the State of Nevada overall, and that was the question we had asked last time, and we asked them specifically what type of, more or less, revenue does this generate versus the regulation that is currently in effect? Do you have any—and obviously I'm not trying to pin down an exact number, but I just want to be able to get my arms around the idea that this is only a slight increase or a slight decrease or something of that nature, and if you could answer that I'd be appreciative, and then I have a second question also.

Chris Sewell (Deputy Director, Department of Employment, Training and Rehabilitation):

Good afternoon. I believe I just saw Dave Schmidt come up on the camera, so I will let him answer that question. Thank you.

David Schmidt (Chief Economist, Research and Analysis Bureau, Department of Employment, Training and Rehabilitation):

Thank you very much, Senator. To answer your question, no, this does not create a windfall. This is the same average rate, average tax rate overall that has been in effect in 2021 as well as in 2020. So, it is maintaining the same average rate for all employers, just keeping everything flat.

Senator Settelmeyer:

In essence, certain individuals due to good practices will be able to prevail on a lower rate than those individual bad actors, as I call them, individuals that had a very high unemployment rate during the pandemic even—may not have been necessarily the fault of their own, but we do know certain businesses that shut down and still kept their employees employed because they felt it was the right thing. So, in essence, no new amount of money based upon the rate. The rate is what it is and what it was. In that respect, though, if I'm right on that one, I'll go to the next question. What percentage of the businesses out there or a number or something will be able to avail themselves of this lower rate if we pass it today, because I am also told if we do not pass it that everyone will be left at the higher rate. I was just curious if you knew what percentage of good actors are out there. Well, I consider them good actors because they have a lower rate. Sorry.

Mr. Schmidt:

Thank you, Senator. I don't have that number precise off the top of my head, but I would say probably more than 75 percent of employers would have a lower rate under this regulation than if the standard rate of 2.95 percent for all employers was used.

Senator Settelmeyer:

I guess we should have passed this a month ago, and I'm sorry I delayed it. Thank you.

Chair Yeager:

Thank you, Senator, and I did want to just get confirmation of that. I think Mr. Schmidt said it, and Mr. Killian is here as well, but my understanding was precisely I think that the question that was answered, which was if we don't pass this proposed regulation in front of us today that every employer defaults to the statutory rate, which will on whole be—for most employers will result in an increase in contributions, and so that is sort of the choice

before us. Either we pass the regulation that has experience-based ratings, or we do nothing and then the statutory default rate would go into play and we wouldn't really take into account anyone's history as an employer. If either Mr. Schmidt or Mr. Killian could just confirm that my understanding of that is correct?

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

Thank you, Mr. Chair. That is generally correct. There is a statutory default rate of 2.95 percent for unemployment insurance contributions that is set. Separately, the Administrator of the Employment Security Division annually categorizes employers based on their unemployment experience into a set of 18 different rates ranging from 0.25 percent up to 5.4 percent based on their unemployment experience. Most employers fall at a rate below 2.95 percent as a result of their unemployment experience, but since the Administrator is required to adopt that regulation annually, if no regulation is adopted for calendar year 2022, then employer unemployment experience is not taken into account and all employers would default to the 2.95 percent rate. So as a result, most employers in this state would see their rate increased to the 2.95 percent rate because their unemployment experience would not be taken into account if this regulation is not approved.

Chair Yeager:

Thank you, Mr. Killian. That answers my question. Anyone else? Go ahead, Senator Denis.

Senator Denis:

I just want to make sure I'm clear. This is for calendar year 2022, so even though we didn't pass it last time, it's retroactive from January 1 through December 31, is that correct?

Mr. Killian:

That is correct. This regulation would apply for the entirety of calendar year 2022. My understanding based on representations from DETR is that the first tax bill for calendar year 2022 has not gone out yet, so nobody has paid an incorrect rate yet, and this would go into effect before those bills go out so it would apply for the entirety of the calendar year.

Senator Denis:

Great, thank you. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator Denis. Assemblywoman Dickman, please.

Assemblywoman Dickman:

Thank you, Mr. Chair. I still have questions about why this increased so much. Can someone explain the calculation for arriving at an employer's reserve ratio?

Mr. Schmidt:

Yes, Assemblywoman. The employer's reserve ratio is calculated using three factors. The first is the total contributions they've paid or the total taxes they've paid to the unemployment system over the lifetime of their account. The second is the total benefit charges that have been applied to their account for benefits that are paid out to their former workers. You take taxes paid minus benefits charged and then that's divided by the average taxable payroll for the last three calendar years to sort of put all employers on an even footing without regard to how large or small they are, and so that percentage is used to compare employers and put them into these different buckets.

Assemblywoman Dickman:

So if I could ask another question? As an example, I have a constituent who since 2003 has been at the lowest rate of 0.25 percent. In the last 10 years they have not had a legitimate unemployment claim. They have had fraudulent claims. With this change in the rates based the reserve ratio, their unemployment for this year will triple to 0.85 percent. Now what would cause that with no claims?

Mr. Schmidt:

I think ultimately that would be the impact of how much they have been paying in taxes. If you are at the 0.25 percent rate, you are paying a very low annual rate in taxes. I don't know the specifics of this case, but my guess would be that it's just a matter of that tax number, the positive that they get in the top of the fraction, being really small because of that very low rate, and then depending on changes in their taxable payroll, if they've had more or fewer workers over a time relative to other employers who maybe have paid even more in taxes but might have a slightly smaller relative payroll, they might have a slightly better reserve ratio. Part of this process is the comparison of employers overall and all of those reserve ratios and then using that distribution of employers to assign the different tax rates, and so I would think that's probably not necessarily this regulation itself but rather those other factors in their reserve ratio that are having that big change, just given that they would be moving a couple of buckets.

Assemblywoman Dickman:

My last question is, just for 2021, to be paying the lowest rate you had to have a reserve ratio of 14.6 percent, and for this year that jumps to 15.95 percent, and I went back 7 years and looked at where we'd have to be to pay that lowest 0.25 percent rate, and this is the biggest jump that's happened in 7 years, so can you just maybe explain that a little bit?

Mr. Schmidt:

I would guess that that is in part due to the non-charging of benefits during the pandemic. You may be aware that most of the last 2 years of benefit charges were not charged to employers' accounts. In a typical year you have in those reserve ratios lots of pluses as employers pay taxes and lots of minuses as benefits are being charged. Because there are no minuses at all, essentially employers are getting credit for the taxes they paid but nobody is being charged for benefits, and I would guess that the overall impact of that would be to essentially shift all employers in a more positive direction. But to keep the average tax rate at 1.65 percent, that means that the distribution of reserve ratios also has to shift as well.

Assemblywoman Dickman:

So as I understand it, the employers who had fraudulent claims and the ones who had to lay people off because they were forced to close their businesses, those are not included in their calculations. Will they ever be?

Mr. Schmidt:

No. Part of the changes that were put out over the last year, and I'll let Troy Jordan, Employment Security Division Legal Counsel, weigh in if I get this wrong, but I believe that there were some statutory changes that were made to ensure that those charges would never hit employers' accounts.

Assemblywoman Dickman:

Thank you so much. I appreciate it, and thank you, Chair, for letting me ask so many questions.

Chair Yeager:

Thank you. I appreciate it. I saw our folks in the DETR conference room had unmuted, so did you want to add anything to that last response?

Troy Jordan, Legal Counsel, Employment Security Division, Department of Employment, Training and Rehabilitation):

I had unmuted to make sure in case I'm needed to speak we were unmuted, but Mr. Schmidt articulated it correctly. Based on SB (Senate Bill) 75, which was passed at the last general session of the Legislature, there are permanent fixes to that and no employers will be charged for those particular layoffs during the pandemic, so it is a permanent take-out, so to speak.

Chair Yeager:

Thank you for adding that information. Appreciate it. Okay, further questions from Commission members on this particular regulation?

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE REGULATION R066-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

Let me just say thank you to the Commission members for asking good questions on this and getting to the bottom of this regulation. I know when it came up the first time last year I think we were all a little bit confused but I think with the answers that were given today and knowing that if we don't approve this people's rates will be indiscriminately increased, It gives me comfort to approve this regulation.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

Thank you to our friends at DETR and to Mr. Killian for being here to answer those questions. Okay, Commission members, that takes us to the bulk of our work today, which is the Secretary of State regulations that have been pulled for further discussion. Mr. Wlaschin is here with us. I know many of you have had discussions with him about these regulations, and before we get started, I just did want to thank you, sir, for your work on this. I know you had a lot of workshops, a lot of dialogue. Certainly appreciate that. I think what we will do is just kind of take it from the top and we'll start with the first one that was pulled and we'll dispense with that, and then we will go on to the next one. The first one I

have on my list that we pulled, and please someone correct me if I get this wrong, but I think the first one was R081-21 (Agenda Item VI A-1), which revises provisions relating to the requirements to use the system of electronic transmission. Mr. Wlaschin, welcome. I'm not sure if you wanted to say anything before we started the questions or if you just wanted to jump into questions. I'll give you the discretion to make any comments you might want to make before we get started.

Mark Wlaschin (Deputy Secretary of State for Elections, Secretary of State's Office):

Thank you, Chair. I appreciate you inviting me here today to discuss these regulations. As you had mentioned, you'd had an opportunity to discuss them before. A little bit of background before we jump into them, and I will be brief, recognizing that we have the 12 to discuss today. We started this review about 14 months ago in January of 2021. The intent had a couple reasons behind it. First and foremost, again, pursuant to NRS (Nevada Revised Statutes) 233B, we are required to review our regulations every 10 years. We wanted to make sure that we reviewed all of our elections regulations to see which ones needed updating. The other two reasons really were focused, one, on making sure that we provided increased clarity to the regulations relating to the requirements for the clerks. Not only for them, but so that the public is aware of these various regulations and how they work, what their expectations are, and then the third part is really to improve public transparency as much as possible. Some of the regulations again had provided opportunities for increasing public—everything from observation to their involvement in this important process, and so it was through those lens that we conducted this regulatory review, and we did break them down into approximately 30, as mentioned again, specifically to incite more discussion and certainly got significant feedback from the public relating to them. But that being said, sir, I am here and available for your questions.

Chair Yeager:

Great. Thank you again. Let's go ahead and open it up for questions on R081-21. Who would like to ask a question on this proposed regulation? Assemblywoman Krasner, please.

Assemblywoman Krasner:

Thank you, Chair Yeager. I did have some questions and concerns on this. Currently, a person with a disability is able to vote by absentee ballot or mail-in ballot, is that correct?

Mr. Wlaschin:

Yes, ma'am.

Assemblywoman Krasner:

So why are we adding in the email voting? It seems like that would allow for a lot of fraud, which I know we are all concerned about.

Mr. Wlaschin:

Thank you for the question, Assemblywoman. To clarify, this regulation is proposed specifically to address and provide additional clarity following the passage of Assembly Bill 121 during the 2021 Legislative Session. That bill that passed put into law the ability for members of the disabled community to use our EASE (Effective Absentee System for Elections) system that is open to military and overseas citizens. This regulation simply provides additional clarity to the expectations, procedures and some of the other requirements to make sure that that implementation is done in an orderly manner.

Assemblywoman Krasner:

I appreciate that. Follow up, Chair? I understand people with a disability or in the military or overseas can vote by absentee ballot, by paper mail-in ballot, and so I'm not sure why we want to allow email voting because it just seems like it would allow for fraud.

Mr. Wlaschin:

Yes, ma'am, and again to clarify, the EASE system, while it involves email, it is not considered email voting in part because of the required extra step that is taken. The document that arrives to the clerks' offices has to be manually transcribed, printed out with simply a bipartisan group, if not the clerk, him or herself actually transcribing that onto an actual ballot to ensure that the paper trail is still there. Again, ma'am, Assembly Bill 121 codified the ability for this system to be used. This merely provides clarity to the process.

Assemblywoman Krasner:

Thank you.

Chair Yeager:

I'm sorry. I got kicked off the Zoom there for a second, so my apologies. Hopefully you guys can hear me. Can you guys hear me? I got kicked out of the Zoom for a second, so let me just say if that happens again we will go ahead and designate I think Assemblywoman Monroe-Moreno as the acting Vice Chair. It's afterschool hours, which means all the kids in my neighborhood are streaming things which makes my internet a bit challenging over here in the Summerlin area. I apologize for that. I do have hands from Senator Spearman and then Senator Hardy, so we will go to Senator Spearman next,

Senator Hardy, and then I think Assemblywoman Dickman has a question as well. So, go ahead, Senator.

Senator Pat Spearman (Senatorial District No. 1):

Thank you, Mr. Chair. I just wanted to address the question regarding opportunities to begin the voting process via email. As a former service member and someone who was stationed overseas quite frequently—and also sometimes you would get orders to go one place, and in the middle of movement you can get orders to go somewhere else, so sometimes you don't have an opportunity to double back and pick up whatever the absentee ballot was or whatever it was that was at the other station, and so unless we take every effort, make every effort that we can to make sure that our service members have an opportunity to exercise the right that they are willing to lay down their lives for, then I think that it's very disingenuous, and to a great extent it really smacks of, I don't want to use the word abominable, but it really means that we're not walking our talk. Either people are going to have an opportunity to vote, which is something that people in the service fight for democracy anyway, or they're not going to be, and missing a document because your orders were changed in the middle of movement is something that happens quite frequently, and although we hope that it doesn't get to that, I think the recent conflict in Ukraine probably punctuates that a great deal for the people who happen to be in Europe at this time.

Chair Yeager:

Thank you, Senator. Senator Hardy, did you want to go next, please?

Senator Hardy:

Thank you. I guess one of the things that I am impressed with is on page 13, "I acknowledge that if I return my voted ballot by approved electronic transmission I have waived my right to have my ballot kept secret." So, that covers the secret ballot issue of the electronic. I guess one of the concerns some people have is if we do this, let's say this is in a nursing home, and some people have concerns about harvesting ballots in nursing homes. Will this facilitate the ability for people to go into a nursing home, for instance, and "help" people who have difficulty voting and thus be able to assist them in how they vote, as in help them choose how to vote?

Mr. Wlaschin:

Senator, thank you for your question. That is something that we are keenly aware of and are going to be keeping a close eye on. One of the great things about our EASE system is that it collects a great number of metrics. It's about six pages long, a website that you kind of navigate through as you are going through the process. We have the ability to see what page people stopped on. We have the ability to see what information they started to fill out and then stopped. Going forward and following the passage of Assembly Bill 121,

as we anticipate an increased use of the EASE system, a lot of the metrics that we are going to receive and review do relate to the specific locations. Again, if there are anomalies, if there's one nursing home, perhaps, that maybe 100 percent of the individuals voted, again, it doesn't necessarily point to anything nefarious. It could be they again are very active and eager to execute their right, but it is something that we are aware of and are planning on keeping a close eye on as we gauge the effectiveness of not only the bill but this regulation as well to see going into future regulatory review cycles if we need to modify it or somehow increase security relating to it.

Senator Hardy:

I appreciate that, so let me ask it a different way. Do you keep track of who, if anybody, assists the person voting?

Mr. Wlaschin:

Yes, sir, we do, and there is a required field so that if an individual assists a voter, again, we are able to capture their information as well, and again, we will look closely at that too.

Senator Hardy:

So this may actually be a more secure system of voting in a nursing home versus the "harvest balloting"?

Mr. Wlaschin:

Potentially, sir. I believe that all forms of voting that we have here at the state again are secure. This one certainly does not lack any security measures that exist in other forms as well.

Chair Yeager:

Thank you, Senator. Assemblywoman Dickman, sorry I missed you the first time around. Please go ahead.

Assemblywoman Dickman:

That's okay, you went away. Thank you, Chair. So my concern with this, I know that electronic voting has been used in the military for some time and is probably working well, but since we passed the bill that allows this for people with disabilities, I'm concerned that there aren't more specific requirements to show that you have a need for this. One of the things is regarded as having an impairment. So, if I broke my finger and said I couldn't fill out my mail ballot, does that make me qualified for this?

Mr. Wlaschin:

Ma'am, thank you for the question. Again, between the statute, the bill itself, along with these regulations, it does further refine what it means to have a disability and clarify exactly who those individuals relate to. A broken finger I believe arguably would not apply given the guidance in both the statute and the regulation. But yes, ma'am, again.

Assemblywoman Dickman:

It just seems very unspecific to me in both the bill and the statute what the requirements might need to be, and so therefore I have a little problem with it, but thank you so much for answering my question. Thank you, Chair.

Chair Yeager:

Thank you, Assemblywoman Dickman. Let's go to Senator Denis next, please.

Senator Denis:

Thank you. There was a few individuals in our public comment that made reference to this process, that regulations were changed after the public was able to see them. Could you just address that and make sure that it's clear on the record on how that process is?

Mr. Wlaschin:

Yes, sir. Absolutely, Senator. To be clear, a little quick review of the timeline in regards to the regulatory workshops: first and foremost, we noticed the workshops on December 22, 2021. The statute requires 15 days prior to a workshop. We gave 30, the idea being that December 22, we didn't want people to miss the opportunity to provide public comment over the holidays so we extended it out 30 days so that the workshops that came up in mid-January again were 30 days approximately out from the initial notice. We also split the regulations into three different groups so that each day we talked between 8 and 12 regulations, again, the idea being that—grand total was somewhere around 260 pages. That's a lot to digest. I didn't want to try to force individuals to either hurry their comment or be unable to provide feedback on these regulations, so we had them over a series of 3 days. The notices for the adoption hearings went out on December 30— again, that was for early February—and then late February for the last adoption hearing. Following those adoption hearings, and they were conducted in accordance with Open Meeting Law, but we had extensive discussions prior to those with the Office of the Attorney General to make sure that we were in compliance. We read into the record those exact changes. When we provided the information over to the LCB, they did post it on the website as required. I'm not exactly certain about the specific date. Perhaps somebody from LCB could speak to that, Senator, but it was, I believe, last Wednesday or Tuesday of last week when the finalized adopted text was provided for public review.

Senator Denis:

Thank you, and because you brought it up, I don't know if we have someone from our staff that can clarify as far as that part, as far as last week's date.

Chair Yeager:

It looks like Mr. Killian has his camera on, so we'll let him answer that, and then after that we'll go to you, Senator Settelmeyer. Please go ahead, Mr. Killian.

Mr. Killian:

Thank you, Mr. Chair. Looking at the Register on the legislative website, it looks like the adopted version of this regulation was posted on February 22, which would have been last Tuesday, which I believe aligns with what Mr. Wlaschin mentioned.

Senator Denis:

Thank you. I didn't hear in any of that that anything was changed from the time that it was approved and sent to us. Is that correct?

Mr. Wlaschin:

Yes, Senator, nothing changed following the adoption hearings until today. That is correct.

Senator Denis:

Great. Thank you, Mr. Chair.

Chair Yeager:

You're welcome. Senator Settelmeyer, please.

Senator Settelmeyer:

Thank you, Mr. Chairman. For clarification, I don't mean to belabor this point. I think all regulations are done this way, meaning that the department has their meetings open to the general public. They take those recommendations and they then send all those recommendations to the LCB. The LCB then puts them together and then puts them up as approved regulations for the general public to review, am I not correct? This is just a common process for all departments, not just the Secretary of State, but whether it is EPA (Environmental Protection Agency), whether it's the Board of Wildlife, and frankly there is some discussion that maybe in the future we need to figure a way to get these changes out to the general public to be able to review, even legislators a little sooner review. Not

saying that I'll do my homework any quicker, Mr. Chairman. It's always a question. Am I correct in that, Mr. Killian?

Mr. Killian:

That is correct. For all regulations, the Legislative Counsel is required by law to post them to the Register basically as soon as we receive them. This is a common process for all regs, that they get posted publicly on the LCB website.

Senator Settelmeyer:

Thank you. With that, I had a question on the regulation if allowed, Mr. Chairman.

Chair Yeager:

Please.

Senator Settelmeyer:

My question that comes is when we are talking about the electronic system, this would expand, because currently right now the electronic system is really limited to those individuals and spouses that are serving overseas or in very unique circumstances where these individuals have been asked to be put in harm's way to defend our freedoms, and I believe that is really the limitation within that electronic system. But this would, correct, this would expand it to basically anybody who could meet that criteria? Is that correct, Mr. Wlaschin?

Mr. Wlaschin:

Yes, Senator, this is correct. Assembly Bill 121 did expand the usage of EASE from our service members and overseas citizens, which number approximately between 10,000 and 12,000, to a significant number more when including the members of the disabled community.

Senator Settelmeyer:

And again, there's no doctor's note or anything of that nature that indicates that they are infirmed, correct? They can just state they are infirmed and it's—basically I go back to the concept we used to have, no default absentee balloting by individuals that felt that they were incapable of being able to make it to the voting location, and this is basically creating a default system for that as well, or am I incorrect?

Mr. Wlaschin:

Senator, they are required to sign an affidavit swearing under penalty of perjury that this system does apply to them and they do meet the requirements, but there is no expectation that we are going to receive or act as a gatekeeper. Certainly we don't have the statutory authority to act as a gatekeeper for individuals otherwise. That is correct.

Senator Settelmeyer:

I appreciate that. I guess I'm just concerned with how this could be mismanaged or misused unfortunately by some unscrupulous people. Thank you. Thank you for your time. Thank you, Mr. Chairman.

Chair Yeager:

You're welcome. Any additional questions?

Senator Hardy:

I came to this I think it was last meeting, and I said, why are we receiving the regulation that hasn't been seen yet by the agency? So, I want to make sure that the concept usually is we get the regulation after the agency has had a public meeting, but we're told that that may not be the case, and so we get the regulation first. We say that's good, goes back to the agency, they say it's okay and then it becomes effective immediately. So, there is two ways we get the regulation. One is after the agency and one is before the agency. Am I not correct in that, Asher?

Mr. Killian:

Taking a step back to give an overview of the regulatory process, when an agency is adopting a permanent regulation, the initial step is that the agency submits their proposed language to the Legislative Counsel. We then review and revise it as necessary within 30 days and send it back to the agency as a proposed version of the regulation. After the agency receives the proposed version of the regulation, the normal process is they then hold their workshop and public hearing, adopt the regulation and then inform the Legislative Counsel that the regulation has been adopted and send us back the adopted version. We make any final revisions necessary for technical reasons and it's then submitted to the Legislative Commission or the Subcommittee to Review Regs for approval. There is one twist to that process, which is that an agency can submit a regulation to the Legislative Commission for early review, in which case the first steps are the same. The agency submits the initial version to the Legislative Counsel, we revise and send it back as a proposed version, but instead of the agency adopting first and it then coming to the Legislative Commission for approval, the Legislative—version of it first and—the agency then adopts it in identical form. It becomes effective—immediate adoption. That is unusual. Things usually happen through the standard process, but those

are the two ways that a permanent regulation can get adopted and come before the Legislative Commission.

Senator Hardy:

I think that's why some people are nervous. Thank you.

Chair Yeager:

Thank you, Senator Hardy. Mr. Wlaschin, I have a question, and I think you've touched on it a little bit. You mentioned that this regulation comes out of Assembly Bill 121, and I had a chance to go back and look at that Assembly bill. That Assembly bill does indeed tell the Secretary of State that a person with a disability shall be authorized to use this electronic transmission system that was established pursuant to NRS 293D.200. I'll just—this is my gloss. I'll note for the record that this was a bill that was supported in a bipartisan fashion, including 21-nothing on the Senate side, so I just wanted to get confirmation. This wasn't the Secretary of State saying, "We think folks with disabilities should be able to use the system," this was the duly elected Legislature approving in a bipartisan fashion that persons with disabilities should be able to use the already-existing electronic system that is used by members of the military who are serving overseas.

Mr. Wlaschin:

Yes, Chair, that is correct.

Chair Yeager:

Thank you. Do we have further questions from Commission members on this regulation?

SENATOR HARDY MOVED TO APPROVE REGULATION R081-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Assemblyman Tom Roberts (Assembly District No. 13):

Thank you, Chair. I just want to say thank you for a clarification on how this came forward, and I just want to say—look, I remember I supported this Assembly Bill 121 during the session, and I can remember growing up, my mother was legally blind and we had to have somebody take us to a polling place and I would go into the booth with her and help her vote, and so I think this is a system that we've been using in the military and it's been rather safe. There's no concern from me that it won't be safe using by disabled folks, so I'll be supporting it. Thank you.

Chair Yeager:

Thank you, Assemblyman Roberts. I think I saw Assemblywoman Dickman with a hand up. Please go ahead.

Assemblywoman Dickman:

Yeah, I just wanted to say I understand why we are doing this reg, I just wish there was more protections in it and more requirements to show that one is disabled, and so that is the reason why I will be a no. Thank you.

Chair Yeager:

Thank you. Further discussion on the motion? I don't see further discussion, so we will go ahead and take the vote.

THE MOTION PASSED (SENATOR SETTELMEYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

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Chair Yeager:

Moving right along, we will take the next one that we pulled, and that is R083-21 (Agenda Item VI A-1). This regulation revises provisions relating to the withdrawal of a notice of intent, and we've had some introductory comments already, so I'll go ahead and go to questions. Who would like to ask a question? Senator Settelmeyer, please.

Senator Settelmeyer:

Thank you, Mr. Chairman. Specifically on R083-21, I'm very approving of the change that was done to require that two individuals, because currently right now three people put forth the name on a recall petition, and now instead of just letting one person pull it back it's going to require two. I'm very approving of that part of it, however I think it needs a little more detail, because as I'm reading it currently, there is no timeframes on this, there's no dates of withdrawals, there's no issues or discussion on that, and to me, once someone goes through the process of trying to recall someone, then once those signatures are submitted, I don't believe that a person should have the ability to withdraw it anymore. I think it kind of becomes the ownership of the government entity that is conducting said recall, whether that is one county or an assemblyperson, multi-county, and I'm kind of bothered by that unless somebody can point to me somewhere that there is an NAC (Nevada Administrative Code) or something on point that it can't be the day

before we announce the results, the day before the election and all the sudden you just go get two of these three people to agree that, "You know what, I've changed my mind for whatever reason, and this election that everyone is going to take and think is going to be in effect won't actually be in effect because, you know what, I got these two to pull it back," so I'm just trying to get clarification on that, and if there is no clarification, it's my opinion this ought to be sent back in order to add that clarification of actual some type of a timeframe. Anyways, Mr. Wlaschin, I was just curious on that.

Mr. Wlaschin:

Thank you for the question, Senator. You are right that there's no timeline defined in NRS 306 or in the regulations in NAC 306 that specifically explains the timing process for withdrawals.

Senator Settelmeyer:

Thank you, Mr. Chairman. That is the only question I had. I appreciate the answer. I just see that as an oversight that should be corrected before a regulation on this matter is approved, because that to me is a big issue. It can be the day of an election and people think they are going out to get rid of or to retain so and so, and then all the sudden they get to the ballot and saying, "Oh well, actually it didn't count because these two individuals overtook the vote of the rest of the constituents," and that just bothers me. So, I can't support this regulation, but thank you, Mr. Chairman.

Senator Hardy:

And maybe Asher can answer this, or Mr. Wlaschin. What is the situation now? Can two people—can one person stop the recall? What is the situation now that we are trying to solve in this regulation?

Mr. Wlaschin:

Thank you for the question, Senator. Currently, again, there is no guidance outside of what this regulation proposes, so it could be possible that one individual out of three submits a request for a withdrawal, and a withdrawal essentially ends a recall petition. This clarifies so that, again, if three individuals are on the notice of intent, it would require at least two of them to withdraw that petition for recall.

Senator Hardy:

Right now one person could stop the recall?

Mr. Wlaschin:

Conceivably yes, sir.

Senator Hardy:

So this would allow for a little bit more as two. Now as far as timeline, let me ask it this way. The recall usually takes a vote of the people, and so in essence there is a virtual—would that be the virtual primary the day of the vote? Would it be the virtual general the day of the vote? What is the virtual deadline now that isn't enumerated in the statute?

Mr. Wlaschin:

Again, there are timelines relating to how long an individual has to gather signatures and also when the petition can be filed in the first place. But ultimately, again, it's not laid out specifically in regards to the withdrawal timeline. The petition process for a recall overall is defined, but just there is no wording specifically regarding the withdrawal process.

Senator Hardy:

So right now the way it is, a single person can stop a recall no matter how many signatures are on the petition the day before the election?

Mr. Wlaschin:

So right now, sir, as soon as these signatures are submitted for review, that really starts the ball rolling, so to speak, for the rest of that recall procedure. But again, it's not defined where and necessarily at what point outside of that someone could withdraw it otherwise, if that makes sense.

Senator Hardy:

So, I guess to Senator Settelmeyer's point, two people now instead of one person could stop a recall at any point without having all of those people who have signatures having a say in it right up until the election.

Chair Yeager:

Well, let me ask a question, because I'm not understanding this the same way that I think Senator Hardy and Settelmeyer are. The way that I read this proposed regulation is that we're talking about before the petition is submitted for verifying of the signatures. We are not—about an election, we're at the point where, and correct me if I'm wrong, Mr. Wlaschin, I think we're at the point where a petition has been distributed for signatures and those signatures have not yet been verified, so we are not at the election stage yet. That's when somebody can come, and if you look at section 1(1) of the regulation, it says, "A petition to recall may be withdrawn if these two things are," and so first of all you need two signators, and then the second part of that is it has to be submitted before the petition, before the signature verification happens. I don't read this as saying we're going to be on the eve of an election and it's going to be withdrawn, because at that point signature

verification has already happened. Correct me if I'm wrong, Mr. Wlaschin. Am I reading that correctly? This is about the actual verification of the petition itself before we get to an election?

Mr. Wlaschin:

Yes, Chair, and I apologize for not being more clear. Article 2, Section 9 of our State Constitution defines the recall process with NRS 306 providing a little more clarity, and you are right, it's before the signature verification process, so this is still again prior to that important step.

Senator Settelmeyer:

Mr. Chairman, if I could add something to that?

Chair Yeager:

Please go ahead, Senator.

Senator Settelmeyer:

I greatly appreciate that clarification, because I was reading it incorrectly because it was sounding to me that someone had the ability on the eve of the election to change that. So, as long as we agree that any time that signatures are submitted to the Secretary of State or a county official, because again, if it is a recall of a local sheriff—which has happened in a few of my counties more than once. As a matter of fact, one sheriff had to run every 2 years. That being said, if as long as it is once the signatures are submitted that it is on autopilot, that then it is in the hands of the body to follow the process, then I am far more comfortable with that, because that's the way it should be. Once signatures are submitted and accepted by the citizens of the State of Nevada, it should be on autopilot and not be capable of being withdrawn. Is that correct?

Chair Yeager:

That's the way I read it. I would think the only way you could withdraw at that point would be through litigation, but in terms of this regulation, if this petition has already been submitted with the signatures, it's too late at that point to withdraw no matter how many people come forward and say, "I don't want to be on this anymore." Of course, there is the signature verification process which is going to have its own outcome, but that's a whole different beast that we probably ought not to get into for this regulation. There's future ones we could talk about.

Senator Settelmeyer:

I appreciate that, Mr. Chairman, and I appreciate that, Mark, for that clarification. With that, I could actually support said regulation then. Thank you very much.

Chair Yeager:

Great. I just want to remind Commission members, last names only, please. I know we know each other here very well, but if we could remember to use last names in legislative hearings I would appreciate that. Senator Settelmeyer, I'll see if there are any other questions before I have you make a motion. Any other questions on this regulation. Okay, I think we had some good discussion. Senator Settelmeyer, please.

Senator Settelmeyer:

I appreciate that, and I will try to make sure to pronounce Mr. Wlaschin's name correctly every single time. That's why I called him the shorter name because, well, occasionally I mess up, and I apologize. With that, I would move to do pass—regulation pertaining to R083-21.

SENATOR SETTELMEYER MOVED TO APPROVE REGULATION R083-21.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That will take us to the next one on the agenda, which is R087-21 (Agenda Item VI A-1). This is a regulation revising provisions relating to legal holidays. Who would like to ask a question?

Senator Settelmeyer:

Mr. Chairman, I was the one who asked that this one be pulled. In that respect, I just want to make sure we get it on the record that this only pertains to legal holidays that are paid time off. I'd hate to see a situation where someone creates some nefarious days just to extend out the procedure, so I just want to make sure it's on the record that this is only for legal holidays, paid days off that have been recognized by the Legislature and/or the federal government. That's my point of clarification.

Mr. Wlaschin:

Thank you for the question, Senator. That is correct. NRS 236.015 defines those legal holidays, so it's only those legal holidays specifically defined in that NRS that this applies to.

Senator Settelmeyer:

Thank you, and with that clarification, Mr. Chairman, I'm ready whenever everyone else is done asking questions.

Chair Yeager:

Any other questions on this one from Commission members? Doesn't look like it. Senator Settelmeyer?

SENATOR SETTELMEYER MOVED TO APPROVE REGULATION R087-21.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That will take us to our next item, which is R089-21 (Agenda Item VI A-1), and this is a regulation repealing various provisions. Senator Settelmeyer, did you have a question on this one?

Senator Settelmeyer:

Yes, Mr. Chairman. I'm not a real big fan, as you probably know, of this concept of mailing everybody a ballot, and I'd actually prefer to leave this language in place so that hopefully some day we can go back to the absentee ballot discussion, because frankly, I think that the concept of making sure that people request an absentee ballot and sending it in is the right way to do it versus what we are going to, so for that reason alone I am opposing. I know that's not the best reason in the world to oppose something, but that's where I'm at. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. I didn't necessarily hear a question there, but I think we got a statement of where you are going to be on the vote. Are there any other members that have questions for Mr. Wlaschin on this regulation? Okay, I don't see any hands up for a question, so at this point I would be looking for a motion to approve.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION R089-21.

SENATOR SPEARMAN SECONDED THE MOTION.

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

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Chair Yeager:

R089-21 is not approved by the Commission. That will take us to the next item on the agenda, R090-21 (Agenda Item VI A-1), again, a regulation from the Secretary of State revising provisions relating to mail ballots. Was it Assemblywoman Dickman who had a question on this one? Please, go ahead.

Assemblywoman Dickman:

Thank you, Mr. Chair. I'm just wondering why there are no provisions in this for observation of duplication of ballots, because at that point, isn't the thing that would—the envelope that would—you'd know who this vote belonged to? It's separated from the ballot, right? And then also, why is there no provision for observing verification of signatures?

Mr. Wlaschin:

Good afternoon. Thank you for the question, Assemblywoman. So, two questions, the first one in regards to no provisions relating to the observation of duplication, and then the second part, no provisions for the observation of signature verification. Again, to clarify, ma'am, this regulation as part of our holistic review was again a measured step forward. There is a great number of things that frankly the clerks, the Secretary of State and the public all kind of want at the same time. Increased transparency is certainly one of those that is very near and dear to everyone's hearts. While there is no specific

provision calling out the requirement for observation of duplication, that doesn't mean that it can't be done. This is something that as we looked at this proposed regulation, as we discussed it with the clerks and their staffs, again, we are taking a measured step forward with the idea being that there was a number of changes to how elections are run that came out of the 2021 Legislative Session, but we didn't want to overburden the clerks and their staffs by mandating certain things that may overwhelm or frankly swamp the clerks and registrars and their staffs. So, this is a measured step forward. Again, the clerks want transparency, they want observation to occur. Following a review of the 2022 election cycle, we're going to conduct another regulatory review of all of our regulations to see, even these that were passed potentially today, to see if there's ways that we can improve upon them and continue to increase transparency for the public going forward. But to mandate and require observation of specific things, including duplication of ballots and signature verification, without having the opportunity to really assess where we are at as election officials across the state, it just didn't seem prudent. This is, again, a measured first step with an understanding that going forward we are going to continue to endeavor for increased transparency in these regulations.

Assemblywoman Dickman:

It just seems to me that if the clerk makes the determination of whether or not there's ambiguity and this ballot can be duplicated, someone should be able to observe that, a bipartisan team. Therefore, I will have to be opposed. Thank you.

Senator Settelmeyer:

Mr. Chairman, could I get clarification? I thought we were listening to regulation R093-21, which was requested by Ms. Krasner to hold, and I don't see anywhere within R093-21 the duplication. I thought that—

Assemblywoman Dickman:

I thought we were on 90.

Chair Yeager:

Yes, Senator, this is—I think you skipped ahead one. We're on R090-21. 93 is coming next.

Senator Settelmeyer:

Okay, thank you. Sorry about that. I apologize.

Chair Yeager:

No, it's okay. We have a lot going on today, so no worries at all. Any other questions from Commission members on this particular regulation? Senator Hardy, please.

Senator Hardy:

Thank you, Mr. Chair. How is the ballot reviewed by people who say there is a problem with it? How is it reviewed? Is it reviewed by two people or is it reviewed by a machine? How is it reviewed?

Mr. Wlaschin:

Thank you for the question, Senator. When it comes to the ballot duplication process, it is a bipartisan team. That is the goal. In some cases though, the clerks and registrars may do it themselves given the staff workloads and timing, but that is something that, yes, is of the utmost importance that we have ideally a bipartisan team. Some of the proposed feedback in regards to this reg called for a mandated tripartisan team with a possibility of adding possibly a Democrat or Republican or maybe an Independent or a minor party as well, but as it currently exists, again, bipartisan as practical is what is required.

Senator Hardy:

So there is actually no way to protect the sacred nature of a secret ballot?

Mr. Wlaschin:

Senator, it is secret specifically in that, by the point it goes to ballot duplication, the envelope has been separated from the ballot itself and those individuals that are duplicating the ballot do not see the name on the envelope, so they see a ballot. The duplication boards oftentimes address ballots that have food on them or maybe have been torn somehow or coffee stains. Again, it's simply to transcribe from one damaged ballot onto another ballot to make sure that it can be tabulated appropriately. But those individuals do not see who sent that ballot or provided that ballot to the registrar or clerk.

Senator Hardy:

Appreciate it. When you are ready for a motion, Mr. Chair.

Chair Yeager:

Thank you, Senator Hardy. Let me see if anyone else has a question on this one first before we take a motion. Any Commission members? I don't see any hands ups, so Senator Hardy, I think it's time for a motion.

SENATOR HARDY MOVED TO APPROVE REGULATION R090-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED (SENATORS HAMMOND AND SETTELMEYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

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Chair Yeager:

That will take us to the next one, and this is the one Senator Settelmeyer referenced in his last comment. This is R093-21 (Agenda Item VI A-1), a Secretary of State regulation establishing provisions relating to ballot boxes and electioneering. Who would like to go first to ask a question on this one? Assemblywoman Krasner, please.

Assemblywoman Krasner:

Thank you, Chair Yeager. On this particular regulation, I had some concerns with section 8(2) section 17(2). First of all, I have heard from hundreds of people. They have a large concern regarding the term “persons.” They do not like that term “persons” in there. They want it to say “citizens.” They believe, and as do I, that only citizens have the right to vote, and so I don’t like the fact that it says “persons”. Second of all, in section 8(2) and section 17(2), it says “the retrieval team,” this is the retrieval team picking up the ballot box, that “it should be composed if practicable by two members of the election board who are different political parties.” It should be mandatory. It should be mandatory that they are of two different political parties because of election integrity issues. I have some concerns with that. Thank you.

Mr. Wlaschin:

First, to address the comments regarding persons versus citizens, that was a comment we received frequently as well throughout the workshops and adoption hearings. Upon further discussion we realized that, for example, NAC 293 has 190 instances of the word “person,” but not all of those frankly are required to be citizens. In some cases, for example, observation, there is no requirement to be a citizen or even a resident of the state. In fact, we have international observers, other folks who maybe aren’t qualified or eligible to vote, high school students and the like who are interested in observing our process. Instead of going through these specific proposed regulations and finding and replacing—the word “persons” with “citizens,” we decided to consider that going forward for our future regulatory review so that we can do it holistically. We can look at all of the regulations relating to Title 24, identify again really if it’s practical to put “citizen” in certain cases or “person” in others or to see if there’s another means by which we can define that

elsewhere so that way again it's uniform and across the board for all regulations and not just these specific proposed regulations that frankly only touch on portions of the entirety of our regulations related to Title 24. Then in regards to the ballot collection teams, the comment "if practicable" simply identifies and addresses the fact that we have counties where there are large majorities of only one party. While the clerks and registrars collectively are very eager to involve everyone in the process to the fullest extent possible and recognize the importance of bipartisanship and the election integrity of having bipartisan or even tripartisan teams involved in these processes—I guess the alternative, if we mandated bipartisanship but were unable to find people of multiple parties, would it just not happen? That is something that we are going to critically analyze going into this 2022 election cycle to try to identify how can we continue to improve upon this. So, I understand your concerns, I do appreciate them and I do recognize that there were a great number of people that provided that same feedback to us as well, but again, in an effort to not hamstring our clerks and registrars in the execution of their duties, that is something we are going to take into consideration and analyze going into this election cycle.

Assemblywoman Krasner:

Thank you.

Chair Yeager:

Thank you. We will go next to Senator Settelmeyer and then Senator Hardy. Senator Settelmeyer, please.

Senator Settelmeyer:

Thank you, Mr. Chairman. I was curious, if we don't pass this regulation today, there's really not enough time to get it back for changes and stuff before the primary. So in that respect, if we do not pass this and got in a situation then where all 17 counties can have their own set of rules, and that means there is no one that is required to actually go out with a ballot retrieval person, and so I don't know. I'm kind of leaning towards the idea of at least having two people of different political parties is better than having no one and just having absolutely no observation. Am I correct in saying that, Mr. Wlaschin, or am I incorrect in saying that?

Mr. Wlaschin:

Senator, thank you for the question. Without this regulation being passed, there would be the possibility of less consistency. We have some ideas on how we could try to help facilitate that and recognizing the importance of equal protection under the law when it comes to our voting rights. But yes, sir, less guidance, I've found, doesn't seem to support more effective election processes, if that makes sense.

Senator Settelmeyer:

Or uniform. Thank you.

Senator Hardy.

Thank you, Mr. Chair. I am just going to clarify, when you say "person," you actually mean "natural person" in the verbiage of the law as opposed to a person who is a company or an entity that's a business. When we use "person" in the law, we talk about an organization or an entity that is more than just one single person, so when we say a "person," I think you mean a natural person as opposed to a person that includes a construction company or some other entity. Is that correct?

Mr. Wlaschin:

Yes, Senator, that is correct.

Senator Hardy:

In which case then I am comfortable with using the word "person" as long as we know what it means. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Senator. Further questions on this regulation? I don't see any hands up.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION R093-21.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMAN KRASNER VOTED NO).

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Chair Yeager:

All right, moving right along. Take a deep breath, folks. I think we are about halfway through all of these. I want to go next to R096-21 (Agenda Item VI A-1), a Secretary of State regulation establishing provisions relating to boards. Assemblywoman Dickman, did you have a question on this one, or was it somebody else?

Assemblywoman Dickman:

Well, I think my only comment was that there's no provision for observation over ballot duplication again. Again, we're at the "if practicable" term, and that just leaves so much to interpretation and I just wondered why we don't get more specific on some of this.

Mr. Wlaschin:

Thank you for the question, Assemblywoman. Just to clarify again, there is certainly a desire and a plan to continue increasing the detail and scope of these regulations, but really the bottom line is, recognizing the changes in the laws and the responsibilities that the clerks and registrars and their staffs have going into this election cycle, it was determined to make a prudent measured first step with the expectation in future regulatory review cycles we would again reexamine what we could improve upon, and I do want to state for the record as well to be clear, I don't mean regulatory reviews as required by law under NRS 233B. It states it's got to be once every 10 years. I don't mean in 2032 we will have future discussions. Again, we recognize that these regulations need to be updated and reviewed for again ways we can improve them to identify what we are getting right, what possibly needs to be clarified, and so therefore it's going to be a biennial review that we are planning going forward.

Assemblywoman Dickman:

Thank you, Chair. Thank you, Mr. Wlaschin. Did I say that right?

Chair Yeager:

I think so. It sounded right to me.

Mr. Wlaschin:

Yes, ma'am. It does help to not look at it when you say it, for what it's worth.

Chair Yeager:

We'll give Senator Settelmeyer a few more times to try it out throughout the meeting and see how he does. Any further questions on this particular regulation? I don't see any hands up.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION R096-21.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

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Chair Yeager:

That takes us to the next one we're going to consider, and that's R097-21 (Agenda Item VI A-1), a Secretary of State regulation revising various provisions. Senator Settelmeyer, I think you had a question on this one, but correct me if I'm wrong.

Senator Settelmeyer:

I believe it was Assemblywoman Dickman who had some concerns. I had some issues with the deletion of the felon voting rights, but it's interesting that actually very few people were objecting to taking that out of rules. But I believe Ms. Dickman had some questions.

Chair Yeager:

Thank you, Senator Settelmeyer. Assemblywoman Dickman, we'll go to you then.

Assemblywoman Dickman:

Thank you, Mr. Chair. My only issue on this one is, all these things that they need to do, that the poll workers need to do, at the end of the day that they have to report to the Secretary of State, but I don't see anywhere where it has to be released to the public. Is there a provision for access for the public to this information?

Mr. Wlaschin:

Thank you for the question, Assemblywoman. That's one of the other things quite frankly that we've been talking about and are really interested in trying to increase specifically relating to public transparency. But again, to have it as a measured step, there's frankly two of our counties that would likely be able to meet that sort of requirement, a mandated every day that something is provided it would be published to the public. But again, we want to see if it's possible going forward so that all 17 counties can uniformly compile information, and again, there's just so many unknowns about how this election cycle's going to go in regards to everything from staffing goals, poll worker requirements, the number of folks, for example, that may use the EASE system. There's a manpower requirement for that as well to address those and keep them secure and to go through that process properly. This is something that again as we look at, we suspect, in future regulatory reviews, we're going to increase somehow the transmission. Certainly once we're a top-down system, some of those other reporting requirements will become a little

more streamlined, as well will be more available to the public. To answer your question directly, as it stands, we're going to attempt to thoroughly provide that information to the public. Certainly it will be available upon request, but going forward, the goal is to make that sort of—all information relating—anything that the Secretary of State receives will be organized, again, 1 to 17 counties so that everyone is able to view it in a consistent manner going forward. Soon, but not yet, Assemblywoman.

Assemblywoman Dickman:

I appreciate how hard you've worked on all this. The thing is people have lost so much confidence in our elections and I just think we're going to look at it some more later. This is a very critical election coming up and I just feel like these things should've been addressed. Thank you.

Senator Hardy:

Thank you, Mr. Chair. Does this affect or adversely affect same-day registration? Coincidently, same-day voting?

Mr. Wlaschin:

Senator, thank you for the question. Does this proposed regulation adversely affect same-day voting or registration? No, Senator, I do not believe it does, nor did we hear or receive feedback relating specifically to that.

Senator Hardy:

Thank you.

Chair Yeager:

Mr. Wlaschin, I just wanted to maybe clarify something you said initially when you were answering the question from Assemblywoman Dickman. If I heard you correctly, I think the objective would be at some point to have real-time reporting from the counties, but it sounded like from the Secretary of State's position, obviously as the entity responsible for conducting elections in conjunction with our 17 county clerks, that you felt like imposing that real-time daily reporting requirement might not be feasible, I'm assuming particularly for some of our smaller counties given lack of resources and personnel. Did I hear that correctly?

Mr. Wlaschin:

Yes, Chair. Thank you for clarifying, and I do apologize for not being more succinct and clear in my answer. That's exactly right, though. Some counties could, but not all, and

again, the goal isn't to pick and choose but to have uniform information available to the public. You are exactly right with the resource concerns.

Chair Yeager:

Okay, thank you. No, I think you did a good job answering it, but it's Monday and it's 3 p.m. so I just wanted to make sure that I had it right. All right, additional questions, Commission members, on this particular regulation? Assemblywoman Dickman, please.

Assemblywoman Dickman:

Sorry to go again. I just had a quick one though. In the olden days when we went to the polling place to vote, didn't this information used to get posted on the wall as people voted?

Mr. Wlaschin:

Yes, ma'am.

Assemblywoman Dickman:

Or are you too young to remember that?

Mr. Wlaschin:

Thank you for the question, Assemblywoman. Some information is still required to be posted, and this again really just provides clarity. There are still a number of requirements for the clerks and registrars to post certain information in those vote centers. Yes, ma'am, this merely adds to and kind of clarifies some of that in relation to it.

Assemblywoman Dickman:

Thank you. Thanks, Chair.

Chair Yeager:

You're welcome. Additional questions for Mr. Wlaschin, who's been on the hot seat for quite a while? A little bit more to go. Okay, I don't see additional questions so would look for a motion to approve.

SENATOR SPEARMAN MOVED TO APPROVE REGULATION R097-21.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

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Chair Yeager:

Moving right along, we'll take up R098-21 (Agenda Item VI A-1), a Secretary of State regulation revising provisions relating to observation. Who would like to ask a question on this regulation? We'll start with Assemblyman Roberts.

Assemblyman Roberts:

Thank you, Chair. So on this one, I just wanted some clarification. Under the current rules, clerks have the discretion to remove people from the polling place. This basically just gives some specific instances as long as it's involving public safety or confidentiality, correct?

Mr. Wlaschin:

Thank you for the question, Assemblyman. Yes, that is correct. Again, increased clarity on what meaningful observation is.

Assemblyman Roberts:

They couldn't just arbitrarily reduce the number of observers? There's got to be something that triggers it for each one of these instances and it has to be within the scope of this language?

Mr. Wlaschin:

Yes, sir, that is correct.

Assemblyman Roberts:

Okay. If we don't pass it, what can they do now? How does this hinder them?

Mr. Wlaschin:

Frankly it would just again go back to the status quo again, which is slightly less clear for the public on what exactly those requirements are, but ultimately again would still default to the clerks' and registrars' ability to maintain good order and discipline frankly at their polling sites.

Assemblyman Roberts:

But this provides more clarification for what they can do and not as much discretion by the county clerks?

Mr. Wlaschin:

That is correct.

Assemblyman Roberts:

Okay, thank you. Thank you, Mr. Chair.

Chair Yeager:

Thank you, Assemblyman Roberts. Additional questions on this regulation? Assemblywoman Dickman.

Assemblywoman Dickman:

Thanks, Chair. Yeah, I can see where you're trying to move in a direction where there is more direction, but I don't think this went very far in doing that. Here's a question: what's the issue with the public hearing conversations between election board officers? Aren't they public servants who are doing a public job?

Mr. Wlaschin:

Thank you for the question, Assemblywoman. There frankly is nothing wrong with it. This regulation simply doesn't mandate that an individual is allowed to hear every conversation. If they do, and can they? Certainly. There will be opportunities and certainly discussions that they'll be able to be privy to, but this simply doesn't go as far as enabling a member of the public to say, "I want to be able to hear every conversation in this room. I need to be able to go over and stand next to the clerk or registrar and follow them around throughout the course of the day." Will they hear things? Certainly, absolutely, no question about it, but it just simply doesn't carve out and mandate that they have the ability to request to hear every single conversation throughout the—of an election.

Assemblywoman Dickman:

I must have read that a little less clearly because I thought that was one of the exclusions, one of the reasons that they could remove people is if they were going to hear these conversations.

Mr. Wlaschin:

No, ma'am. Looking on page three of the regulation at the bottom, again, it defines a little bit more clearly what meaningful observation is and it just simply states that the term does not include allowing a person to elicit any conversation between an election official, election board officers or between a voter and election board officer. So again, can they? Absolutely, but it doesn't mandate or require that as an option, if that makes sense.

Assemblywoman Dickman:

Thank you, and thank you, Chair.

Chair Yeager:

You're welcome. Additional questions on this regulation from Commission members? All right, I don't see any hands going up. I would look for a motion to approve.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE REGULATION R098-21.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

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Chair Yeager:

That will take us to the next regulation for consideration. That's R102-21 (Agenda Item VI A-1), again from the Secretary of State, a regulation revising provisions relating to written challenges. I think this was one that Assemblywoman Krasner asked to be pulled, so we'll go to you for any questions.

Assemblywoman Krasner:

Thank you, Chair Yeager. I did have a question here, and I don't know if it's appropriate for Legal or who might want to answer it, but as I look at this, this is adding additional criteria. It's adding an additional hurdle to challenge the right of a person who is thought to have voted fraudulently. Two things here: so previously it was just if somebody who is a citizen thought that somebody else was not a citizen and voted improperly, they had to have the person's name, telephone number, but here now it's asking "and" not just

personal knowledge of the facts, not just a sworn affidavit, but “and” they also must have documentation of evidence supporting the fact upon which each ground for the challenge is based. That’s the first thing. I’m wondering why we want an additional hurdle to somebody reporting someone that they think is a non-citizen or should not be voting, voting. That’s number one. Then number two, again, repeatedly I see a “person” voting, a “person” who is being challenged. It should be a “citizen.” I’ve just heard from hundreds of people, only citizens have the right to vote. Those are my two concerns, but the question is, is this in fact adding another hurdle for a person to basically inform that there’s a person that they think should not be voting who is voting? Is this adding another hurdle with that word “and”?

Mr. Wlaschin:

Thank you for the question, Assemblywoman. To start with your comment in regards to the “person” versus “citizens,” as I mentioned a moment ago but will reiterate for the record again, that is something that we’re taking into consideration going forward holistically though, not just viewing it piecemeal in these specific regulations but really considering which situations where “person” versus “citizen” does make sense and is legally clear. That will be coming potentially as part of a future regulatory review. In regards to your question about adding an additional hurdle, again, really this part of the proposed regulations specifically clarifying that we request documentation or evidence supporting the facts really is to help a couple of different situations. This will help enable the clerks and registrars in their review of this process, the county and city district attorneys that will be involved in these processes as well to understand the nature of the complaint in a way that perhaps in years past maybe wasn’t quite possible. So really again, this is just to ensure that we are not again questioning or disenfranchising any voter when really again if the challenge needs to go through and it’s valid and we have the evidence and we’re able to identify who exactly this challenge is in relation to, again, there’s a statutory and regulatory process that will be executed. But the additional documentation and evidence is really just to make sure that we have a—again, the election officials across the state better understand the nature of this accusation.

Assemblywoman Krasner:

Thank you for that, and I see Mr. Killian is on, but what I do see is—I believe that currently if you think someone who is a non-citizen is voting, you just have to give a sworn affidavit. You have your personal knowledge of facts, your grounds for the challenge as written there, but now we’re adding “and” so we’re making an additional criteria and additional hurdle to report someone because now somebody’s going to have to give documentation and supporting evidence to prove their ground for the challenge of this person—again, it should say “citizen.” Mr. Killian, is that your reading on this, please? Thank you.

Mr. Killian:

To address both of the questions, first, in the context of this section, I believe "person" rather than "citizen" would be the appropriate term because it—whose ability to vote is—so the person may or may not be a citizen, we don't necessarily know—challenge. "Person" rather than "citizen" is probably appropriate here because we're wanting to capture anyone who may have cast a vote to be able to challenge whether or not they have the right to vote, including whether or not they're a citizen. For the first question, though, the "and" looks new because the section was restructured. It used to be paragraphs and now it's sub-paragraphs. In both cases, this was an inclusive list. Each of the things have to be contained in the challenge, so the "and" isn't new, it just appears because of the way that this was renumbered. But to address the particular question about whether this requires an additional thing to be submitted that wasn't required to be submitted before, the construction of the new sub-paragraph referring to any documentation or evidence supporting the facts doesn't require that there be documentation or evidence. It's just, if there is any, it is intended to be included in this challenge whereas before there was no provision that allowed for that documentation or evidence to be submitted with the challenge. Our reading of this would be that it isn't imposing a new requirement that you cannot submit a challenge unless it has documentation or evidence, but rather that if you have any, it can be included with the challenge whereas before there was no mechanism to include that with the challenge.

Assemblywoman Krasner:

Thank you, but then shouldn't it read "and/or"? I know that's just a little tiny legal thing, but I believe it should read "and/or" and not just "and" because "and" would be also which would be another hurdle, another requirement for somebody to report somebody who they feel perhaps is a non-citizen and they're voting. I don't know if we can fix that, or—

Mr. Killian:

So, "and/or" is not a construction that we use within NRS or NAC. In this case, the "and" followed by "any" is effectively what's doing that same lift. The "any" means that this provision only applies if that thing exists. If there is not documentation or evidence, then there wouldn't be any documentation or evidence to submit.

Assemblywoman Krasner:

I understand that, but I'm looking at the regulation as written and it has the seven requirements that are currently on the books and it says the word "and," and then it has the new language, "documentation or evidence supporting the facts upon which each ground for the challenge is based," and in the law when you put the word "and" it means you have to have both. Those seven and the eight, it doesn't say "or."

Chair Yeager:

I'll say I think this is the reason we are having this discussion. This is the legislative intent and history of this regulation and I think it's—at least to me, it's pretty clear that it doesn't mean there has to be evidence, it's just that if you have any then you must submit it, which I think we would want, right, because our elections officials should want all the evidence. What we don't want is people coming forward saying, "I know this person should not have voted and I have this document and I'm not going to give it to you that proves what I said." I understand where you're coming from, Assemblywoman Krasner, but I think the record we've made today is pretty clear that it's not a requirement that evidence or other documentation be submitted, it's just that if you have it, you should submit it because that will help the elections officials be able to actually adjudicate any of these claims. With that being said, I feel comfortable and I'm not going to ask Legal to do something that we've never done in any other regulatory framework because I think that opens us up to a whole new set of challenges that I don't really want to open Legal up to.

Assemblywoman Krasner:

Okay, so it's not imposing an additional requirement. That's correct, Mr. Killian?

Mr. Killian:

That's correct. I think as the Chair represented it, the intent here is that if the evidence exists it can be submitted with the requirement, but this doesn't create a ground to reject a challenge if the challenge does not contain such additional documentation or evidence.

Assemblywoman Krasner:

Thank you.

Chair Yeager:

Additional questions on R102-21? I see no questions. I would take a motion to approve.

SENATOR SPEARMAN MOVED TO APPROVE REGULATION R102-21.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That takes us next to R104-21 (Agenda Item VI A-1), Secretary of State, a regulation revising provisions relating to vital statistics records, and I believe Assemblywoman Krasner pulled this one as well, so we will go to you for the first question.

Assemblywoman Krasner:

Thank you, Chair. On R104-21, this refers to dead people voting. So, deceased voters is a concern, obviously. We don't want any dead people voting. Is there an effective date on this legislation? I pulled it. I did not see an effective date, so would this be effective for our primary in June and our general election coming up in November, or what is the effective date for this legislation, please?

Chair Yeager:

It looks like Mr. Killian's back on screen, so we'll go to Legal for that answer.

Mr. Killian:

Thank you, Mr. Chair. Generally for regulations, unless they contain an effective date stating some other date, they become effective immediately after being approved by the Legislative Commission and filed with the Secretary of State. If the Legislative Commission approves this regulation today, it would presumably be filed with the Secretary of State today as long as the meeting concludes before 5 p.m. If not, it would probably be filed tomorrow. But in either case, it would be effective before the primary and general elections this year.

Assemblywoman Krasner:

Okay, thank you.

Chair Yeager:

Well, I think even if it's after 5 p.m., Mr. Wlaschin might be there and able to file even though it's after hours. As long as we get it approved today, I think we'll be all right. Any additional questions?

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE REGULATION R104-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That takes us next to R106-21 (Agenda Item VI A-1), Secretary of State, a regulation establishing provisions relating to signature verification training. Who would like to ask the first question? Senator Settelmeyer, please, go ahead.

Senator Settelmeyer:

Thank you, Mr. Chairman. The concern I had within R106-21 dealt with the fact that it doesn't seem to bring in the discussion of regulations and rules to create some uniformity within the electronic signature verification that's done by machines. It seems that this is solely dealing with those counties that have signature verification by manual, which in the last election we saw a situation where the average Senate seat that was located in the rurals was running about 400 to 500 signatures that had to be cured. I'm okay with that, and my daughter was one of those signatures that had to be cured because when she was 18, she signed up to vote, and surprise, surprise, 2 years later after actually having to sign her name on checkbooks and different forms for school, she actually developed a signature, because sadly we're not exactly teaching penmanship the way we once did. Not that my penmanship's that great, I'll have to admit. But in that respect, it seems that this regulation does nothing to deal with the consistency of the machine, and like I said, in the rurals it was about 500 a senatorial district where down in Clark County that machine was only rejecting about 20 to 29 in a senate district, and I find that troubling. I was curious, does this apply at all to the machines or is this only dealing with human verification?

Mr. Wlaschin:

Thank you, Senator, for the question. This does just specifically relate to the signature verification training that is required as a provision of Assembly Bill 321, again, to further clarify what that requirement is and some of the various aspects relating to it.

Senator Settelmeyer:

I appreciate it, Mr. Wlaschin. I think it's an error, and it's kind of my intent when that bill was going through that signature verification meant for everything, not just human being verification but to worry about what a computer is dialed down or up to. Thank you.

Assemblywoman Dickman:

Thank you, Mr. Chair, for being so indulgent. My question just has to do with the specifics of the training. Why is there no definition of what a passing grade might be? Just because you take the training, how do you show your proficiency and that you are actually qualified?

Mr. Wlaschin:

Thank you for the question, Assemblywoman. The definition of a passing grade is not contained within this provision in part because it hasn't quite yet been discussed or solidified. We've put a significant amount of effort and research into identifying appropriate signature verification training and processes, but as we're getting closer now to finalizing that training in, I believe, the next week or two, we should have something in a final state that we can provide to the clerks and registrars. Again, as we drafted this regulation and started getting it through the timeline, it had not been clarified. Going forward, again, that is certainly something that as we look to continuing to improve our signature verification training, even as we have this first iteration that we're getting ready to release in preparation for the primary election and looking to future election cycles, we certainly anticipate again scrutinizing what we're doing, what works, what doesn't, how we can make it better and provide more clarity not only to the public but also to the clerks and registrars so that they can pass that information on to their election workers and other administrative staff that affect the election.

Assemblywoman Dickman:

Thank you. Thanks, Chair.

Chair Yeager:

You're welcome. We'll go next to Senator Hardy.

Senator Hardy:

Thank you, Mr. Chair. How do we rationalize the difference in the numbers of electronic signature verification? Are we using 20-point verification in one county and 40 in another? What are we doing with the electronic signatures, because it's pretty obvious that it's not like the rurals are the only ones that change their signature. What is it that happens?

Mr. Wlaschin:

Thank you for the question, Senator. Currently, only one county is using electronic signature verification. Again, looking to the future, this is something that we've been discussing again with clerks and registrars across the state. Depending on how many folks use the mail ballot going into the 2022 cycle, and then again, even as we get closer

to the 2024 cycle, including the presidential preference primary of course in February of 2024, we're going to keep a close eye on the number of mail ballots used and are going to ensure that, one way or the other, if other counties are interested in pursuing electronic signature verification that it is standardized in regards to what that process is so that again, uniform requirements and standards across the state are met and upheld. As only one county currently is using electronic signature verification, again, we're still working through that process. It is a very new thing, as you remember. The machine itself was leased during the primary and only purchased during the general election of 2020, so it's something that we are continuing to look closely at, and we'll certainly continue to refine regulations for going into the future.

Senator Hardy:

What you're saying is the electronic, even as flawed as it may be, was 10, 20, 30 times better than the rural signature verification by hand. Is that the concept? Is that borne out, that the electronic verification is 10, 20 times better than the hand verification?

Mr. Wlaschin:

Senator, thank you for the question. I don't have the specific stats or ability to compare cross-county exactly the effective rates, so to speak, of those signature verifications. I do know that the machine that was used in Clark County was adjusted so that if there was any possible doubt, it did spit that ballot envelope out so that humans had to review it. The signature verification training that this regulation describes again will really just standardize the training and the expectations for election administrators and their staffs across the state. But in regards to was the machine more effective than a person or not, I simply can't speak to that. Our goal is instead to just make sure that we are being consistent across the state and continuing to provide a high level of security for this part of the process.

Senator Hardy:

I appreciate it. Thank you.

Chair Yeager:

Thank you, Senator. Do I have additional questions from Committee members on this regulation? Assemblyman Roberts.

Assemblyman Roberts:

Thank you, Mr. Chair. Just to clarify, so people that do signature verification, this regulation would require specific training, and each county has to have people that do manual signature verification? A clerk just couldn't say, "I'm not sending anybody to the training"? They're required to have it, is that correct?

Mr. Wlaschin:

Thank you for the question, Assemblyman. Yes, sir, that is correct.

Assemblyman Roberts:

Thank you.

Chair Yeager:

Thank you, Assemblyman. Further questions from the Committee?

SENATOR SPEARMAN MOVED TO APPROVE REGULATION R106-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Senator Settelmeyer:

I appreciate the opportunity. Again, the concept that we're not including inside this regulation the electronic signature verification that was done in the largest county in the State of Nevada I find very troubling, because again, there's nothing wrong with actually curing signatures, making sure that people are actually who they are when they vote. That doesn't bother me at all. For that reason, I oppose this. Thank you.

Chair Yeager:

Thank you, Senator. Any further discussion? I don't see any other hands up.

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

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Chair Yeager:

The regulation fails, so we will not be mandating training for those who are reviewing electronic signatures, at least not in a consistent way throughout the state. That regulation again fails, and I think, Committee, someone correct me if I'm wrong, but I think we got through all of them, right? Do we have anything else we have to do? I see some thumbs

up. I know there were a lot of them. Mr. Wlaschin, I want to thank you for being here with us today. We asked you a lot of questions and took a few hours of your time, so thank you for your work on these regulations. Thank you for being here to answer any questions. We certainly appreciate it.

Mr. Wlaschin:

My pleasure. Thank you for your time.

Chair Yeager:

All right, Committee. Take a deep breath. We've got a few more things to do yet on the agenda. I should say that completes agenda item VI. Next up, we have agenda item VII. We can do this in a couple of different ways. We have a number of appointments to be made through agenda item VII. In your packet you should have listed the recommended appointees (Agenda Item VII). We could either take a motion on all of the items in VII together, or if anyone would like, we could go through each one individually and take separate motions. So I guess, let me ask it this way: is there anyone who would like to go through and take 10 separate motions on these items? Is there anyone that would like to do that rather than do one motion?

Assemblywoman Dickman:

I think we should discuss each one too, as well. I'm kidding.

Senator Hardy:

Move to approve en masse.

Chair Yeager:

Okay, we have to do one agenda item at a time, so we can approve everything under agenda item VII, which is A through J.

> SENATOR HARDY MOVED TO APPROVE THE APPOINTMENT OF MEMBERS WHO ARE LEGISLATORS TO THE ADVISORY COMMITTEE ON HOUSING, THE ADVISORY COMMITTEE FOR THE OFFICE OF MINORITY HEALTH AND EQUITY, THE ADVISORY COUNCIL ON THE STATE PROGRAM FOR WELLNESS AND THE PREVENTION OF CHRONIC DISEASE, THE ADVISORY BOARD ON MATERNAL AND CHILD HEALTH, THE NEVADA COMMISSION ON AGING, THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, THE PRIVATE ACTIVITY BOND COUNCIL, THE REGIONAL BEHAVIORAL HEALTH POLICY BOARDS FOR THE NORTHERN, WASHOE, RURAL, SOUTHERN AND CLARK REGIONS, THE TASK FORCE ON

ALZHEIMER'S DISEASE AND THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That takes care of the appointments in agenda item VII, A through J. That takes us next to agenda item VIII, which I think is just one item. Give me a second to find my notes here. This is the nomination of a legislator for appointment by the Governor to the Nevada Early Intervention Interagency Coordinating Council, P.L. 99-457, Part C. In the meeting materials, we have a recommendation that Assemblywoman Tracy Brown-May be nominated for appointment by the Governor to this Council (Agenda Item VIII). Do I have a motion to do so?

SENATOR DENIS MOVED TO APPROVE THE NOMINATION OF ASSEMBLYWOMAN TRACY BROWN-MAY FOR APPOINTMENT BY THE GOVERNOR TO THE NEVADA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That takes us to agenda item IX, and again, Committee, we can do these three all at the same time if you'd like. There are three committees listed there: the Advisory Council on Mortgage Investments and Mortgage Lending, the Commission on Ethics and the Sunset Subcommittee of the Legislative Commission (Agenda Item IX). Again, I'll give folks the opportunity if there's any discussion on the individual agenda items. We can pull them out, otherwise I would take a motion to make the appointments under agenda item IX.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE APPOINTMENTS OF MEMBERS TO THE ADVISORY COUNCIL ON MORTGAGE INVESTMENTS AND MORTGAGE LENDING, THE COMMISSION ON ETHICS AND THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

That takes us to agenda item—by the way, thank you, Commission, for making that go quickly. I appreciate that. Agenda item X is next. This is a correction of an error in Senate Bill 186 of the 2021 Legislative Session. Bryan Fernley, our Legal Counsel, is here to present this item. I see Mr. Fernley is on the screen with his camera on. Mr. Fernley, please go ahead and make your presentation on agenda item X.

Bryan Fernley (Legislative Counsel, Legal Division, Legislative Counsel Bureau):

Thank you, Mr. Chairman. As you mentioned, during the 2021 Legislative Session the Legislature enacted Senate Bill 186, which revised various provisions governing homeowners associations and specifically the manner in which homeowners associations (HOAs) disseminate information and communicate with homeowners in the HOA. When the final amendment to the bill was being processed by the Legal Division, an error occurred that resulted in HOAs being required to send all information to homeowners by both electronic mail and regular mail rather than by electronic mail or regular mail. This effectively resulted in a duplicative requirement that all information and communications from an HOA to homeowners be distributed by both email and regular mail, when the intent was not to make such a duplicative requirement but to have one or the other be provided to the homeowners and the HOA. To correct the error, the “and” that would require information to be sent by both email and regular mail would be changed to an “or” so that the information could be sent by either email or regular mail. There are exceptions that existed in this statute prior to SB 186 and that continue to be in place after SB 186 that specifically govern the collection process and foreclosure process in HOAs. This bill and this change won’t affect those provisions. NRS 218D.720 does authorize the Legislative Commission to correct errors in legislation after the adjournment of the legislative session, and that does require a unanimous vote of the Legislative Commission. This error in SB 186—again, to change from having all information and communications from an HOA being sent by both email and regular mail to sending them by either email or regular mail—that is the type of error that the Legislative Commission can correct with a unanimous vote. I’d be happy to answer any questions.

Chair Yeager:

Thank you, Mr. Fernley. Appreciate that explanation. Do we have questions from Commission members on this agenda item? Senator Denis, please.

Senator Denis:

Just a quick question. The intent of the legislation was to—does it give that ability to the HOA to determine whether they're going to send one or the other?

Mr. Fernley:

No, it gives the ability to the homeowner to elect to receive their communications by email. Well, I guess with respect to certain notices, it would be up to the homeowner to elect to receive them by email. The other—just the general information and communications, it would be up to the HOA to choose the preferred method, but if there was not an email address provided or a homeowner opted out of email, then regular mail would be required.

Senator Denis:

I just wanted to be—I want to make sure it wasn't up to the HOA to determine to do one or the other, because they may have some—and I couldn't remember from the legislation if it was how that was, so thank you.

Chair Yeager:

Further questions from Commission members? Senator Spearman, please.

Senator Spearman:

Yeah, I don't actually have a question, just wanted to add another point of clarification. The intent of the bill was really to lessen the cost for administration for HOAs. When people receive things emailed, you don't have to put the stamps, the envelopes, etc., etc. In this day and age, there are a number of people who would much rather have it emailed than have it snail-mailed to them. Email will follow the homeowner wherever they are whether or not they're in town to go to the mailbox, to pick the mail out of it and take it to the house and open it up, but email is always there. The original intent of the bill was really to lessen the financial burden that some, especially smaller HOAs, might be under.

Chair Yeager:

Thank you, Senator. I appreciate that clarification. I think you're correct in that email follows the homeowner and then it's easier to archive those things, I think, by email too, because we all have papers and we can never seem to find that paper when you need it. I know you were a sponsor of the bill, so I appreciate your intent in doing that. All right,

so let me ask, are there other questions from Commission members? Again, a reminder that this has to be a unanimous vote of the Commission to make this correction. Seeing no further questions, I would look for a motion to correct Senate Bill 186.

SENATOR HARDY MOVED TO APPROVE THE CORRECTION OF AN ERROR IN SENATE BILL 186 OF THE 2021 LEGISLATIVE SESSION.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

Thank you, Legal, for bringing that to our attention, and thank you, Legislative Commission, for your vote on that. All right, we are almost at the finish line. That takes us to our second to last agenda item. We'll go to agenda item XI. This is approval of the use of LCB resources to explore the feasibility of a legislative multi-use building in Clark County. Our LCB director, Ms. Erdoes, will present this item and then we'll have questions. Please, go ahead.

Brenda Erdoes (Director, Legislative Counsel Bureau):

Thank you, Mr. Chair. This item is intended to seek the approval of the Legislative Commission to use our existing LCB resources to explore the feasibility of acquiring a legislative multi-use building in Clark County. The idea is for the LCB staff to research the availability of existing buildings that we could lease or buy, or land on which a new building could be built, as well as talking with legislators and others to determine the needs of the legislators and others have for such a building. I think most of you probably know that the Grant Sawyer Building will be closed in 2023 at some point for construction, and we would be out for 2 to 3 years, and so the idea here is to explore whether the Legislature wants to continue to use a part of the Grant Sawyer Building or have a separate building for legislative use in Clark County. We're not seeking any new money to be approved for this project at this time. Our intent would be to use existing employee time and other existing resources for this project. I'm happy to answer any questions you may have.

Chair Yeager:

Thank you, Ms. Erdoes. Do I have questions on this agenda item? I don't see any hands up for questions. At this time I would look for a motion to approve agenda item XI.

ASSEMBLYWOMAN KRASNER MOVED TO APPROVE THE USE OF LEGISLATIVE COUNSEL BUREAU RESOURCES TO EXPLORE THE FEASIBILITY OF A LEGISLATIVE MULTI-USE BUILDING IN CLARK COUNTY.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Yeager:

We look forward to hearing an update on progress on this item. I routinely get requests from constituents here about the Grant Sawyer Building and where they might be able to go to participate or meet with legislators, so I think that's a very pressing issue. Okay, Committee, we are now going to go to our second period of public comment, which is agenda item XII. If there's anyone who has stuck around through this meeting and wishes to provide public comment, please call the number that's indicated on the agenda and you will be informed by the BPS services when you have been connected and it is your turn to speak. Like the first round of public comment, comments will be limited to two minutes per person. I will be timing and I'll let you know when your two minutes are up. I don't think I had to do that at all at the beginning of the meeting, so everyone did a great job. Then, if you want to submit additional comments, you can do so in writing. They will be included in the record. I'm now going to turn this over to BPS to see if there's anybody on the line who'd like to give public comment before we adjourn this afternoon. BPS, please go ahead.

Broadcast and Production Services Staff:

Chair Yeager, the public line is open and working, however there are no participants wishing to give public comment at this time.

Chair Yeager:

Well, color me surprised that we don't have any public comment on the second round. That might be a first, but I want to thank BPS for having the line open and ready. I'll close agenda item XII. Then, before we adjourn today, Senator Settelmeyer, I wanted to go to you. I think you had a comment that you wanted to make or a question.

Senator Settelmeyer:

Appreciate it. I was wondering if maybe we could find a way to find a time for members of Leg Com to actually make questions or statements on the record. Specifically, it's been

a while since we've had a litigation update and I was kind of looking forward to that, so maybe we could add that to the next agenda. I'd also love, and I know this is going to be a shock to everyone, the ability to come back in and actually be in a committee room. I know sometimes that some people consider that to be boring. I think it's important. I'm here at the Legislative Building and would love to be in an actual committee room and once again go down that road. I do realize that adds a little bit of cost and resources to this process, but I think it's important for the public to be able to come in and participate. I think this new process of Zoom is fantastic. We've added opportunities for people to not have to have as much travel, but I think it would be great if we could somehow incorporate both of them, and also a question of how the litigation is being funded for outside counsel and stuff like that. I'm just throwing that out there. Thank you, Mr. Chairman.

Chair Yeager:

You're welcome. I anticipate we'll have a litigation update hopefully on our next agenda. Like you, I hope we'll be together in a committee room soon, although there's not a "touch up my appearance" feature when we're live and in person as there is on Zoom. I think I look better on Zoom, but we'll deal with that as it comes. Anything else from Committee members before we wrap up today's meeting? Okay, I don't see anything else. I just wanted to thank you all. It was a long afternoon. I want to thank the staff for all the hard work that they did in getting us ready for today and again thank the members for all the work you did before we got here to today's meeting. I think it really shows. As always, most appreciative of your public service, and I hope you all have a great rest of the day and a great rest of the week, and I'm sure we will see you soon. With that, this meeting is adjourned at 3:56 p.m.

RESPECTFULLY SUBMITTED:

_____
Jordan Haas, Secretary

APPROVED BY:

_____
Assemblyman Steve Yeager, Chair

Date: _____

Agenda Item	Witness/Agency	Description
Agenda Item II A	Christine Saunders, Progressive Leadership Alliance of Nevada	Public Comment
Agenda Item II B	Mathilda Guerrero, Let Nevadans Vote Coalition	Public Comment
Agenda Item III	Jordan Haas, Commission Secretary	Draft Minutes of the Meeting Held on December 21, 2021
Agenda Item V	Tonya Laney, Department of Motor Vehicles	Updated Technology Fee Refund Project Status Report
Agenda Item VI A-1	Bryan Fernley, Legislative Counsel	Administrative Regulations for Review
Agenda Item VI A-2	Bryan Fernley, Legislative Counsel	Corrected Adopted Version of R028-21
Agenda Item VI B-1	Anthony Ruiz, Mining Oversight and Accountability Commission	Additional Documentation for R085-21
Agenda Item VI B-2	Anthony Ruiz, Mining Oversight and Accountability Commission	Additional Documentation for R086-21
Agenda Item VI B-3	Anthony Ruiz, Mining Oversight and Accountability Commission	Additional Documentation for R130-21
Agenda Item VII		Appointments of Members who are Legislators to Committees
Agenda Item VIII		Nomination of a Legislator for Appointment by the Governor to the Nevada Early Intervention Interagency Coordinating Council
Agenda Item IX		Appointments of Members to Committees and Similar Entities

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/24193