

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

**JUNE 10, 2022**

The meeting of the Legislative Commission was called to order by Chair Yeager at 3:40 p.m. at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, Nevada. The meeting was adjourned at 6:41 p.m.

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

**COMMISSION MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman Steve Yeager, Assembly District No. 9; Chair  
Assemblywoman Sandra Jauregui, Assembly District No. 41  
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1 (Alternate for Assemblyman Jason Frierson)  
Assemblyman Tom Roberts, Assembly District No. 13  
Assemblywoman Jill Tolles, Assembly District No. 25 (Alternate for Assemblywoman Lisa Krasner)  
Senator Nicole Cannizzaro, Senatorial District No. 6  
Senator Moises Denis, Senatorial District No. 2  
Senator Joseph Hardy, Senatorial District No. 12  
Senator Dallas Harris, Senatorial District No. 11

**COMMISSION MEMBERS PRESENT IN CARSON CITY:**

Assemblywoman Jill Dickman, Assembly District No. 31  
Senator James Settelmeyer, Senatorial District No. 17

**COMMISSION MEMBERS PRESENT VIA WEBCONFERENCE:**

Senator Scott Hammond, Senatorial District No. 18

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Brenda Erdoes, Director  
Kevin Powers, General Counsel, Legal Division  
Asher Killian, Chief Deputy Legislative Counsel, Legal Division  
Nicolas Anthony, Director, Research Division  
Sarah Coffman, Assembly Fiscal Analyst, Fiscal Analysis Division  
Tammy Goetze, Audit Supervisor, Audit Division

Broadcast and Production Services Staff, Administrative Division

Angela Hartzler, Secretary, Legal Division

Jordan Haas, Secretary, Legal Division

**OTHERS PRESENT:**

Lindsey Harmon, Nevadans for Equal Rights Ballot Committee

Tess Opferman, Nevada Women's Lobby

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada

Jeri Burton, Co-Executive Director, Nevada Chapter, National Organization for Women

Amy Koo, One APIA Nevada

Janine Hansen, President, Nevada Families for Freedom

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada

Lynn Chapman, State Treasurer, Independent American Party

Don Nelson, Board Member, Nevada Right to Life

Melissa Clement, Nevada Right to Life

Sean Sever, Deputy Administrator, Office of Project Management, Nevada Department of Motor Vehicles

Greg Lovato, Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources

Dave Wuest, Executive Secretary, State Board of Pharmacy

Sandy O'Laughlin, Commissioner, Division of Financial Institutions, Department of Business and Industry

Mary Young, Deputy Commissioner, Division of Financial Institutions, Department of Business and Industry

Jennifer Pierce, Executive Director, Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

Angie Rojas, Management Analyst, Commission on Minority Affairs

Karen England

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

Good afternoon, everyone, and welcome to the sixth meeting of the Legislative Commission for this interim. I apologize for a little bit of a delay in getting started on this Friday afternoon, but I think we are up and ready to go. This afternoon we have nine members, if my counting is correct, nine members attending here at the Grant Sawyer Building in Las Vegas. We have a couple members who are attending in the Legislative Building in Carson City, and then one member who I believe is on Zoom with us. It looks like everyone is present. That means we do have a quorum.

Before we get started this afternoon, just a couple of quick housekeeping items to go over. These will sound familiar, but I know we haven't been together in a little bit of time here. First, anyone who testifies today, would you please state and spell your name for the record before you testify? If anybody 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 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. The information regarding where to send written comments is also on the website and listed on the agenda for this meeting.

With that, if you'll give me just a moment to find my own agenda, we are going to now move to item II, which is public comment. We will be accepting public comment at this time from persons present here in Las Vegas at the Grant Sawyer Building, then those attending the meeting at the Legislative Building in Carson City, and then finally from persons wishing to provide public comment by phone. If you prefer to wait to speak until later, we will have a second period of public comment at the end of today's meeting. Please remember that public comments will be limited to no more than two minutes per person. I will be timing, and if you get close to that two minutes I will interject and ask you to please wrap up your comments.

Let's start here in Las Vegas. If there's anyone here who would like to give public comment at this time, would just ask you to come forward to the table. I think we have two open seats there, and so we'll go ahead and do that at this time. Is there anyone here in Las Vegas who'd like to provide public comment this afternoon? Okay, I don't see anyone coming forward in Las Vegas. Let's go to Carson City. It looks like we have at least two folks at the table up there, so if you could decide between the two of you who would like to go first, then please go ahead and provide your public comment.

**Lindsey Harmon (Nevadans for Equal Rights Ballot Committee):**

Good afternoon, members of the Committee. I'm here today representing the Nevadans for Equal Rights Ballot Committee, a ballot committee created to advocate for the passage of the ERA (Equal Rights Amendment) on the ballot in 2022 ([Agenda Item II A](#)). We appreciate the efforts of this Committee to make initial changes to the draft and we believe the second version is closer to what should be reflected on the ballot. However, respectfully we would ask for some additional changes to be made. One is we would like the guarantee for reproductive rights to be explicitly mentioned in the "arguments for" section. We would also like a rebuttal regarding trans rights included in the "for" section which would read, "This amendment would not undermine women's sports but instead would protect and advance opportunities for women and girls, including those who are transgendered, to participate in sports." There are dramatic disparities in opportunities, funding and leadership opportunities for girls and women in the US. This amendment could help close those gaps. Number three: we would recommend moving the section on creed in the "for" section to the bottom of the argument. We think it's a little confusing for voters. Number four: we think that there has been a clear emotional appeal presented in the "against" section that is lacking in the "arguments for." We think it's a little too legalese. We would suggest addressing possible opportunities in the final version for preventions against violence against women, pay equity and/or age and pregnancy discrimination. Number five is we also agree with the public comments that the ACLU (American Civil

Liberties Union) has submitted and will submit here today regarding changes to the scrutiny section in the digest. That is all.

**Chair Yeager:**

Thank you so much for your public comment. Let's stay up in Carson City. Next up for public comment, please.

**Tess Opferman (Nevada Women's Lobby):**

Good afternoon, Chair, members of the Committee. It's nice to see some of you here in person today. My name is Tess Opferman, speaking on behalf of the Nevada Women's Lobby. The Nevada Women's Lobby is part of the Nevadans for Equal Rights Ballot Committee, which is working hard to pass the state ERA on the ballot in 2022. To reduce redundancy I won't repeat what Lindsey said, but we do second all of the points she made in terms of wanting to amend the version of the ballot question that is in the packet today. We agree that the second version is better than the first version, but we do have a few specific things that we would like to be addressed which Lindsey stated. We'll also be submitting something in writing so that you can review those written comments and get some of the specific language written down ([Agenda Item II B](#)). That said, I also wanted to add to Lindsey's list. One additional concern is that in the argument section, the third paragraph discusses transgender athletes and asserts that there is, and I quote, "a threat to everyone's personal safety and privacy." There's no evidence that passing the ERA will cause a threat to safety, and we ask that this language be removed entirely. I also agree with Lindsey's point that we feel the "arguments against" section is a more emotional appeal, so we hope that we can bolster the "arguments for" section to be stronger in that sense. Certain things that we would like to be included to help bolster this would be pay equity, protection from domestic violence and protection from discrimination as a whole. Thank you for your time today.

**Chair Yeager:**

Thank you for your public comment. We'll stay up in Carson City. Next public commenter, please.

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

Good afternoon, Chair and members of the Committee. I'm the Policy Director with Progressive Leadership Alliance of Nevada and a member of the Nevada Equal Rights Ballot Committee. We just want to echo the two comments given previously and the changes that have been submitted by the ACLU. Thank you.

**Chair Yeager:**

Thank you for your public comment. Is there anybody else up in Carson City? I don't see anyone at the table, but I'll give it just a few seconds to see if anyone else comes forward. Okay, I don't see anyone coming forward in Carson City. We did have someone join us here in Las Vegas, so we'll come back down to Las Vegas for public comment. Please, go ahead.

**Jeri Burton (Co-Executive Director, Nevada Chapter, National Organization for Women):**

Thank you. Good afternoon, Chair, members of the Committee. I'm the Co-Executive Director of the Nevada Chapter of the National Organization for Women and a member of Nevadans for Equal Rights Ballot Committee advocating for the passage of the Nevada state ERA on the ballot in November 2022. We also thank the Committee for the changes in the second version and preferred that draft language. I'm here to support the additional changes that the ACLU and Lindsey have brought up. We support mentioning guarantee for reproductive rights in the "arguments for" section, adding protected advanced opportunities for women and girls, including those who are transgender, to participate in sports. We ask that state ERA "argument for" should include that passage would protect against pay inequity, employment discrimination, discrimination against people because of race, disability and sexual orientation. We're proud that our state ERA is inclusive, including equality for all, but we are not the first; 14 of 26 total state ERAs have protections outside of gender. Without explicit constitutional protection, the hard fought progresses we've made for equality for all can be rolled back, whether from political shifts or unexpected calamities like the pandemic. We thank you for your time.

**Chair Yeager:**

Thank you for your public comment. Let me just ask one last time here in Las Vegas. Okay, we have someone else coming to the table, so please go ahead when you're ready.

**Amy Koo (One APIA Nevada):**

Thank you. My name is Amy Koo and I'm with One APIA (Asian and Pacific Islander American) Nevada. We are a local nonprofit that advocates for the Asian Pacific Islander community. Just want to echo all the comments made previously by the coalition as a member of the coalition and to support the changes that they have proposed. Thank you.

**Chair Yeager:**

Thank you for your public comment. Anyone else here in Las Vegas? Okay, I don't see anyone coming forward. At this time we're going to go to the phone lines. BPS (Broadcast and Production Services), I'm going to hand it over to you to handle any public comment that might be awaiting us on the phone.

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

Good afternoon. Unfortunately, I do not have the second copy of the ballot language so I will be addressing the first. We do not just consider Question 1 to be redundant and unnecessary but harmful and dangerous, especially to girls, women and parents ([Agenda Item II C](#)). Dangerous consequences of the language in the amendment include sex, sexual orientation, gender identity or expression, and age could allow minor children to receive puberty blockers and surgery for gender change without parental consent. One of the most dangerous assertions by the LCB (Legislative Counsel Bureau) gives the appearance that religious liberty will be protected under the state ERA. This is erroneous. I specifically asked the sponsor to add religious liberty to her list of rights supposedly protected by the proposed Nevada ERA. She refused, and religious liberty was specifically left out of the proposed amendment, creating that legislative intent. As a result of the last couple of years under COVID, we see that government can eliminate religious liberty at their whim. Because the proposed amendment does not protect religious liberty, it could force professionals who object to performing abortions and prescribing puberty blockers and gender change surgery for children to perform such or give up their professions. It will result in discrimination of individuals and organizations with traditional views on marriage and gender and result in funding cuts to social service organizations. Even privately funded religious schools and organizations would be at risk. As under the state ERA in New Mexico, this amendment will result in tax-funded abortions. It will allow biological males to compete against girls in sports and on sports teams for scholarships, harming girls and women. It will require government-owned facilities like schools and colleges to allow biological men in women's bathrooms, showers, locker rooms, endangering girls and women. The LCB argument that the federal ERA is pending is—

**Chair Yeager:**

Ms. Hansen, if I could interrupt, please? You are at your two minutes. Could you please wrap up your comments?

**Ms. Hansen:**

Yes. Both the Trump and Biden administration have publicly admitted that ERA is dead, and I have that in my written testimony ([Agenda Item II C](#)). ERA will hurt women, girls and parents and is dangerous. Thank you very much.

**Chair Yeager:**

Thank you for your public comment.

**Holly Welborn (Policy Director, American Civil Liberties Union of Nevada):**

Good afternoon, Chair Yeager and members of the Commission. I apologize I couldn't be there in person but we're monitoring election sites today. We did submit some proposed

changes ([Agenda Item II D](#)). For the record, we agree with our colleagues from the Nevadans for Equal Rights and the Nevada Women's Lobby and echo those comments, and I just want to explain for the record what we have submitted on the issue of scrutiny. We do hope that the Commission will consider striking all of the language in the discussion of scrutiny because it isn't a clear-cut example of what courts may or may not do, but we do believe that if this Commission does feel that you need to move forward with the discussion of scrutiny that we should clarify that it is some courts that apply intermediate scrutiny tests to sex and gender classification. For example, in New Mexico they apply a strict scrutiny standard to those classifications. We have a few other items that we would like to see changed, just something very minor to add: instead of saying "children born out of wedlock" to instead say "those who have been born to unmarried parents" just to make that language a little less problematic. But with that, thank you so much for the changes. It really is a vast improvement and we thank the LCB. Thank you.

**Chair Yeager:**

Thank you for your public comment.

**Lynn Chapman (State Treasurer, Independent American Party):**

Good afternoon. Lynn Chapman, State Treasurer of the Independent American Party. This is about arguments against Ballot Question 1. The religious liberties are at risk. Our religious schools, doctors, nurses and even organizations would be discriminated against with no protections because of their work. Right to conscience is a problem for many occupations now and could be expanded in the future. The age of consent is not mentioned in the argument against Ballot Question 1. Language in the amendment includes the word age. We need to point out that the argument that age of consent most likely will be gone. That leaves the door open to all sorts of dangers for our children. Not having parents be a part of the decision making for their own children, including such decisions as gender change surgery, puberty blockers, therapies of all sorts, abortion, sexual involvement at an early age, sexual involvement at an early age with an adult, are problems. I also believe that women's shelters should be included in the ballot question. Many of the women in the shelters are there to be protected from a domestic battery situation. Would they be protected or will the person doing the battery be able to be in the same shelter or will the battered woman be easier to find in the shelter since the doors would be open to everyone? Protection for women and children should be a high priority and discussed in the arguments against Question 1 language. Please include it. Thank you.

**Chair Yeager:**

Thank you for your public comment.

**Don Nelson (Board Member, Nevada Right to Life):**

Yes, this is Don Nelson with Nevada Right to Life. I'm a board member, and I also don't have the revised—we want to emphasize that the Commission needs to ensure that the description needs to strongly state that one of the effects of Question 1 is that it will be used to strike down current and future abortion laws in Nevada, that it has been used to strike down public funding bans in other states, and it needs to say that leading abortion and ERA advocates say that this is an important reason that ERA in Question 1 needs to become law and that they will use such laws to do so. This is because there are many leading abortion advocates who say ERA will be used and is needed to strike down abortion laws. Two states that—supreme courts in New Mexico and Connecticut have already used their state ERA laws to strike down abortion funding bans, and abortion groups in Pennsylvania are trying to use their state ERA to strike down abortion funding prohibitions, and in the past pro-life groups have asked for a carve-out for abortion to the federal ERA, and abortion and ERA advocates say that this is a nonstarter. These are reasons why the ballot needs to strongly state that one of the effects of Question 1 is that it will be used to strike down abortion laws in Nevada—present and future that it will be used to strike down public funding bans in other states, or it has been, and it needs to say that leading abortion and ERA advocates say that this is an important reason that Question 1 needs to become law and they will use it, such laws to do so. Thank you.

**Chair Yeager:**

Thank you for your public comment.

**Melissa Clement (Nevada Right to Life):**

Thank you. I'm with Nevada Right to Life. Although I have not been able to hear much of this hearing because I got very late notice about it, I would like to just ask the Commission to take a look at the process that has gotten us to where we are. Just a little bit of history. In the 2019 Session, the Majority Leader brought this up as an emergency measure 4 days before the end of session. There was not a chance for any people who had concerns about this to get professional and stakeholders to the hearing, the one hearing that happened at 3:00 the Friday before the Legislature ended. It passed with very little public input and then it was voted on behind the bar of the Senate, and then we spent 2 days chasing around trying to find where the next hearing was gonna happen on the Assembly side. Again, we weren't able to get any professionals to come in, and then—but we were promised that, well, by golly, in 2021 we would have an opportunity to have full hearings. Again, this did not happen because of this COVID, and it was rushed through. The public has—which is look at the language and really think about it, and how best will it—what language—to stay. What you have in front of you is a mulligatawny stew of language that nobody knows what it will do. It will have serious impacts on our small businesses, on our schools, on our kids, and now it's just going to go to the ballot, and I doubt that the language that you have, the pro and con, will give those people the adequate information.



**Chair Yeager:**

And ma'am, you are at your two minutes, if you could wrap up, please.

**Ms. Clement:**

Absolutely. I appreciate the two minutes. You know, I know we're at a strange point where how do you stop a freight train that nobody ever put brakes on, but please do what you can so that the public knows that they are voting on something that is going to be very, very bad for our state. Thank you very much.

**Chair Yeager:**

Thank you for your public comment. BPS, are there other callers for public comment?

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

Chair, there are no more callers at this time.

**Chair Yeager:**

Okay, thank you, BPS, and as a reminder, there will be a second opportunity for public comment at the end of the meeting, but at this time we are going to close agenda item II and we are going to move to [agenda item III](#), which is approval of the minutes. Committee members, you'll have found in your packet the drafts of the April 8, 2022 Legislative Commission meeting minutes ([Agenda Item III](#)). These are also available on the website. Would take any corrections, or if not would take a motion to approve.

SENATOR DENIS MOVED TO APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON APRIL 8, 2022.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

That next takes us to agenda item IV, which is our fourth court-mandated status report regarding the Nevada Department of Motor Vehicles' (DMV) Technology Fee Refund

Project. I think we have Mr. Sean Sever, Deputy Administrator of the DMV, with us in Carson City, I believe, and I see in the reflection of the plexiglass that someone is coming up to the table, so I'm assuming that's you, Mr. Sever, and please proceed when you're ready.

**Sean Sever (Deputy Administrator, Office of Project Management, Nevada Department of Motor Vehicles):**

Thank you, Mr. Chair. It is me, Sean Sever from the DMV. I'm a Deputy Administrator there. Good afternoon, Mr. Chair, Commission members. Thank you for this opportunity to give you an update on our Tech Fee Refund Project. For a little background, Senate Bill (SB) 542 was enacted in the 80th Legislative Session, authorizing the DMV to continue collecting a \$1 technology fee for transactions through June 2022 to pay the expenses associated with upgrading our DMV IT platform. SB 542 was legally challenged by Senate Republicans, arguing that it should have required a two-thirds majority to pass rather than passing by a simple majority. On May 13, 2021, the Supreme Court of Nevada agreed with the District Court decision finding that SB 542 was unconstitutional. Consequently, the DMV was ordered to refund the \$1 tech fee. The DMV started issuing the refunds by sending out checks to businesses that paid the fee, and this was on February 22 of this year. A total of 61,005 business refunds were issued for a total amount of almost \$2.2 million, and 42,493 business refunds have cleared through May 31 for a total of \$1.6 million, or 73 percent of the business refunds. Customer refunds were made available to the public on April 4, 2022, and 16,959 of those refunds have been issued through May 31 for a total of \$54,646, which is 1.43 percent. The total amount of customer refunds available is just over \$3.8 million. The combined total of business and customer refunds authorized for distribution is just over \$6 million, and through May 31 we have distributed over \$1.65 million. Cash refunds are available to customers weekdays in our offices, and we encourage people to get it the next time they visit a DMV office, and you don't need an appointment to get your refund. Thank you for your time today, and I would be happy to answer any questions.

**Chair Yeager:**

Thank you. Commission members, as you know this is essentially an information item. It does not require any action on our part, but is a chance for you to ask questions regarding the project. We'll start down here in Las Vegas. Are there any questions for Mr. Sever? Don't see questions in Las Vegas. Let's go up next to Carson City. Any questions up there for Mr. Sever?

**Assemblywoman Jill Dickman (Assembly District No. 31):**

Quick question, if I may?

**Chair Yeager:**

Please, go ahead.

**Assemblywoman Dickman:**

Thank you, Mr. Chair, and thank you, Mr. Sever. I just have a quick constituent question, actually two. When does this end? Is there an end date to it? And the other question is, can you go into any county office or do you have to go in your own county?

**Mr. Sever:**

So, county offices—you do have to go into a DMV office. It's not available at assessors' offices, unfortunately. But yeah, and I'd be willing to work with you offline. What was the other question? I'm sorry.

**Assemblywoman Dickman:**

Is there an end date to this, when someone has to do this by?

**Mr. Sever:**

Yes, it is at the end of the Fiscal Year 2023, June.

**Assemblywoman Dickman:**

But what I was asking in the other question is, like if someone lives in Washoe, can they go to the Carson office to get the refund?

**Mr. Sever:**

Yes, you can go to any DMV office to get your refund. It doesn't matter where you were issued the refund. Any state DMV office will work.

**Assemblywoman Dickman:**

Thank you. Thank you, Chair.

**Chair Yeager:**

You are welcome. Any additional questions in Carson City or any questions from Senator Hammond? Okay, I don't see any additional questions, so thank you, Mr. Sever, for joining us on this Friday afternoon, and we hope you have a good week, a good weekend. That will close out agenda item IV. That takes us to agenda item V, which is administrative regulations. Chief Deputy Legislative Counsel Asher Killian is with us in Carson City today

on videoconference to assist us with this item. We have two types of proposed approvals for regulations under agenda item V today. We're going to start with [agenda item V-A](#), which is a request pursuant to NRS (Nevada Revised Statutes) 233B.040(4) to continue a regulation not adopted within 2 years after the submission to the Legislative Counsel. That subsection provides that, if the agency does not adopt a proposed regulation within 2 years after the date on which the proposed regulation is submitted to the LCB, the executive head of the agency shall appear before the Legislative Commission and explain why the proposed regulation has not been adopted within the 2-year period and request an extension of the time to allow the regulation to continue through the process to become a permanent regulation.

I believe we have Mr. Greg Lovato, and it looks like we have—yes, I see him there. He is the Administrator of the Division of Environmental Protection (NDEP). I believe he's on the videoconference. He is here to provide the explanation required by the Nevada Revised Statutes, and then we will have a chance to ask questions. Thank you, Mr. Lovato, and please go ahead when you're ready.

**Greg Lovato (Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources):**

Thank you. Good afternoon, Chair Yeager and members of the Committee. Today I request your approval to continue work on a set of regulations for water quality that were originally submitted by NDEP on June 29, 2020 ([Agenda Item V-A](#)). The goal of these draft regulations is to create a formal process for designation and protection of surface waters of extraordinary ecological or aesthetic value and to ensure consistency in protectiveness of Nevada's program for preventing degradation of existing surface waters of high quality as required by existing law. After development of support material throughout 2020 and 2021, NDEP conducted a robust outreach program with a diverse set of stakeholders. This has included a series of webinars, technical sessions and formal workshops. Representatives from many organizations, including the Truckee Meadows Water Authority, the Truckee Meadows Water Reclamation Facility, Clark County Flood Control District, the Nevada Conservation League, Trout Unlimited, Nevada Farm Bureau, the Humboldt River Basin Water Authority, Nevada Mining Association and other conservation groups, including Western Resource Advocates and the Pew Charitable Trusts, have been a part of these discussions over the past year and a half. We are continuing to make steady progress on addressing questions and concerns from all stakeholders regarding these regulations, but we do need additional time to review certain items with the State Environmental Commission. The regulations themselves would give the State Environmental Commission a specific role in designating what we call extraordinary waters of extraordinary ecological or aesthetic value, and we'd like some time after we've received all this input from the stakeholders to present some ideas before the State Environmental Commission. We have that scheduled for next week, June 15. After that, we expect to provide revised drafts of the regulation to the Legislative Counsel Bureau for revision and then conduct another set of formal workshops before bringing these regulations back to the Environmental Commission in October of this year. This

past Wednesday, June 7, we did update all the stakeholders I mentioned before on our status and progress and they all indicated their support for us continuing work on these regulations. Thank you to the Committee, and I'm available to answer any questions.

**Chair Yeager:**

Thank you for that explanation, Mr. Lovato, and we'll open it up for questions, and we'll start down here in Las Vegas. Do we have any questions from the Commission members? I don't see questions. Let's go up to Carson City. Any questions up there? It's hard for me to see you in Carson City on the screen. Just please go ahead with the question.

**Senator James Settelmeyer (Senatorial District No. 17):**

Thank you, Mr. Chairman. I appreciate the opportunity to ask. I'm just kind of curious; to me, this concept of being able to reclassify certain water rights as ecological or aesthetic, since it's taken so long, it wouldn't necessarily hurt it to go back through the legislative process, realizing of course I won't be in the Legislature, which I know you're very saddened by in that respect, but that being said, I think this issue is something that should go back through the legislative body, because again, you're talking about taking somebody's water rights, something that they own, and basically potentially stating that due to a policy that you feel that that water should remain in a river due to recreational desires, to have more ability to float a paddleboard or canoe or whatever, and I think that type of a large-scale change, since it's taken so long, should go back through the process. I was just kind of curious what Mr. Lovato thought about that concept of having another bite at the legislative process, just to have a hearing on it. What bill prompted this to begin with? Was this just a regulation that never came from a bill?

**Mr. Lovato:**

Thank you, Senator Settelmeyer. That's an excellent question, and that is one of the exact issues that we're making sure that is addressed completely so that—this process has been set up in a number of states across the west, from Idaho to Montana, New Mexico and others, and really the only water body right now in Nevada that has a higher-tier protection is Lake Tahoe. There are other waters that I think most folks would agree would deserve a higher tier of protection, but it's extremely important that any concerns related to water use, flows, water rights are—the stakeholders are aware that that process is clear in terms of understanding those and that those will not be affected by this designation. That is part of what we are trying to make sure would be addressed and that we've been carefully managing and carefully addressing throughout all these discussions. The thing that's I think made it difficult in terms of the timeline is that our typical process for bringing proposals and regulations before the State Environmental Commission is those come from the agency. The way that we've set up this regulation is a petition similar to other regulatory petitions, could potentially be filed by a group outside of the state agencies, and so trying to define exactly what kind of due diligence they need to do, what type of information they may need to bring in order for the State Environmental

Commission to even consider nominating a surface water, are the exact kind of discussions we've been having, and we've actually progressed to the stage where we're ready to bring in the State Environmental Commission members themselves on addressing those exact issues. I think you raise critical, important points that we are addressing and we'll be sure to address as a part of the process before we bring it back for formal rulemaking before both the State Environmental Commission and the Legislative Commission.

**Senator Settlemeyer:**

Mr. Chairman, if I could follow up?

**Chair Yeager:**

Please.

**Senator Settlemeyer:**

So again, this did not come from any particular bill draft request or any law that has been passed by the Legislature, correct?

**Mr. Lovato:**

That's correct.

**Senator Settlemeyer:**

Okay. When you have an opportunity, Mr. Chairman, I have a comment to make after everyone else has an opportunity to weigh in on this subject.

**Chair Yeager:**

Thank you, Senator Settlemeyer. We're still on any questions for Mr. Lovato. Do we have additional questions from anybody either here or in Carson City or online? I don't see additional questions. Of course, after we take a motion we'll have a chance for discussion, but for right now I'd be looking for a motion to approve the continuation of R119-20 pursuant to NRS 233B.040 so that the regulation may continue through the statutory adoption process and be presented for approval by this Commission at a later date. Do I have such a motion?

**Senator Settlemeyer:**

Mr. Chairman?

**Chair Yeager:**

Yes, I'm sorry. Who was that?

**Senator Settlemeyer:**

Senator Settlemeyer here, Carson City. I was going to propose something slightly different with your approval. I was wondering if there'd be an opportunity to present that to you at this point.

**Chair Yeager:**

Well, I have not recognized the motion yet, so please go ahead.

**Senator Settlemeyer:**

It would be my suggestion, Mr. Chairman, that we delay this until the next Leg Comm meeting so that I have the opportunity to talk to some legal individuals who've contacted me with concerns, as well as Senator Goicoechea and several others that I've reached out to and unfortunately have not had the ability to get in touch with. I apologize for doing that, but I would hate to take a vote on this prematurely before I have an opportunity to weigh in with those individuals. That was just my recommendation. Thank you, Mr. Chairman.

**Chair Yeager:**

Thank you, Senator Settlemeyer. After conferring with staff, I think it's more appropriate to go ahead and take the motion, the original motion, today, realizing you'd like some more time. I understand that, but if the motion does pass I would ask that you try to have those conversations before it comes back before the Legislative Commission for final approval. I believe Senator Denis was going to make the original motion, is that right?

SENATOR DENIS MOVED TO APPROVE THE CONTINUANCE REQUEST FOR  
REGULATION R119-20.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

**Chair Yeager:**

I'm not going to repeat the motion because it's really long, but essentially it gives them more time to work on this regulation. Now would be the time for any comments before we take the motion. Senator Denis, please go ahead.

**Senator Moises Denis (Senatorial District No. 2):**

Thank you. My understanding from what you just said in referring to staff is that the concerns that Senator Settlemeyer has could still be addressed because this is going to come back. This is just basically a motion to allow them to continue to develop the thing, and then he can work on that. Is that correct?

**Chair Yeager:**

That is correct, Senator Denis. Like anything else, if and when they get to the point of having a final regulation, it would come back before this Commission for approval or disapproval. Senator Hardy, please.

**Senator Joseph Hardy (Senatorial District No. 12):**

Thank you, Mr. Chair. Is there anything that precludes them from continuing their work without us giving them “mother may I” permission to continue your work?

**Chair Yeager:**

Thank you, Senator Hardy. Just trying to figure out that we have the right person to answer that question. I think I’m going to punt it up to Carson City to Mr. Killian, who I think is up there. If you could opine on that, it would be helpful.

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

Thank you, Mr. Chair. If the agency were not given authority to continue with this regulation, the agency would still be able to file a new regulation, so basically begin the regulation process over under a new regulation number to consider the same subject matter. It would require a duplication of likely some of the efforts the agency has already made on this regulation, so it wouldn’t be without cost to the agency, but the agency would have that avenue available to continue to pursue the same subject matter if necessary.

**Senator Hardy:**

May I?

**Chair Yeager:**

Please.



**Senator Hardy:**

What I hear you saying, Mr. Killian, is they could actually reach out and do more investigation, more hearing from other people and still be able to continue their work?

**Mr. Killian:**

Yes, there would be an avenue available for the agency to do that. They would be starting the regulation process all over, so it'd involve a brand new set of workshops, hearings, notices, so it would not be without cost to the agency and it would involve the duplication of some work they have already done, but it would be another avenue for them to pursue the same subject matter if necessary.

**Senator Hardy:**

Thank you, Mr. Chair. I would observe that we do a lot of things with water that takes time, and I think this is one of those that would take more time. Thank you.

**Chair Yeager:**

Thank you. Senator Denis? I think we are still on discussion on the motion. Anyone else here in Las Vegas? Senator Denis, did you have another comment?

**Senator Denis:**

Thank you, Mr. Chair. Just based on that last discussion, it was my understanding that they still could do that if they want to do some more hearings. There's nothing—so if we pass this measure, they could continue to do a hearing and continue to take comments and finish the thing without having to completely start over, right? It seems like it would be able to take the time to still get it done.

**Chair Yeager:**

Yeah, I don't want to speak for Mr. Killian, but I think that is correct, and the downside I guess to starting over is all that history that comes with the regulation number that we have in front of us would be lost. Essentially, all those workshops, all the public comment, all the input, those would have to be recreated or redone or reheard, I guess, so that would be the downside of not allowing more time is it's a fresh start from the beginning, and Mr. Killian, correct me if I got that wrong, but I think that is close to what you said.

**Mr. Killian:**

Thank you, Mr. Chair. Yes, I think that's a fair restatement.

**Senator Hardy:**

Thank you for your indulgence, Mr. Chair. Do we not keep minutes? Thank you.

**Chair Yeager:**

I'll take that as a rhetorical question. Any additional comments here in Las Vegas? Seeing none, how about up in Carson City? Senator Settelmeyer, any comments on this one, or Assemblywoman Dickman?

**Senator Settelmeyer:**

Thank you, Mr. Chairman. I appreciate the opportunity. The concept of letting the State Environmental Commission basically create water law by basically allowing things to be changed, designation to aesthetic, I find very problematic. Looking at the different water laws that are out there, if you raise the temperature of water sometimes 10 degrees it's considered an ecological problem. When you take water and you run it across ag land to grow crops, sometimes you increase water temperatures by about 10 degrees and then that becomes a problem returning it to the river flow. Even when they have water that goes off the field and they say, "Well, it has sediment," even though we've had times where we've proven that the water is now cleaner leaving the field than when it went on the field, that the field actually took out some of the problems that are in there, the pollutants, yet it's still problematic to return according to the federal EPA (Environmental Protection Agency). I find this to be very problematic and should go through a process again in order to get more information. Therefore, I will be opposing it. Thank you, Mr. Chairman.

**Chair Yeager:**

You are welcome, and I just will note that the motion before us is to give them more time. We are not actually approving or disapproving any regulatory language at this point, so I just want to make that clear for the record that that would still come in front of this Commission if and when they finish their work.

Additional comments before we vote? All right, I don't see additional comments.

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

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**Chair Yeager:**

Thank you for being here today, Mr. Lovato.

**Mr. Lovato:**

Thank you.

**Chair Yeager:**

Okay, so we will go next to agenda item V-B now. Today we have 14 regulations that were submitted for approval pursuant to NRS 233B.067. These regulations are all contained in the binder provided to all the members today and also posted on the Nevada Legislature's website ([Agenda Item V-B](#)) under the tab for this meeting, which you will find by hitting the "View Events" button in the upper right-hand corner of the home page. 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 held for further discussion. Once we pull all those out, we'll take a motion and approve the remaining regulations, and then we will come back to those regulations that we pulled one at a time to discuss each regulation in turn.

Now, let me get back to the regulations that have been identified to be pulled for further discussion, and I'll list them from the top as listed on the agenda. I have four of them so far that I am aware have been requested to be pulled, and the first one requested to be pulled is R007-21. That's R007-21. That's a State Board of Pharmacy regulation. The next one is R055-21. Again, that's R055-21. That's the Division of Financial Institutions. The third one is R064-21. Again, that's R064-21. That is the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. The final one would be R119-21. That's R119-21, and that also is a State Board of Pharmacy regulation. Those are the four that have been identified before this meeting, but I want to give Commission members a chance to pull any other regulations for individual discussion. We can start here in Las Vegas. Anyone would like any additional regulations pulled for discussion? I don't see anyone chiming in here in Las Vegas. How about in Carson City? Any additional regulations to pull? Senator Hammond, any additional regulations? Okay, so I'll just give it a couple more seconds to see if there's any additional ones. Just let me know if someone has one they'd like pulled and we can do that. Otherwise, I don't hear any additional ones, so at this point I would be looking for a motion to approve the remaining regulations under this item that were not pulled or deferred. Senator Settelmeyer, if you don't mind making that motion? I know you've gotten very good at listing the regulations we're going to approve very quickly, so if you wouldn't mind doing that I'd appreciate it.

**Senator Settelmeyer:**

Thank you, Mr. Chair. Of course, the one time I wasn't paying 100 percent attention, so I appreciate you doing that to me. I would move to approve R061-19, R116-19, R023-20,

R121-20, R013-21, R020-21, R064-21—not 64, sorry—and then R006-22, R015-22, R018-22 and R019-22, if I'm correct.

**Chair Yeager:**

That looks correct with what I have. Thank you, Senator Settelmeyer.

SENATOR SETTELMAYER MOVED TO APPROVE REGULATIONS R061-19, R116-19, R023-20, R121-20, R013-21, R020-21, R006-22, R015-22, R018-22 AND R019-22.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

That takes us to the regulations that have been pulled for further discussion, and so we'll start again at the top. At this time we will consider R007-21 ([Agenda Item V-B](#)), and I believe we have there—I see on the Zoom we have the State Board of Pharmacy with us, and just let me know, members, I can't remember who wanted to pull this. I think perhaps it was Senator Settelmeyer, so if that's the case, if you want to start with any questions we can start up in Carson City.

**Senator Settelmeyer:**

Thank you, Mr. Chairman. I appreciate that. I understand the concept of allowing doctors of oncology to go ahead and do this, and it's a very important thing, but in the same respect, I'm just curious, are this group's rules going to be the same as a community pharmacy or are they more abbreviated? What's the difference? I know that this regulation—through two times through voting. One time it didn't do well, but then you guys changed it around, so I'm just kind of curious the changes that were made from the first one. Also, will the rules be the same as a community pharmacy for this group, or are they more like a dispensing practitioner?

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

Thank you, Senator Settelmeyer. Under current law, doctors can ask for and receive a license to dispense to just their own patients, and we have many doctors that do that. In this particular case, we had a group of licensees, the oncologists, ask if they would be

able to share the drugs because they are so expensive from one practitioner in the same group to another one. The Board's not allowing them to operate like a pharmacy, so they only get to operate like a dispensing practitioner, but they would be able to share the product between one another. I can answer any other questions.

**Senator Settelmeyer:**

Thank you, Mr. Chairman. There's no real other further questions I have. It's always interesting to me, we always have these bills where pharmacists are told they shouldn't be doing what doctors do and then other times we have bills, doctors saying they shouldn't do what pharmacists do. It's always interesting, the lines in between, even though I've had bills that are blurring those lines too, so I can't say a lot about that. Thank you for the question, Mr. Chairman.

**Chair Yeager:**

You're welcome, Senator. Are there additional questions on this particular regulation?

**Assemblywoman Dickman:**

I have a question, please.

**Chair Yeager:**

Please, go ahead.

**Assemblywoman Dickman:**

Thank you, Chair. I was just wondering what would—is there anything that would prohibit others from obtaining this type of license if this passes? Is it going to be precedent-setting, or does this just apply to the larger oncology groups?

**Mr. Wuest:**

Thank you for your question, Ms. Dickman. There's not a real change. The Legislature already gave them the ability to obtain the license. That's not something that the Board could generate. You set up a licensing—for them. What we are doing, only the oncologists would be able to share. I don't know the reason why they originally weren't allowed to share. Pharmacies are allowed to share drugs from one common ownership to another, but this is something—so it's only for the oncologists, and that's because they came forward and asked for it. Only oncologists would be able to share. All other doctors would have to have their own separate inventory.

**Assemblywoman Dickman:**

Thank you, appreciate that. Thanks, Chair.

**Chair Yeager:**

You're welcome. Any additional questions from Commission members? Seeing no additional questions, I'd look for a motion to approve R007-21.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO APPROVE  
REGULATION R007-21.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

That'll take us next to the next regulation that was pulled, R055-21 ([Agenda Item V-B](#)). This is a Division of Financial Institutions regulation, and I see we have some folks coming to the table here in Las Vegas. Thank you for joining us on Friday afternoon. Who would like to ask a question on this one? I see Assemblywoman Dickman, I believe, has her hand up, so we'll go up to Carson City for the first question.

**Assemblywoman Dickman:**

Thank you, Mr. Chair. There was a lot of questions I think during the hearings that brought up conflicts with federal law. Could you address that?

**Sandy O'Laughlin (Commissioner, Division of Financial Institutions, Department of Business and Industry):**

Certainly. We determined during the workshop that there is no conflict between the federal law and the state law.

**Assemblywoman Dickman:**

So people's questions were answered during the hearings, because I think there's a lot of people who still believe there are those conflicts. But okay, thank you.

**Mary Young (Deputy Commissioner, Division of Financial Institutions, Department of Business and Industry):**

We had determined there is no conflict with federal law. This state law takes place prior to federal law coming into play, so this state law, they have to wait the 60 days and then federal law will come in play. That's why there's no conflict in the federal and state laws. I hope that provided more clarification.

**Assemblywoman Dickman:**

Am I hearing correctly that this will extend the time that—okay. That's a problem, because people have already—doctors, hospitals have been waiting an awfully long time for their payment, and now we're giving the people even more time to not pay them.

**Ms. Young:**

That is correct. SB 248 is the bill that created that 60-day timeframe. In our regulations, we wrote just to support that and define the 60 days and define other matters that supported SB 248. That 60-day law was written into the actual law.

**Assemblywoman Dickman:**

Right, but combined with the federal, we're extending it beyond—it's really going beyond 60 days, right?

**Ms. Young:**

That is correct, but again, we didn't write that 60 days. SB 248 created the 60 days, and then of course federal law is already in play.

**Assemblywoman Dickman:**

Okay, thank you.

**Chair Yeager:**

You are welcome. We have a question down here from Senator Hardy.

**Senator Hardy:**

Thank you, Mr. Chair. I think I need more than a headshake. Can you explain what the federal law is, what the state law is and how this is proposed to change something?

**Ms. Young:**

Thank you for the question. The state law requires 60 days for the collection agencies to send out a letter, a notification of the debt, and give the consumer 60 days to make the debt right or get their insurance to pay it or whatnot. It gives them 60 days. The federal law, the Fair Debt Collection Practices Act, comes into play after that 60 days, and that allows 30 days under federal law for the consumer to get validation of the debt or pay the debt again. So, it is additional time, but there's 60 days state law and then the 30 days is the federal law.

**Senator Hardy:**

So you have 90 days to pay the debt or have your insurance pay it?

**Ms. Young:**

That is correct.

**Senator Hardy:**

Thank you.

**Chair Yeager:**

Any additional questions from Commission members? I don't see anyone in Las Vegas. Oh, I do have a question from our hardest working Commission member, who has been in this building all day. Senator Harris, please.

**Senator Dallas Harris (Senatorial District No. 11):**

Thank you so much, Chair. I'm wondering if you can just explain to me a little bit about why it's 90 days and not just 60 if federal law gives you 30, and it seems like we're just upping the floor to 60, not giving an additional 60 on top of the 30, right? So is it just 60 days that you have, or do you have 90?

**Ms. Young:**

Thank you for the question. It is 90 days because the state law comes into place before that federal law even takes place. So, the Nevada collection agencies, they have to send that notification out, and in that notification letter it has to say you have 60 days, and there's other language that is proposed in the regs, but 60 days, and then after that 60 days then the collection agencies can start their normal collection processes, as in sending the 30-day initial letter under the federal law, which is the 30 days. They don't conflict each other, they're just two different sets of laws, state and federal, and I hope that provided clarification. Sorry.



**Senator Harris:**

I think I have it right. You'd have 60 days, and then after the 60 days you can start the federal process?

**Ms. Young:**

Correct.

**Senator Harris:**

The federal process gives you 30 days. You can't just go straight to the federal process?

**Ms. Young:**

That is correct, and that's what this state law does. It just creates an additional 60-day waiting period before any of that federal law takes place, which is in current law now under the federal.

**Senator Harris:**

One more question, if I could? The law that we passed putting in the 60 days, was that a new buffer? Did we up the buffer?

**Ms. Young:**

That is correct. We did not have that 60-day in Nevada state law until SB 248 came in place as passed.

**Senator Harris:**

Great, thank you.

**Senator Hardy:**

You've said something about "or get your insurance to pay on time." Is there a penalty if the insurance does not pay on time or you have insurance but they choose not to pay the bill? Is there some challenge for the insurance that doesn't do that?

**Ms. Young:**

I'm not sure about the Insurance Division laws and how that would play for any kind of additional fines or whatnot, but the consumer would have to be the one to either—if their insurance didn't pay, they would have to be the ones to pay or go through their insurance.

But for the actual fine through an insurance company, I don't know those regulations under insurance law.

**Senator Hardy:**

So somebody who's duly insured, honestly paying their payments, there is nothing that we have done that holds them accountable if they don't pay?

**Ms. Young:**

No. There's nothing to our knowledge that the insurance—that would be up to the insurance company to pay whatever is under the insurance policy, to pay that medical bill.

**Ms. O'Laughlin:**

There is nothing within the regulation or SB 248 that discusses the insurance.

**Senator Hardy:**

Seems like we left a loophole. Thank you. Thank you, Mr. Chair.

**Assemblyman Tom Roberts (Assembly District No. 13):**

Thank you, Chair. I just pulled up the bill and it didn't mention the federal regulation. Is there the ability for us to run that extra 30 days concurrent, or is that—I didn't see that in the intent of the bill. I'm just trying to figure out if you could.

**Ms. Young:**

I don't believe we could, because then that may cause a conflict because, again, this bill stands alone from the federal law, so that could be kind of convoluted and confusing to the collection agencies if we did that. I don't think you can do it together.

**Ms. O'Laughlin:**

No. The federal law stands as it is, the 30 days, and it gives the state—if it's a benefit to the consumer, it gives the state the ability to give the extra time, and the state opted to give the additional 60 days, which is outside of the federal 30 days.

**Assemblyman Roberts:**

Okay, thank you.

**Senator Hardy:**

So if I were an insurance company, why would I want to pay early, other than because I'm a nice guy? It gives the insurance company another 30 days is how you're explaining it.

**Ms. Young:**

I don't believe that's what this bill or this regulation does. It just gives the Nevada consumer, medical debtor, the extra 60 days to contact their insurance or pay it their own way or to confirm and validate that this is actually true medical debt and it didn't just get accidentally assigned to a collection agency. It doesn't override—from my understanding, because I don't know insurance law—or underwrite anything to do with the insurance, it just gives the Nevada consumer time to pay, the extra 60 days.

**Senator Hardy:**

From what you're describing, it also gives the insurance another 30 days before they have to pay up.

**Ms. Young:**

The bill and the statute doesn't put a timeframe on when the insurance has to pay. It just has the timeframe for when the consumer—there's no negative against the consumer for that 60 days, like there's no credit reporting until they have that 60 days to pay the medical debt, so it just gives them an additional 60 days.

**Senator Hardy:**

Thank you. Thank you, Mr. Chair.

**Chair Yeager:**

Thank you, Senator Hardy, and I certainly understand where you're coming from, although I think insurance companies have obligations to their insureds, and if they don't pay, litigation is always an option or a complaint through the Nevada Division of Insurance. I think we've got that pretty fleshed out on the record, but want to give a chance for any additional questions. I don't see any in Las Vegas. How about in Carson City or on Zoom? Don't see any there, so at this time I'd be looking for a motion to approve R055-21. Another question?

**Senator Hardy:**

If I may? So what happens if we don't approve the regulation? The law still stands?

**Ms. Young:**

The statute still stands.

**Senator Hardy:**

And the federal still stands?

**Ms. Young:**

I would believe that is correct.

**Senator Hardy:**

Okay, thank you.

**Chair Yeager:**

Were you going to make a motion, Senator Hardy?

**Senator Hardy:**

No way.

**Chair Yeager:**

Okay, just wanted to check. Who'd like to make a motion to approve R055-21?

SENATOR DENIS MOVED TO APPROVE REGULATION R055-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

**Chair Yeager:**

Okay, time for discussion on the motion, if there's anything left to be said. See no additional discussion or no discussion beyond what we've had already.

THE MOTION PASSED (SENATORS HAMMOND, HARDY AND SETTELMAYER AND ASSEMBLYWOMAN DICKMAN VOTED NO).

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**Chair Yeager:**

Thank you so much for being here this afternoon and answering those questions, and hope you have a good weekend. Okay, on to the next one. It's the very next one listed on the agenda. We will now consider R064-21, and this is a Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board ([Agenda Item V-B](#)). Do we have someone either here or in Carson City or on Zoom? Looks like we have someone maybe being pulled up on Zoom? Okay, we do have a representative here, and I'm not sure who asked that this one be pulled, so if someone could just indicate that they have a question, that would be helpful. Senator Settlemeyer, please.

**Senator Settlemeyer:**

Thank you, Mr. Chairman. I was just getting a little concerned with all these different boards that we have, that we're kind of micromanaging them. Is this something that is necessary within the field that's been determined that would be in the best interest of the consumers and the constituents you're looking for, or is this something that the legislative body has brought forth and indicated that we want to see done? I was just kind of curious if I could get feedback on that.

**Jennifer Pierce (Executive Director, Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board):**

Good afternoon, Senator, Chair and members. Specifically, the regulation was initially drafted with the inclusion of ethics so we were reducing the number of hours, and part of the point was to align our Board's continuing education requirements with national practice standards, specifically with the professional organizations to which our licensees belong. Originally we'd looked at reducing the number of hours to 10 to include 1 hour of ethics, and during our workshop in January we were notified and had public comment that the American Speech-Hearing Association, which certifies most of our licensees of speech-language pathologists, was requiring the inclusion of the cultural diversity, inclusion, equity and cultural competence piece to their new requirements coming out in—currently 1 hour out of 30 ending in 2022 and 2 out of 30 hours. It directly aligns to what the profession is recommending.

**Senator Settlemeyer:**

Thank you. Thank you, Mr. Chairman.

**Chair Yeager:**

You're welcome, Senator. Senator Hardy, please.

**Senator Hardy:**

Thank you. I hate to say it this way, but I think I'm in favor of this. The way I read it, it includes at least one hour of continuing education relating to "ethics, cultural competency, cultural humility, cultural responsive practice or diversity," and I think the key word is "or," and then when you get to "or," then it includes—it can include a "diversity, equity and inclusion." I think it's so artfully done that it includes pretty much anything can count for that one hour, and I think that's wonderful. I would make a motion to accept it.

SENATOR HARDY MOVED TO APPROVE REGULATION R064-21.

**Chair Yeager:**

Thank you, Senator. We have a motion from Senator Hardy, and I'll note too, Senator Hardy, as indicated, it looks like the actual numbers of hours that are being required are being lessened from 15 to 10, so that should make it easier for folks to maintain their license status with the state.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Just in case it wasn't clear, for the record, that was a motion to approve R064-21. That has now been approved. That takes us to the last item that was pulled, and that is R119-21 ([Agenda Item V-B](#)), and Commission members, I was the one who asked that this be pulled and wanted to just explain a little bit and then give the Board of Pharmacy a chance to weigh in. This particular regulation comes out of Assembly Bill 177, which was a bill that was sponsored by our Majority Leader, Assemblywoman Benitez-Thompson. She had indicated to me today that she had some concerns with the regulation, and I think she had a conversation with the Board of Pharmacy and I think they are probably, I hope, on the same page to make some additional changes. I'll give a chance for that to be explained, but of course we can't do that today, so when we do get to taking a motion, I am actually going to ask for a motion that we disapprove the regulation with some additional guidance to the Board of Pharmacy. But Mr. Wuest, I wanted to give you a chance to confirm that I accurately have that and the Board of Pharmacy is okay with that action today.

**Mr. Wuest:**

Thank you, Mr. Chairman. Agree with what you said there. We did talk to the bill's sponsor today. I don't think the Board's intent was to circumvent the bill or the wishes of it. We took some public comment. There was some comment regarding if you couldn't fit a label onto the bottle, which is section 1(2) of the bill, and if you provide the direction that you would want it to more align with the bill and the statute, I think the Board will take that and hopefully we can see at our next July meeting. I will put for the record, we do not need to start the—the law does not require us to restart the process if you're just advising us on a change you'd like to see. We can do that at one public hearing and then return back to you as soon as we can.

**Chair Yeager:**

Thank you for those comments, and you know, I neglected to mention in my comments to the Commission that that was the concern that was raised by the bill's sponsor was whether the label was going to be affixed to the prescription bottle or whether there would be an insert or information provided, and that's specifically section 1(2) of the bill. So, my request—let's wait a second. I'll give anyone else a chance to ask the Board of Pharmacy any questions before we take a motion and vote, or you could ask me questions as well. Anyone have any additional questions on this particular regulation before I look for a motion? Okay, I don't hear any, so again, I'd be looking for a motion to disapprove the regulation with guidance to continue working on section 1(2) to try to align that more closely with the bill's intent.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DISAPPROVE  
REGULATION R119-21 WITH GUIDANCE TO THE STATE BOARD OF  
PHARMACY AS DISCUSSED.

SENATOR DENIS SECONDED THE MOTION.

**Chair Yeager:**

Does anyone have any discussion on the motion? Okay, go ahead, Senator Denis.

**Senator Denis:**

Just real quick, and this is more procedural. If we approve this, they basically have to—I mean, if we disapprove it, they have to start over, is that right?

**Chair Yeager:**

I'm going to hand that over to Mr. Killian, I think, just to make sure that—

**Senator Denis:**

And the reason I say that is, if they either start over or we don't do anything and then tell them to go continue, right, and that would be the other option?

**Chair Yeager:**

Right. Mr. Killian, we're going to phone a friend again and have you try to answer that question, please.

**Mr. Killian:**

Thank you, Mr. Chair. Under NRS 233B.067(5), if the Legislative Commission objects to a regulation, effectively what happens is that the Legislative Counsel attaches to the regulation a statement of what the objections were and what changes are sought by the Legislative Commission. It then gets sent back to the agency and the agency gets a 60-day period to revise the reg to conform to the changes requested by the Legislative Commission and then resubmit. If the Commission does object today, the comments that the Chair made would probably be reflected in that objection that's sent back to the agency. The agency would then need to have a public meeting to adopt the regulation with the revisions requested by the Legislative Commission, and then it would come back to the Commission for review again.

**Senator Denis:**

Thank you, Mr. Chair.

**Senator Hardy:**

I'm smiling. So it would come back with the same regulation number, and because they have minutes we don't have to worry about it. Thank you.

**Chair Yeager:**

All right, so I think we have a motion and a second. We've had some comments and questions. Any additional comments or questions from Commission members? All right, seeing none.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Thank you to the State Board of Pharmacy for being here today and for being willing to work with the bill sponsor. Certainly appreciate that, and hope you have a great weekend.

**Mr. Wuest:**

Thank you, sir. Appreciate you too.

**Chair Yeager:**

All right, I think that takes us through all of our regulations, so that will take us through agenda item V, and that now moves us to agenda item VI, which is the approval of this Commission of the language to be included on the ballot for the 2022 General Election for Ballot Questions 1 and 2 pursuant to NRS 218D.810. We have Mr. Kevin Powers, General Counsel, here with us virtually this afternoon. Mr. Powers, we'll give you a chance to make your presentation and then I'm sure we'll have some questions. Thanks for joining us, and please go ahead.

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

Thank you, Mr. Chair. Under this agenda item, I will begin by providing an overview of the process for preparing the ballot materials for state constitutional amendments proposed by the Legislature. After that I will turn to the two specific questions on the ballot under this agenda item. As a reminder to the public, the LCB is a nonpartisan agency. We do not support or oppose any particular policy, viewpoint, legislative measure or ballot question. Rather, we provide the Legislature and its members with objective legal advice, policy information and fiscal analysis in order to assist the Legislature and its members in carrying out their legislative functions and duties.

Under this agenda item, the Legislative Commission is given the statutory duty to review the ballot materials that will be presented to the voters to explain the state constitutional amendments being proposed by these two joint resolutions which were passed by the Legislature during the 2019 and 2021 Legislative Sessions. These two joint resolutions: SJR (Senate Joint Resolution) 8, which proposes amending the Nevada Constitution to guarantee equal rights, and AJR (Assembly Joint Resolution) 10, which proposes amending the Nevada Constitution to prospectively increase the required minimum wage paid to employees. Because the Legislature during the two legislative sessions has already approved the constitutional language and policy being proposed in these joint resolutions, the provisions of Article 16, Section 1 of the Nevada Constitution and NRS 218D.800 require that these joint resolutions must be submitted to voters as ballot questions at the next general election.

For purposes of this agenda item, it is important to note that the Legislative Commission is not being asked to approve or disapprove the Legislature's passage of these joint

resolutions or to approve or disapprove the constitutional language or policy being proposed by these ballot questions, because that will be decided by the voters. Instead, the Legislative Commission is being asked to review the language in the ballot materials to ensure that it will assist the voters in making an informed choice. To that end, the Nevada Supreme Court has held that ballot materials must fairly represent the issues to be decided and must not be false or misleading.

The process for preparing the ballot materials is governed by NRS 218D.810. Under that statute, the Legal, Research and Fiscal Analysis Divisions of the LCB must prepare the following: the condensation, which is the question that appears on the voters' ballots, and the explanation and digest, the arguments for and against passage, and the fiscal note that are included in the sample ballot. The statute provides that the ballot materials must be of reasonable length and written in easily understood language. The statute also provides that the digest must include a concise and clear summary of any existing laws directly relating to the proposed constitutional amendment and a summary of how the proposed constitutional amendment adds to, changes or repeals such existing laws. Now, after the LCB prepares the ballot materials, the Legislative Commission is required by NRS 218D.810 to review the ballot materials, revise them if necessary and approve them for delivery to the Secretary of State on or before July 1 of the year in which the general election is to be held.

During the 2022 election cycle, the LCB followed the same process for these two ballot questions that has consistently been used in past election cycles to prepare the ballot materials. The LCB assembled a ballot question team consisting of members of the Legal, Research and Fiscal Analysis Divisions who met and conferred many times through a combination of emails, video meetings and in-person meetings. In preparing the ballot materials, the team utilized drafting standards to ensure that the materials are legally and factually accurate and verifiable, are fair and balanced, and include reasonable arguments to assist the voters in making an informed choice without using inflammatory language or any scare tactics to incite the emotions of the voters. Applying those drafting standards, the team prepared initial drafts of the ballot materials that were submitted to the public for comments during the 2-week period of May 16 to May 30, 2022. After the close of the public comment period, the team held several meetings to prepare revised drafts of the ballot materials based on those public comments. In preparing those revised drafts based on the public comments, the team applied the same drafting standards that it had applied to those initial drafts.

Finally, I'd like to express my appreciation for my colleagues on the 2022 ballot question team for their extraordinary efforts and dedication in preparing the ballot materials. Those members included Eileen O'Grady and Heidi Chlarson from the Legal Division; Diane Thornton, Patrick Guinan, Haley Proehl, Julianne King and Crystal Rowe from the Research Division; and Russell Guindon, Michael Nakamoto, Cathy Crocket, James Malone and Susan Powers from the Fiscal Analysis Division.

Mr. Chair, before I turn our focus to the specific ballot questions in your meeting packets, I'd like to pause and ask whether the members have any questions relating to the general process for preparing the ballot questions.

**Chair Yeager:**

Thank you, Mr. Powers. I do see that we have some questions, and we'll start with Assemblywoman Tolles.

**Assemblywoman Jill Tolles (Assembly District No. 25):**

Thank you so much, Chair, and just to be clear, this is questions only about the process, not the actual ballot materials, correct? Yes, okay. You mentioned something about the standard that you used in crafting the language for and against and specifically referenced avoiding inflammatory language, I think, to create an emotional response. Do you mind just repeating that for me?

**Mr. Powers:**

Thank you, Mr. Chair. Yes, our drafting standards were to prepare the ballot materials to ensure that they are legally and factually accurate and verifiable, are fair and balanced, and include reasonable arguments to assist the voters in making an informed choice without using inflammatory language or any scare tactics to incite the emotions of the voters.

**Assemblywoman Tolles:**

Great, thank you so much. I appreciate that clarification.

**Chair Yeager:**

Do we have additional questions on the process that was undertaken to get to where we are today? Senator Hardy.

**Senator Hardy:**

Thank you, Mr. Chair. I voted for SJR 8 back in the day, and I almost didn't recognize what was described as SJR 8 when it came to the input from people who had feelings about it. Those comments that you heard and we heard about SJR 8 tried to describe the simple language that was in SJR 8, and some people may have described some of those comments as not compatible with what you've just described, how the argument should be phrased. Is there a standard that someone who knows everything takes up those comments and puts them in, because I heard all sorts of words that weren't in the actual bill that we passed.

**Mr. Powers:**

Thank you, Mr. Chairman. To answer your question, Senator, some of the comments that were made during the public comment period, especially from Ms. Janine Hansen and Ms. Melissa Clement and a few others, those comments were considered by the ballot team and then the ballot team attempted to incorporate those comments into the arguments against passage in the revised draft but in a manner that avoided some of the inflammatory language or potential scare tactics that were attempting to appeal to the emotions of the voters. However, the comments by Ms. Hansen and Ms. Clement and some of the others—and they are included in the written comments in your meeting packet as well—the substance of what they were trying to achieve was included in the arguments against passage, just not in the identical language they were requesting. We made as the ballot question team decisions to take what they were asking for and turn them into reasonable arguments that would assist the voters in making an informed choice without again using any inflammatory language or potential scare tactics. Thank you, Mr. Chairman.

**Chair Yeager:**

Are there additional questions from Commission members on the process, or really, Mr. Powers, let me ask you—we'll let Senator Hammond, I see he's got his hand up, and then we'll go back to Mr. Powers. Senator Hammond, please.

**Senator Scott Hammond (Senatorial District No. 18):**

Thank you, Mr. Chair. A quick question, Mr. Powers, if you could. This is on page 5 of the language for Ballot Question No. 1. It actually mentions in there “medically necessary.” I was wondering if you could please give this, or illuminate us, on a little bit of what “medically necessary” is and if you could point to it, and do we have it in statute somewhere so that we can refer back to it and understand where that language is coming from or what it's trying to project to people when they're looking at it, because as you're reading it as a voter and it says “medically necessary,” who determines what is medically necessary? Is there some reference that they can go back to in statute? If you could just give me a little bit of why that particular phrase is in there, that would be very useful. Thank you.

**Mr. Powers:**

Thank you, Mr. Chairman, and since that goes to the substance of the ballot question materials, I will first finish what I was going to present to the Committee before we got there, and then I will address Senator Hammond's question right after that, immediately after that.

Thank you, Mr. Chair. Now, turning to your meeting packets, there are four tabs under each ballot question that correspond to the sequence of the drafting process. Under the

first tab is the joint resolution proposing the state constitutional amendment; under the second tab is the LCB's initial draft that was submitted for public comment; under the third tab is the public comments received by the LCB in response to the initial draft; and under the fourth tab is the LCB's revised draft that is before the Commission for review and approval under this agenda item. The LCB's revised drafts follow our typical drafting conventions. They use blue, bolded italics to show language being added to the ballot materials based on the public comments, and they use red brackets and strikethrough to show the language being removed from the ballot materials based on the public comments. After the Legislative Commission approves the final versions of the ballot materials, the LCB will format the ballot materials into normal fonts and text colors, adding and removing language according to the revised draft, and then deliver the finalized ballot materials to the Secretary of State.

That brings us then to the revised draft for Ballot Question 1, and we have a question from Senator Hammond. If you will turn to the fourth tab for Ballot Question 1 ([Agenda Item VI-A](#)), and that is marked as BQ1-D, and on page 5 Senator Hammond was referring to lines 26 through 28, and it provides, "Already, the highest courts in some states have interpreted their constitutional equal rights provisions to mandate taxpayer funding of medically necessary abortions through Medicaid." In order to answer the Senator's question, we have to refer back to the decisions from the other courts in which they are discussing medically necessary abortions, and in particular the main case involved the New Mexico Supreme Court. It's a case from 1998, *New Mexico Right to Choose v. Johnson*, and in there the New Mexico Supreme Court was being asked whether their state equal rights amendment protected a woman's right under Medicaid to have the state's Medicaid program pay for a medically necessary abortion, and under the regulation being reviewed at that time, a medically necessary abortion was any pregnancy that "aggravates a pre-existing condition, makes treatment of a condition impossible, interferes with or hampers a diagnosis, or has a profound negative impact upon the physical or mental health of an individual." So, it's not an elective abortion where one chooses voluntarily to have an abortion under any circumstances, it's a medically necessary abortion that meets those standards, and the highest court of New Mexico said that their state equal rights amendment required their state's Medicaid program to compensate or pay compensation to the medical providers for performing a medically necessary abortion because to not pay for that medically necessary abortion would be discrimination based on a woman's sex or gender.

Therefore, Mr. Chairman, the point of this sentence in the ballot explanation materials is to explain what the New Mexico Supreme Court held in their decision and, obviously, the next sentence is, "If Question 1 is approved, proponents will use this ballot measure as a basis to demand taxpayer funding of abortions in Nevada." The point of that argument is some of the public comments we received from Ms. Janine Hansen and Ms. Melissa Clement and others was that they believe that if this constitutional amendment is passed then proponents will use the language of this constitutional amendment to demand taxpayer funding of abortions in Nevada. However, the argument isn't that the proponents would do that, the argument is in fact the courts will agree with the proponents' arguments.

The courts ultimately will make their own decision. This question doesn't force the courts to make a decision one way or another about access to abortion or abortion rights. Thank you, Mr. Chair.

**Chair Yeager:**

Mr. Powers, if I could just ask, I just wanted to get the lay of the land in terms of the presentation. We've talked quite a bit about the process and we've sort of gone into the substance, but do you have additional comments to make on Ballot Question 1 and its substance before we would get to the point of taking a motion, or is it your intent to just sort of take questions now and then get to that point of the agenda?

**Mr. Powers:**

Thank you, Mr. Chair. It was my intent to just take questions and get to that point of the agenda. If the Chair would like me to, I could walk through the revised draft and point to the proposed changes and explain from where in the public comments those proposed changes were derived. I could do that if the Chair or Committee would like me to, but otherwise I was just going to answer questions as posed by members of the Commission before the Commission made their determination on voting on the proposed revised draft. Thank you.

**Chair Yeager:**

Thank you, Mr. Powers. That does help. At this point, we'll continue on with any questions. Are there additional questions on Ballot Question No. 1? I guess you can ask any questions you'd like about the four different tabs, beginning with the resolution and then the first draft, the public comments and the draft that's in front of us for potential approval ([Agenda Item VI-A](#)). Are there additional questions from the Commission members? We'll start here in Las Vegas. I think Assemblywoman Tolles is going to be first. This is your punishment for coming down to Las Vegas for the meeting.

**Assemblywoman Tolles:**

Thank you for that, Chair. I appreciate it. First, let me just say, I have probably a few different questions. I just want to clarify, back to process, so I know that we are under a deadline of July 1 to be able to provide this language, and so my understanding is what we're voting on is not the actual language that's being changed in the Constitution. That was already settled during the 81st Session. What we're voting on today is the latest version in tab BQ1-D that includes the latest explanations of the arguments for and against, and for purpose of process, we do have the ability to make suggestions, edits, changes before we finalize our vote, because I do have some concerns with the latest language.

**Mr. Powers:**

Thank you, Mr. Chair. That is correct. The Commission can direct LCB Legal to make additional revisions to the ballot materials as part of the motion to approve the ballot materials. The Commission would direct LCB Legal to make those changes and LCB Legal would then make those changes after the vote to carry out the directions of the Legislative Commission. Thank you, Mr. Chair.

**Assemblywoman Tolles:**

Okay. This is fun, because nobody has any feelings about this question. This question has brought up a number of other questions, as we see reflected in a debate between the arguments for and the arguments against, and I—we are not re-litigating the validity of the original question. What we're looking at is, is this going to be clear to the public when they make a decision of which box they check on their ballot of the legislative intent? As I read the first version versus this latest version, I have a concern that there are arguments that are made by one side that's in this latest revision have not been, I think, adequately matched and met with the other side, and so I think that would lead to some confusion about the intent and the application of this constitutional amendment that don't reflect the clarity that we received in the legislative process, and so I'd like to go back if I can, because I think it's important for clarity and that it's reflected in these arguments for and against.

We heard that the vast majority of the concerns tend to repeat themselves around taxpayer-funded abortion, creed versus religious liberty, impacts on child safety and sports, and age of consent or age-related laws. I appreciate that those concerns have been raised, and I think it's important that it's clear in the arguments if those are valid or not. I'd like to, if I can, go back to what we have as legislative intent in the hearings and in the minutes, and so this question was asked—if I may? I know I'm a fill-in for Leg Comm so I know that I may be breaking the rules here, but I think our sponsor would appreciate that as well because this was already settled in the legislative intent in the session. Senator Seevers Gansert asks, "This bill reads equality. Your bill does not go beyond just equality. Many of the different classes or language are already in statute, is that accurate?" Senator Cannizzaro addressed this very clearly, I think more clearly than the arguments for reflect in what we see here:

"Yes, you are correct. The language does not mention any of the enumerated things the opposition stated. Title IX is federal law designed to ensure there is no gender discrimination in our education and women's sports teams. The Equal Protection Clause under the United States Constitution and our State Constitution is in the law. Between the two, they do not deny having girls' sports where offered because of a historical set of gender discrimination policies. They allow for the creation of women's sports that would typically be for boys. The laws are designed to ensure women have equal access and opportunities to play sports where historically they have been denied. Law exists to ensure equal access in place at

some colleges. This would do nothing to change that. It would not affect the ability for girls to continue to play sports or participate in coed sports. This is not affected by that. This amendment strengthens that. With respect to the belief that this will fund abortions or other opposition arguments related to that topic, the language does not provide for that. In addition to the Due Process Clause of the 14th Amendment of the US Constitution and the Supreme Court's decision in *Roe v. Wade*, the finding of a fundamental right to privacy is a long-standing law both federally and in Nevada. Nevada has a number of laws which deal with that specific issue. This does nothing to add to that, and that language is not in this bill. The opposition to this bill does not exist, and this resolution provides for equality under the law."

That may be the first time that, Senator Cannizzaro, you've been quoted back to yourself in the middle of a Leg Commission meeting, but I just would like to see more clarity of that included in this discussion of arguments for, because the arguments against are making what could be construed as language that will scare voters when they say things like, when the arguments against the passage state that "it's harmful and dangerous," and that it "will be used" is making a claim, and it's used—at least I circled it—three times, that this "will" happen, and that's telling voters that something will happen that is directly in opposition to what was stated in the legislative intent during the hearings.

I obviously have been supportive of this constitutional amendment all three times it came before this body. Because those were questions that were important to me as well, and I appreciated the sponsor's efforts to clarify that that is not what this is about, and I think that I'd like to see it be more clear so that the voters also understand and are not going to make a decision based on claims that certain things will happen, which can be scary. If that's what they think is going to happen, I fear that it's not as clear as the legislative intent and I fear that it does indeed fail the test of using inflammatory language that can lead to scare tactics to influence the voters. I would like very much for this to move forward by our July 1 deadline, but I'd like to see us have a discussion about making sure that those points are more clear. Thank you.

**Mr. Powers:**

Thank you, Mr. Chair. I'd like to respond to those comments. As a starting basis, we have to properly put in perspective the purposes of the arguments for passage and the arguments against passage. They do not create law. They are not language that binds anyone as to the meaning, purpose or intent of the constitutional amendment proposed in SJR 8. It's the language of the constitutional amendment and the legislative history from the committee minutes that courts will examine in determining the meaning, purpose and intent of the constitutional amendment proposed by SJR 8. The purposes of the ballot materials are informative, and one of the things that they're intended to do is inform the voters of what the opponents believe and what the proponents believe. Both the proponents and opponents have views as to what they think the courts will ultimately interpret this language to mean. The opponents and proponents also have views as to



what each will argue about this language. The point of the arguments for and against is to capture those arguments of the opponents and proponents and present them to the voters, because the voters will not only see those in the sample ballot but they will hear them in advertisements and other ways that the opponents and proponents will communicate the arguments to the public. The arguments in the sample ballot should encapsulate reasonable arguments that have a basis in law and fact that are supported by situations that have occurred in other states.

For example, turning back to the paragraph that we dealt with with Senator Hammond, it provides in the arguments against passage, "Question 1 will also be used by proponents to support access to abortion." That is a reasonable argument that the opponents are making. They believe the proponents will attempt to use Question 1 to argue in court to support access to abortion. While in our—some of the comments that were submitted by Ms. Lindsey Harmon today, the proponents want to include language in the arguments for that this measure would also provide the strongest legal protection against future legislative attempts to roll back equality rights in the state, including access to abortion and reproductive health care. The proponents believe that they will try to use the language in this question, the actual constitutional amendment, to argue to courts to protect access to abortion, so the argument against is a reasonable argument that the proponents will use it to try to support access to abortion because the proponents have actually said that.

None of the arguments that are—in the revised draft for passage or against passage use the level of inflammatory language and scare tactics that some of the public comments included. To be frank, they are at a level of inflammatory or potential scare tactics. The ballot team was able to take the substance of what they were trying to achieve and communicated in these ballot materials in a manner that was a reasonable argument that was supposed to inform the voters what the opponents and proponents believe without using inflammatory language or scare tactics. Keep in mind, the fact that you may disagree with the policy arguments made by the opponents or the proponents doesn't mean that those policy arguments aren't genuine and reasonable and held sincerely by the opponents and proponents, and that's what we're communicating to the voter, those reasonable and sincerely held arguments of the proponents and opponents, as long as there is some legal or factual basis to it, and the ballot question team made sure that there was a reasonable legal or factual basis for all of the arguments included in the ballot materials. Thank you, Mr. Chair.

**Chair Yeager:**

Assemblywoman Tolles, did you have a follow-up on that?

**Assemblywoman Tolles:**

I do. Thank you, Chair. When the courts are looking, if there are cases that come before the courts, are they looking to the legislative intent or are they looking to these ballot

materials that include arguments for or against? I apologize if you said that and I missed it.

**Mr. Powers:**

Thank you, Mr. Chair. When the courts interpret any constitutional or statutory language that has the force of law, courts first look to the plain language of the constitutional provision or statute. If that plain language has clear meaning, then the courts interpret that clear meaning. If the constitutional provision or statute does not have a plain meaning, courts then try to resolve any ambiguities by looking to sources of legislative intent. Those sources of legislative intent generally consist of the minutes of legislative proceedings and the overall goal and intent of the Legislature in proposing the constitutional amendment or statute. You cannot rule out that the court would under certain circumstances turn to the ballot materials, but it's rare because usually the language itself and the legislative proceedings provide the necessary information to the court. However, in the absence of a legislative record, the courts have turned to the ballot materials when there was no other source of information as to what was intended by the provision. That occurred generally prior to the 1990s when, in Nevada, legislative minutes weren't kept. When legislative minutes weren't kept and the Legislature put a constitutional amendment on the ballot, courts didn't have minutes to turn to and they then turned to the ballot materials presented to the voters. But now that we have comprehensive legislative minutes for all of our proceedings, it's more likely that the court would turn to just the plain language and the legislative hearings to determine the intent of a proposed constitutional amendment. That is the typical approach for courts. Of course, having said that, I cannot guarantee how any court would proceed in interpreting any constitutional or statutory provision. Thank you, Madame Chair—Mr. Chair, sorry.

**Chair Yeager:**

That's okay, it's no problem, Mr. Powers. It's Friday and it's 5:30, so no worries. We have a question next from Senator Hardy.

**Senator Hardy:**

Thank you, Mr. Chair. I'm not going to ask what would happen if we don't vote on this, but I will ask, legislative intent is made by the legislators, not the proponents or opponents to a given bill. The intent is because of what a legislator says either in committee or on the floor of the Senate or the Assembly, is that correct?

**Mr. Powers:**

Thank you, Mr. Chairman. Typically in determining legislative intent from committee minutes and floor proceedings, the courts generally first look to the statements of the legislators. However, when those statements by the legislators don't provide the illumination necessary, it is possible for the courts then to turn to the testimony of

opponents and proponents to understand the problem that was being presented to the Legislature and how the Legislature determined to solve that problem by providing for the proposed constitutional amendment or statutory provision. Again, there's going to be a hierarchy. The courts are going to turn first to the statements of legislators in committee and on the floor, and if those statements don't provide the necessary illumination on legislative intent, then it is possible for courts to turn to the committee minutes that have the statements of opponents and proponents. Thank you, Mr. Chair.

**Chair Yeager:**

Okay, we'll stay down here for the moment. Any additional questions in Las Vegas? And Mr. Powers, I guess I should ask, we've just been talking about Ballot Question No. 1. Would you like a separate time for questions on Ballot Question No. 2, if there are questions?

**Mr. Powers:**

Thank you, Mr. Chair. Correct. We will be addressing Ballot Question No. 2 separately, and that's after the Commission determines what to do about Question 1. We will address Ballot Question 2 separately, and then I will answer any questions that Commission members have on Ballot Question 2. Thank you.

**Chair Yeager:**

Great, thank you, Mr. Powers, and it occurs to me that maybe we should have done Ballot Question No. 2 first, but here we are in the midst of Ballot Question No. 1. Additional questions in Las Vegas? I don't see additional questions here. We'll go up to Carson City or to Zoom. If our three members there have questions, just please unmute yourself and go ahead and ask. Okay, I'm not hearing anything from our remote participants.

**Assemblywoman Dickman:**

No, thank you.

**Chair Yeager:**

Thank you for that clarification. We're going to go to Senator Cannizzaro down here in Las Vegas.

**Senator Nicole Cannizzaro (Senatorial District No. 6):**

Thank you, Mr. Chair, and I've been, I think, in my head trying to sort through some of the things that we've heard, because I know that I've had some concerns about the language that exists in the arguments for and against passage and what should and shouldn't be included in there based upon a whole host of things, including a lot of the debate that has

occurred on this measure during the legislative process. I guess my question is maybe more of a process question, because I don't think it is probably practical to rewrite any of this in this very moment. If we wanted to—I guess, what would the appropriate mechanism be if we wanted to maybe change or soften up some of this language so folks feel a little more comfortable? Like I know Assemblywoman Tolles mentioned where it says “they will use this,” if we're talking about maybe some change to the language where it says maybe “they could try” or we could take out some of these things or add in some other pieces. Is that a motion that this Commission could make and then sort of pass this with the understanding that we're going to work on some of the language, or how would that—that's more of a process question, and I don't know if, Mr. Powers, you're the right person to ask, or if Ms. Erdoes is the person who might have the answer on what sort of an option we might have if we wanted to change some of this language but don't know exactly what those words and language would be today.

**Mr. Powers:**

Thank you, Mr. Chair. The Commission can direct LCB Legal to draft revisions, but they have to be clear as to what those revisions are going to be when the Commission takes final action to approve. If your goal is to approve it but have further revisions, then I don't believe the Legislative Commission could approve it and then direct the LCB Legal Division to work with others to come up with revisions without the Legislative Commission having an opportunity to see the final product. The Legislative Commission does have some potential options here. One option would be for the Legislative Commission today to create a subcommittee and to direct that subcommittee to hold hearings and work on developing the language in those hearings like a committee or subcommittee would do during the legislative session, and come back to the full Legislative Commission with a revised product and with the recommendation of the subcommittee, and then the Legislative Commission could vote on that. Of course, we have the July 1 deadline to keep in mind, but that is a potential process for the Legislative Commission to use.

At this point, the ballot question team is made up of nonpartisan legislative officers and employees. We've reviewed the public comments. We've tried to encapsulate those public comments in the manner I've described. Further revisions left to the ballot question team would need further guidance from the members of the Legislative Commission, so that's why I'm recommending, if the Legislative Commission is not going to take action on this today, you create a subcommittee and that subcommittee holds proceedings to achieve a final result that is more palatable to members of the Commission than the LCB revised draft, because again, I believe the ballot team has done the best they can as nonpartisan legislative officers and employees. Now it comes down to the final refinements that I believe members of this Commission have to be involved in, in coming up with additional probably comments from the public. Thank you, Mr. Chair.

**Senator Hardy:**

Thank you, Mr. Chair. I'm ready to make a motion to accept and approve the language. Thank you.

**Chair Yeager:**

Thank you, Senator Hardy. I'm not quite ready to accept that motion just yet, but thank you for being willing to make it. Mr. Powers, I guess I just had a follow-up based on what Senator Cannizzaro asked. If this Commission wanted to approve this today, and of course we're under a pretty tight deadline of July 1. I appreciate the suggestion of a subcommittee, I just don't think it's practical given where we are right now. But if we wanted to make some changes, we would just have to simply tell you pretty concretely what those changes are to the language, and if we were to do that and approve, then of course, and I guess my question is, we wouldn't have to come back for like a final approval, because essentially we're approving almost like an amend and do pass sort of scenario during session?

**Mr. Powers:**

Thank you, Mr. Chair. That is correct. With concrete guidance as to what the revisions are going to be, then LCB Legal would be able to take that concrete guidance with the approval of the question by the Legislative Commission and then incorporate that into the ballot materials in the typical way where LCB Legal will take the revisions and only adjust grammar, formatting and style but won't change the meaning or intent of the revisions approved by the Legislative Commission. Thank you, Mr. Chair.

**Chair Yeager:**

Thank you, Mr. Powers. We'll go back to Assemblywoman Tolles.

**Assemblywoman Tolles:**

Thank you, Mr. Chair, and as I read this I think what might provide more clarity would be a couple different options: under the arguments for passage in tab BQ1-D, keeping the proposed changes with the exception of under lines 38 through 43 ([Agenda Item VI-A](#))—those directly address many of the arguments that are against passage that are currently struck out in red—putting those back in, but to stay more grammatically cohesive, I would recommend that that would come after the statement, “Their arguments consist of unfounded speculation intended to distract from the clear goal of this ballot measure, which is to ensure equality,” and then to go into the arguments enumerated that are mentioned against the passage. Then, as we transition over to arguments against the passage, changing the language to question under line 26 and below, or—sorry, yes I would strike—sorry, in line 18, I don't know how you'd change “harmful and dangerous,” but “fail to acknowledge how Question 1 will affect individual liberties and safety.” Then,

under lines 26 and 33 and 35 where it states, “Question 1 will be used,” perhaps to say “may be used” to still keep that a reasonable argument that reflects the opposition without changing the intent of the arguments, because I do believe that it’s an important debate to have, but without using anything that could be perceived as scaring voters into what will definitively happen.

So, in summary, in the changes of the arguments for passage, replace the struck-out language in lines 38 through 43 so that there is a counter to the arguments in the argument against passage, and change “harmful and dangerous” to “how Question 1 will affect or impact individual liberties and safety,” and then “may be used” in terms of how Question 1 may be used as opposed to will be used.

**Chair Yeager:**

If I could weigh in for a second, I hear the potential formation of a motion, and I’m not saying that you’re making one, but I just want, for clarification’s sake, Assemblywoman Tolles, to ask you a couple questions. The first thing you mentioned was restoring the language in lines 38 through 43 but of course having to reorganize that so it makes a little bit more sense structurally, but I did want to ask you, on the very next page there’s also language that was stricken out, and so I wanted to ask your thoughts keeping that language in in some way or if you would like it to be stricken as it is currently now stricken in BQ1-D.

**Assemblywoman Tolles:**

Thank you, Chair. That was a good catch, so yes, also the language that was struck out in 1, 2 and lines 4 and 5 which argue the—directly rebut the arguments against would be put back in.

**Chair Yeager:**

Thank you, Assemblywoman, and then I think in terms of your second set of suggestions, I’m certainly tracking changing the word “will” into “may” on line 26, 33 and 35, but I wanted a little bit of additional clarification on line 18, because I think you indicated maybe striking out “harmful and dangerous,” but then I do think we have a sentence that perhaps doesn’t read correctly, so I’m wondering whether there would be some replacement there, or as an alternative we could simply change the “will” to “may” in line 18 as well, but that would keep “harmful and dangerous.” I just wanted some clarification on what your thought was on that.

**Assemblywoman Tolles:**

Thank you, Chair. “May” would certainly keep it consistent with the rest of the arguments, and probably the proponents against would still want to keep “harmful and dangerous” so I could be amenable to that, but I still would prefer “proponents fail to acknowledge the

impact Question 1 will have on individual liberties and safety” because that removes what might be considered inflammatory language. I’m open to discussion, but that would be my preference in using the standard of not using inflammatory language, that it would be “proponents fail to acknowledge the impact Question 1 will have on individual liberties and safety.”

**Chair Yeager:**

Thank you. That helps. We don’t yet have a motion, but we’re still kind of on some general discussion, with apologies to Mr. Powers who’s sitting through the thought process of the Committee right now, but wanted to open it up for any additional comments or suggestions, thoughts before we look at taking a motion. Anyone else in Las Vegas would like to comment, or if there’s any comments in Carson City or on Zoom? Again, just unmute yourself and let me know.

**Senator Hammond:**

Mr. Chairman, I kind of liked earlier when Senator Hardy was ready to take a motion, so I’m—with him. Whenever you get to that point, I’d second that motion.

**Chair Yeager:**

Thank you, Senator Hammond. Appreciate that. I think we are close to getting a motion, but I don’t think it’s going to be a motion to approve as written. At this time, given the discussion, I would be open to taking a motion along the lines that Assemblywoman Tolles and I believe Senator Cannizzaro discussed, and I could state that motion—I don’t think I can make the motion, but if someone wants to make that and try to state it and get it correct, I’d appreciate it.

**Senator Harris**

So moved.

**Chair Yeager:**

Let me just say this for clarity for Mr. Powers and for the legislative record. Senator Harris, you can confirm after I state this that this is indeed your motion, but I think the intent of those in favor of making changes would be the following: in the arguments for passage, which are on page 4 of the packet in tab BQ1-D, the language stricken out in lines 38 to 43 would be restored, but that language would be moved. That paragraph would be moved until the next sentence after, so the sentence that ends in “ensure equality,” then that language would pick up that was above it. Then on the very next page, page 5, the red language in lines 1 and 2 as well as 4 and 5 would be restored. Also on that page 5, in arguments against passage, line 18 would read as follows: “Proponents fail to acknowledge the impact Question 1 will have on individual liberties and safety,” so that

would be the change there. Then in line 26, the word “will” would be changed to “may,” in line 33 the word “will” would be changed to “may,” and in line 35 the word “will” would be changed to “may.” Before I confirm that, I want to go back to Assemblywoman Tolles, because I might have missed something.

**Assemblywoman Tolles:**

No, I think you captured it all, but hearing you reread it, I think that keeping the language consistent on line 18 to “proponents fail to acknowledge the impact Question 1 may have on individual liberties and safety” would be consistent.

**Chair Yeager:**

Great, so that additional change to what I said previously would just be the changing of “will” to “may” on line 18 as well. Senator Harris, would you be willing to make that very long motion?

**Senator Harris:**

Thank you, Chair Yeager—

**Mr. Powers:**

Mr. Chair, just for consistency in what’s going to happen, we’re going to look at this in drafting, so on line 29 the word “will” is used and on line 30 the word “will” is used as well on page 5.

**Chair Yeager:**

Thank you so much, Mr. Powers. I can always count on you to be very detail-oriented. Yes, those two changes should be included in the motion for consistency’s sake just to indicate that proponents “may” try to use this ballot measure to do those things. I’ll give everyone just a second to make sure we didn’t miss any other “wills” in the arguments against passage, but I think that’s all of them. Okay. Senator Hardy, did you have a comment?

**Senator Hardy:**

Thank you. I’m looking at the arguments against passage, and if I were a person who was against the passage of this I would prefer to have “will” instead of “may” because it’s a stronger argument against passage. The “may” is kind of a “may” whereas the “will” is a stronger argument against passage, so the people who came up with the arguments against passage are probably wanting to have an argument against passage as opposed to “it may happen or it may not.” So, I think to be consistent with the concept of the



argument for passage and the arguments against, “will” is actually a better word than “may.”

**Chair Yeager:**

Thank you, Senator Hardy, appreciate those comments. Senator Cannizzaro, please.

**Senator Cannizzaro:**

Thank you, Mr. Chair. I guess I don't have a lot of consternation with the word “may” because “will” is almost guaranteeing these very particular things will happen when I think that is very—first of all, that is very speculative. That's like saying if we—that's guaranteeing that something will happen, and I think that “may” more accurately reflects the concerns that were posed for those who are against passage and also more accurately reflects the intent of the Equal Rights Amendment is to ensure that Nevada law has equal rights. How that may or may not be challenged in a court is something that is very speculative with whether somebody would ever potentially bring that action, be able to bring that action, whether a court would entertain that action, and I think that “may” more accurately reflects what the folks who were against passage are trying to say could happen versus ensuring that that would happen when that was—that's sort of not the basis of this from the outset. I am more comfortable with “may.” I think Assemblywoman Tolles kind of went down the right path of that for it to be “may” because I think it both includes these arguments but in a way that indicates—that doesn't ensure one outcome or another where we're talking about that being something that can't really be qualitatively determined.

**Chair Yeager:**

Okay, so we'll go back to Senator Harris. Would you like to make the motion as previously stated by myself, Assemblywoman Tolles and Mr. Powers?

**Assemblywoman Dickman:**

Chair?

**Chair Yeager:**

Yes?

**Assemblywoman Dickman:**

I have a question.

**Chair Yeager:**

Go ahead.

**Assemblywoman Dickman:**

So if we're making this change, I have a change I'd like to add to this before there is a motion.

**Chair Yeager:**

Well, you can suggest a change now and then it would be up to the maker of the motion whether to include that change.

**Assemblywoman Dickman:**

Make the suggestion now?

**Chair Yeager:**

If you want to have the potential of—

**Assemblywoman Dickman:**

After?

**Chair Yeager:**

No, if you want to have the potential of having it included in the motion, you'll have to make the suggestion now because we're about to take a motion to amend and approve.

**Assemblywoman Dickman:**

So my change then, on page 4, line 38 in the arguments for passage, I would like to see us take out opponents—not the word opponents, take out the words “exaggerated and incorrect.” Those are as inflammatory as anything else we're taking out.

**Chair Yeager:**

Sorry to make you wait for a second there, Assemblywoman. We're just getting things figured out down here, so just give us a second, please.

**Assemblywoman Dickman:**

Sure, thanks.

**Chair Yeager:**

Assemblywoman Dickman, thank you for the suggestion, and I think I'll let Senator Harris speak for herself, but I think that striking that language will be included in the motion I believe. Senator Harris, would you like to go ahead?

**Senator Harris:**

Thank you so much, Chair Yeager. You've taken the words right out of my mouth. I'd like to make a motion that is in line with all of the changes previously outlined by the Chair and also includes the change put forward by Assemblywoman Dickman to remove "exaggerated and incorrect." So, that is my motion.

SENATOR HARRIS MOVED TO AMEND AND APPROVE THE LANGUAGE OF  
BALLOT QUESTION NO. 1 AS DISCUSSED.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

**Chair Yeager:**

Now, before we take a vote, we've had a lot of discussion, but it would be time for discussion on this particular motion, and want to start down here in Las Vegas. Would anyone like to provide discussion on the motion? Senator Hardy, please.

**Senator Hardy:**

I liked my original motion, but I will be a no on this one. Thank you.

**Chair Yeager:**

Thank you, Senator Hardy. Let's go up to Carson City or on Zoom. Any discussion before we take a vote?

I don't hear anything. Again, it's a very long motion, but it is as stated and as reflected in the record.

THE MOTION PASSED (SENATORS HAMMOND, HARDY AND  
SETTELMAYER VOTED NO).

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**Chair Yeager:**

Thank you, Committee, for working through that. Really, really appreciate it, and we will now move on to the second ballot question. Mr. Powers, would you like to go over Ballot Question No. 2, please?

**Mr. Powers:**

Thank you, Mr. Chairman. Ballot Question No. 2 involves Assembly Joint Resolution 10, and that proposes to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees. As we described before, the four tabs follow the same sequence ([Agenda Item VI-B](#)). We did not receive many public comments on Ballot Question No. 2. We did make one change that's repeated throughout in the revised draft based on those public comments, so I would just direct you to page 1 of the revised draft behind tab BQ2-D. If you look in the condensation of the ballot question that appears on the voters' ballot, the comment was to highlight the Legislature's ability to increase the \$12 rate in the proposed constitutional amendment above \$12 if the Legislature were to pass legislation to do so. This language just clarifies that the \$12 rate in the Constitution would be subject to any applicable increases above that \$12 rate provided by federal law or enacted by the Legislature. That one change is made throughout the ballot question, and there's just one technical other change on page 2 and 3 referring to the 2006 amendment to the minimum wage provision so that it's consistently referred to as the 2006 amendment. Thank you, Mr. Chair.

**Chair Yeager:**

Thank you, Mr. Powers. Do we have any questions or comments on Ballot Question No. 2 as Mr. Powers just described? We'll start down here in Las Vegas. Senator Hardy, please.

**Senator Hardy:**

Thank you, Mr. Chair. This basically takes away, if you're covered by insurance or not, takes away youth or not, so this is just a flat, across-the-board \$12 an hour work no matter who, where, how, correct? But it could go up, but it can't go down?

**Chair Yeager:**

Well, I'll let Mr. Powers speak to that because I think it's based on the language in the resolution and I certainly don't want to misstate it.

**Mr. Powers:**

Thank you, Mr. Chair. To answer the Senator's question, the proposed constitutional amendment would establish the minimum wage at \$12 per hour beginning on July 1,

2024. However, there are exceptions for employees that are listed in the existing constitutional provision, and those exceptions will remain. One of those exceptions is for an employee who is under 18 years of age, so it won't affect those employees because right now they're not subject to the existing constitutional minimum wage provision. Then, to answer the Senator's other question, the proposed constitutional amendment would remove the distinction between whether the employer offered certain health benefits or didn't offer certain health benefits. In summation then, the proposed constitutional amendment would set the minimum wage at \$12 per hour beginning on July 1, 2024. It would not apply to the exceptions that exist under the existing constitutional provision, and those exceptions include employees who are under 18 years of age, and it would eliminate the distinction between providing or not providing health benefits, but it would leave in place the Legislature's existing authority to increase the minimum wage above the \$12 constitutional rate. Thank you.

**Chair Yeager:**

Thank you, Mr. Powers. Additional questions or comments down here in Las Vegas? All right, I don't see any. How about in Carson City or on Zoom? Would anyone like to weigh in on this one? I'm not hearing anyone or seeing anyone, so given that, I would take a motion for approval of the language of Ballot Question No. 2 as described in tab BQ2-D.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE LANGUAGE OF  
BALLOT QUESTION NO. 2.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Yeager:**

Any discussion on the motion? We'll start here in Las Vegas. Assemblywoman Tolles?

**Assemblywoman Tolles:**

You're never going to invite me back. Thank you, Mr. Chair. So, just again, this is not a vote on the actual language going into the Constitution, whether we agree or disagree, it's just the explanation, digest and the arguments for passage and against passage? In other words, the ballot materials that will be included. We are just voting on if we think that accurately reflects the arguments?

**Chair Yeager:**

Yeah, I think that's correct, but we'll let Mr. Powers opine since he is the legal authority.

**Mr. Powers:**

Thank you, Madame Chair—I'm sorry, thank you, Mr. Chair. You're right, it is late and I still have a litigation report to do. That aside, so the answer to the Assemblywoman's question, that is correct. You are not voting on the constitutional language or the policy of the joint resolution proposed in the constitutional amendment, you're just voting to approve the ballot materials that provide information to the voters. Thank you, Mr. Chair.

**Chair Yeager:**

Thank you, Mr. Powers. Additional discussion down here? Seeing none, how about in Carson City or on Zoom? Any discussion before we take the vote? All right, don't see any. Again, we have a motion and a second to approve Ballot Question No. 2.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Like I said before, we probably should have done that one first, but it went quickly and we did it second. We are now through agenda item VI which, Commission, I think the bulk of our work is behind us, but we still do have a few items to get through this evening, I guess, as we approach 6 p.m., so we'll go to [agenda item VII](#), which includes two audit reports to be presented to the Legislative Commission today pursuant to NRS 218G.240. I believe we have Audit Supervisor, Tammy Goetze, who I think is in Carson City. Hopefully she's still there. If so, could you please come forward and present this item?

**Tammy Goetze (Audit Supervisor, Audit Division, Legislative Counsel Bureau):**

Good evening, Chair and members of the Commission. Under agenda item VII you'll see a letter from Assemblywoman Jauregui, Chair of the Audit Subcommittee, indicating on May 4, 2022 a meeting of the Audit Subcommittee of the Legislative Commission was held in which two reports were presented and accepted by the Subcommittee ([Agenda Item VII](#)). During that meeting we presented a summary of the audits to the Subcommittee, we answered questions of the Subcommittee members, and representatives from the agencies provided remarks and answered questions as well.

Today, in the interest of time, I'll briefly go over some of the key findings from those reports. I would like to note that our full reports are available on our website, as you all know, where there is more details and additional information on our findings and recommendations. Additionally, if any of the members of the Commission desire to

discuss in greater detail any of these reports, we would be happy to meet with you at any time. We are also available to present these reports to any of the interim committees and any committees during the upcoming legislative session, if desired.

Turning to the next page in your packet is the summary for the audit of the Nevada State Board of Medical Examiners. This performance audit was authorized by the Legislative Commission in December of 2019, pending the completion of a Federation of State Medical Board audit which was presented to the Commission in December 2020. The purpose of our performance audit was to evaluate the Board's processes for licensing physicians and investigating complaints and the Board's purchase of an office building. We found better monitoring and oversight of the investigative and disciplinary processes can help the Board provide more timely resolution of complaints and other issues. Specifically, additional oversight is needed for the complaint resolution process, which can take years in some cases to finalize. Some delays could not be explained by the Division. Timely resolution of cases is important for ensuring the safety of patients. Additionally, enhancing controls over the administration of fines and disciplinary matters will ensure they are assessed consistently and fair. While the Board has discretion in levying discipline in various forms, such as fines, education, public reprimands, suspensions and revocation of licenses, establishing disciplinary guidelines or schedules recommending penalties could enhance their process. Further, ensuring adequate support is maintained for investigative costs will help support its cost recovery efforts and provide equitable treatment of licensees.

On a positive note, we found Board procedures and practices over licensing of applicants and publishing of disciplinary data were adequate. While there were delays in the licensing process, delays in licensing physicians were largely attributable to applicants and other third parties gathering and providing necessary information. We found the Board generally completed their portions of the process timely and actively requested missing or incomplete information when necessary. We also found disciplinary information on the Board's website and provided to the National Practitioner Data Bank was accurate.

Finally, we reviewed various records related to the Board's decision to purchase an office building. We found the Board's decision to purchase the building was based on reliable and accurate analysis and information. The Board informed the Legislature and Office of the Attorney General (AG) regarding its plans. The AG's Office also advised the Board to have the Nevada Division of State Lands negotiate the purchase of the building on its behalf, which they did. For this audit, we made 10 recommendations for which the Board accepted and is actively implementing.

Turning to the next page is a summary of the audit of the Department of Health and Human Services, Division of Child and Family Services, "Assessment and Safety of Child Placements" ([Agenda Item VII](#)). The purpose of the audit was to determine if Division processes ensure foster care and other homes for children in state custody are adequate to ensure the safety and welfare of children. We also evaluated controls over certain

payments supporting children and youth to ensure payments were accurate and appropriate. While overall we found the Division generally complied with requirements associated with child placements, some improvements can be made. Health, safety and regulatory standards were not always followed for some providers that care for children in state custody. Additionally, there was no evidence that some required background checks and provider assessments were completed, and some inspections and subsequent corrective action of foster homes were not adequately documented. We also found unlicensed homes are not subjected to the same standards of licensed foster homes, but additional measures can help ensure the welfare of children placed in these homes. Improved oversight of child placement providers will assist the Division in ensuring the safety and welfare of children in state custody.

We also noted foster care payments were accurately and appropriately administered by the Division. We reviewed a representative sample of foster care and specialized payments and found payments were made to verified youth placements at licensed facilities. Additionally, specialized payments were supported by corresponding documentation in the Division's records. Accurate and justified foster care payments support the financial health of the Division, the state and foster care providers. For this audit, we made 10 recommendations for which the Division accepted and is actively implementing.

As a reminder, we are available any time to meet and discuss any of these audits in more detail if needed. That concludes my summary of the audit reports issued on May 4 of this year. As noted in the cover letter, the Audit Subcommittee recommends the Legislative Commission accept these two reports. Thank you.

**Chair Yeager:**

Thank you for your presentation, Ms. Goetze. Do we have questions? Senator Hardy, we'll start with you.

**Senator Hardy:**

Thank you, Mr. Chair. On the audit for the State Board of Medical Examiners, a series of questions: who owns the building, did they pay cash, who pays the rent, does this savings ostensibly decrease the licensing cost and who gets the money when it's sold?

**Ms. Goetze:**

The State owns the land and the building, and the Board is responsible to maintain the building. I'm making sure I get all your questions answered here. The payment for the building was made out of the Board's reserves, which was their cash reserves. It did not lower any licensing fees by the physicians. Did that answer all your questions?



**Senator Hardy:**

Who gets the money when it's sold? Does the state get the money?

**Ms. Goetze:**

Yes, the state would get the money.

**Senator Hardy:**

So if the Board were to pay cash for this building, \$3.4 million, it almost begs the question about how much we are charging for license fees, does it not?

**Ms. Goetze:**

Yes, the reserves actually—in our report we have a chart where we show the reserve balances over the last 10 years. You'll see in 2018, the reserves dropped substantially with that \$3.8 million purchase, but now the reserves are almost up to at least \$1 million right now, so they are starting to recoup those funds.

**Senator Hardy:**

I'm almost in tears knowing that they're starting to recoup their huge amount of reserve. Thank you.

**Chair Yeager:**

Any other questions down here in Las Vegas? How about in Carson City or on Zoom, any questions? Don't see any questions, so at this time I would be looking for, I guess, a motion to approve or accept. I don't know which one it is. We'll say approve the audit reports.

ASSEMBLYMAN ROBERTS MOVED TO APPROVE THE SUMMARY OF AUDIT REPORTS PRESENTED TO THE LEGISLATIVE COMMISSION'S AUDIT SUBCOMMITTEE.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Before we move on, I did want to thank our Commission member, Assemblywoman Jauregui, who chairs the Legislative Commission's Audit Subcommittee. Thank you for your service to that Committee and for chairing it, and thank you for your presentation, Ms. Goetze.

Okay, so that takes us through [agenda item VII](#). We'll next go to [agenda item VIII](#), assignment of the Interim Study Relating to the Establishment of Crisis Call Centers, and we have Ms. Erdoes with us, who I think is going to speak briefly on this issue, so please go ahead.

**Brenda Erdoes (Director, Legislative Counsel Bureau):**

Thank you, Mr. Chair. I have to apologize here. If you look in your packet under tab VIII ([Agenda Item VIII](#)), you'll find that there was an interim study that we missed when we were bringing the assignments to the Commission the last time. In looking at your packet, you'll see section 22 of SB 236 calls for an interim study, and because of, on the next page, section 52 of AB 443, that wasn't done as a study, and pursuant to section 52(2) should be assigned to a joint interim standing committee. The recommendation based on all the facts and complying with these statutes would be that this study be assigned to the Interim Standing Judiciary Committee, which does appear to have a couple more meetings approved, but it is not possible for us to tell whether that would be an adequate budget, so it could be that it would come back at the next Legislative Commission meeting to make sure that they could cover the meetings for that.

**Chair Yeager:**

Thank you, Ms. Erdoes. Any questions from Commission members on this item? Don't see questions. I would be looking for a motion to approve having the Interim Judiciary Committee conduct this study.

SENATOR HARRIS MOVED TO APPROVE THE ASSIGNMENT OF THE INTERIM STUDY RELATING TO THE ESTABLISHMENT OF CRISIS CALL CENTERS TO THE JOINT INTERIM STANDING COMMITTEE ON JUDICIARY PURSUANT TO SECTION 52(2) OF ASSEMBLY BILL NO. 443 (2021).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

That takes us next to [agenda item IX](#). This is approval of revised interim budget and deadlines of Joint Interim Standing Committee on Education, and again, we'll start with Ms. Erdoes to talk about this and then we can go to Senator Denis if he has anything to add. Ms. Erdoes, please.

**Ms. Erdoes:**

Thank you, Mr. Chair. This item would simply extend the number of hearings that the Committee on Education could hold beyond the eight that they were approved for by three. It would also extend the deadline for meeting until the August 31 deadline to no later than October 31 and authorize them to submit one bill draft after the September 1 deadline up until October 31, 2022, and there is an excellent letter from Senator Denis as chair of that Committee explaining all of the requests that they are making there ([Agenda Item IX](#)).

**Chair Yeager:**

Thank you, Ms. Erdoes. Senator Denis, anything you want to add on that?

**Senator Denis:**

I think in the letter it explains it all, but I think the biggest thing is that the Interim Education Committee meetings already go all day, and as part of that we were tasked to do a study that's taken some extra meetings, and so we couldn't add on to the existing ones. Then, the reason for the October thing had to do with another bill that was passed on Holocaust education, and because that information will not be available until October, that's the reason for that, and also there might be a BDR (bill draft request) that needs to come from that. That's why the extension of the BDR through October.

**Chair Yeager:**

Thank you, Senator Denis. Any questions on this item from Commission members? Okay, don't see questions. I would be looking for a motion to approve.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE REVISED INTERIM BUDGET AND DEADLINES FOR THE JOINT INTERIM STANDING COMMITTEE ON EDUCATION.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Next up on the agenda is [agenda item X](#). This is appointment of members to the Commission on Minority Affairs, and Ms. Erdoes is going to take us through this item as well.

**Ms. Erdoes:**

Thank you, Mr. Chair. If you look under tab X in your packet ([Agenda Item X](#)), you'll see that there is a list of proposed members to be appointed to the Commission on Minority Affairs. There is one—and if you look at the letter that's just following that, you'll see that there is one—that will leave one vacancy on this Commission that they would like to wait until they get a new head to suggest someone to be appointed to that, so they are asking today for the reappointment of three members and the appointment of two new members to this Commission.

**Chair Yeager:**

Thank you. Do we have any questions on [agenda item X](#)? Senator Hardy, please.

**Senator Hardy:**

Are there term limits on these as well? Is that a three-term term limit?

**Chair Yeager:**

Did you have something you wanted to add?

**Angie Rojas (Management Analyst, Commission on Minority Affairs):**

Yes. Good afternoon. I am with the Commission on Minority Affairs and I am here to answer any questions that you guys might have.

**Chair Yeager:**

Thank you. Senator Hardy, did you want to re-ask that question please?

**Senator Hardy:**

Are there term limits?

**Ms. Rojas:**

Yes, each commissioner can serve for 2 years and they can serve for a second term.

**Senator Denis:**

I think in the material I can see this, but just one clarification. Does this continue to—does the makeup of the Commission still reflect the community?

**Ms. Rojas:**

Yes, sir. Thank you for the question. Yes, we are an advisory body for the minority groups and we're still overseeing the same issues. It's housing, health, education, employment, economic development and legislation, and that's it.

**Senator Denis:**

I actually meant more of those that we're appointing. Is the makeup of the Commission Hispanic, Asian, African American? Is that still reflective of the community?

**Ms. Rojas:**

Yes, that is correct. We cannot have more than four commissioners of the same race, and we are consistent with that.

**Senator Denis:**

All right, thank you.

**Assemblywoman Daniele Monroe-Moreno (Assembly District No. 1):**

Thank you, Mr. Chair. You just said you can't have more than four of one race. Can you tell us the racial makeup of the current members that are here listed?

**Ms. Rojas:**

By the original makeup, you mean like the races for each commissioner? Is that correct?

**Assemblywoman Monroe-Moreno:**

Mr. Chair, had I turned the page I would have seen it. It's on the back page ([Agenda Item X](#)). Thank you.

**Chair Yeager:**

Okay, I think we have that information in our packets, so no need to answer again. It's Friday at 6:20, so I understand. Additional questions on this item from anyone on the Commission? Okay, I don't see additional questions. Thank you for being here to answer those questions. At this point I'd be looking for a motion to approve.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE COMMISSION ON MINORITY AFFAIRS.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

Thank you again for being here. That takes us to [agenda item XI](#). Just a couple more to go, Commission members. This is approval of early session hires for the 2023 Legislative Session, and this is a pretty standard agenda item for the Legislative Commission at this time of the interim, but I want to hand it over to Ms. Erdoes, who will be able to answer any questions you may have about this request from her staff. If you have anything to add before those questions, please go ahead.

**Ms. Erdoes:**

Thank you, Mr. Chair. As you said, this is a pretty standard thing that we do in order to allow those hires that we need to make for longer than 6 or 8 months, and these are all in that category ([Agenda Item XI](#)). I'm happy to answer any questions you may have.

**Chair Yeager:**

Do we have any questions? I don't see any questions. How about a motion?

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE EARLY SESSION HIRES FOR THE 2023 LEGISLATIVE SESSION.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Yeager:**

That takes us to agenda item XII. We have an encore presentation from General Counsel, Mr. Kevin Powers, regarding litigation. As you remember, he is here with us today on Zoom. Mr. Powers, would you please like to proceed with your presentation, and then we'll see if there's any questions.

**Mr. Powers:**

Thank you, Mr. Chair. I will obviously try to move as quickly as I can. The first group of cases to report on involves several recent decisions by the Nevada Supreme Court relating to the issue of whether state legislators are prohibited by the separation of powers provision in the Nevada Constitution from holding positions of public employment with the state executive branch or with local governments. I'll begin with the consolidated cases *State of Nevada v. Eighth Judicial District Court (Plumlee)* and *State of Nevada v. Eighth Judicial District Court (Molen)*, Nevada Supreme Court cases 82236 and 82249. Now, in these consolidated cases the District Court held that a state legislator who was employed as a deputy district attorney was prohibited by the separation of powers provision from prosecuting criminal cases. On May 19, 2022, the Nevada Supreme Court issued an unpublished order resolving the consolidated cases. The Supreme Court held that the defendants in the underlying criminal cases forfeited their separation of powers claims by not raising them properly in their trials in the Justice Court. The Supreme Court also held that when the defendants appealed their convictions to the District Court, which has appellate jurisdiction over such misdemeanor appeals, the District Court should not have considered the defendants' separation of powers claims because they failed to establish that the deputy district attorney's prosecution of the cases resulted in any plain error that affected their substantial rights. In particular, the Supreme Court determined that the defendants did not identify any actual prejudice that resulted from the deputy district attorney's prosecution of the cases while also holding the office of a state legislator, and the defendants did not establish that the deputy district attorney's dual service caused a miscarriage of justice or a grossly unfair outcome at trial. Therefore, the Supreme Court vacated the District Court's orders that had reversed the convictions based on the alleged separation of powers violation.

However, the Supreme Court stated that it was not expressing any opinion on the merits of the issue of whether the separation of powers provision actually prohibited state legislators from holding those positions of public employment. Instead, the Supreme Court explained that reaching the merits of the separation of powers issue would be troubling because there had not been an opportunity for a full hearing in the District Court where the parties could develop the facts and the challenged public employees could defend themselves in the proceedings. Accordingly, these cases are now closed for purposes of the separation of powers issue.

The next case to report on is *Caruso v. Eighth Judicial District Court*, Nevada Supreme Court Case 82362. I am reporting on this case because it is related to the Supreme Court's recent decision in the cases just discussed, *Plumlee* and *Molen*, and it is also related to the Court's recent decision in *Nevada Policy Research Institute v. Cannizzaro*, which I will discuss after this case. In the *Caruso* case, the District Court denied the defendant's motion to dismiss the pending criminal charges against him based on an alleged separation of powers violation resulting from the deputy district attorney's prosecution of the case while also holding the office of state legislator. On May 18, 2022, the Nevada Supreme Court issued an unpublished order resolving the case. The Supreme Court held that the defendant was not entitled to any relief because the defendant failed to demonstrate that dismissal of the pending criminal charges would be the correct remedy for the alleged separation of powers violation. However, the Supreme Court again stated that it was not expressing any opinion on the merits of the separation of powers issue. Again, the Supreme Court explained that reaching the merits would be troubling because there had not been an opportunity for a full hearing in the District Court where the parties could develop the facts and the challenged public employees could defend themselves.

However, it should be noted that three dissenting justices, Silver, Pickering and Herndon, believed that the Court should reach the merits of the separation of powers issue, but only with regard to the narrow question of whether state legislators are barred from acting as criminal prosecutors. These three justices believed that the Court could answer the narrow question without addressing the broader question of whether state legislators are barred from acting as all other types of public employees. Finally, it should be noted that two dissenting justices, Silver and Pickering, expressed their opinion that state legislators are barred from acting as criminal prosecutors by the separation of powers provision. However, because this was a dissenting opinion, it does not create any binding authority or precedent.

The final case in this group of cases is *Nevada Policy Research Institute v. Cannizzaro*, Case No. 82341 before the Nevada Supreme Court. In this case, NPRI (Nevada Policy Research Institute) claims that state legislators all are prohibited by the separation of powers provision from holding any positions of public employment with the state executive branch or local governments. The District Court held that NPRI lacked standing to bring its constitutional claims. On April 21, 2022, the Nevada Supreme Court issued a published opinion in this case, which is reported at 138 Nevada Advance Opinion 28. The Supreme



Court acknowledged that NPRI did not meet the traditional standing requirements, which usually require the plaintiff to show some type of personal injury or harm in order to bring the lawsuit instead of alleging that the plaintiff has some general interest in constitutional government that is common to all members of the public. The Supreme Court also noted that, under its prior cases, NPRI did not qualify for the public importance exception to standing because NPRI's separation of powers claims did not involve a constitutional challenge to a legislative expenditure or appropriation. Nevertheless, the Supreme Court took the opportunity to expand the public importance exception to standing. The Supreme Court held that the exception can be applied in cases where the plaintiff seeks to enforce a public official's compliance with a public duty under the separation of powers provision, but only where an appropriate party seeks enforcement of that provision, the constitutional issue is likely to recur and the constitutional issue requires judicial resolution for future guidance. In this particular case, the Supreme Court determined that NPRI met these requirements and concluded that NPRI had standing to litigate its separation of powers claims in the District Court. The Supreme Court also noted that this case is an appropriate proceeding to resolve the dual-service issue because it will allow the parties to develop a full record in the District Court regarding the nature and scope of the employment duties of the challenged public employees in their positions with the state executive branch and with local governments.

Consequently, this case has been returned to the Clark County District Court. On June 9, 2022, the District Court held a status hearing with the parties. At the hearing, the District Court approved a schedule under which the individual defendants and the Legislature have until June 30, 2022 to file appropriate responsive pleadings or motions in the District Court. Under that schedule, LCB Legal will be filing a motion to dismiss NPRI's claims based on several grounds, including, without limitation, lack of subject matter jurisdiction and failure to join all necessary party defendants.

Finally, it should be noted that several legislators who were originally named as defendants in this case no longer hold any positions of public employment with the state executive branch or with local governments. Therefore, the parties have agreed to dismiss those legislators from this case. As a result of those dismissals, the caption and name of this case will change in future litigation reports. It will no longer be *Nevada Policy Research Institute v. Cannizzaro* because Senator Cannizzaro is no longer holding a position of public employment. That covers those three cases dealing with the separation of powers issue.

Moving on to the next case, *Killebrew v. State of Nevada*. That's Nevada Supreme Court 83830. This case involves SB 512 of the 2017 Legislative Session, which amended and revised the statutory authority of the State Land Registrar to charge fees for the use of piers and mooring buoys or similar devices in the navigable waters of this state. Under the authority of SB 512, the State Land Registrar promulgated annual use fees by regulation and the Legislative Commission approved that regulation. The petitioners challenged the regulation in District Court relating to the annual use fees. The District Court upheld the regulation on October 19, 2021, and it said the regulation and the annual

use fees fell within the State Land Registrar's statutory authority. The petitioners filed an appeal with the Nevada Supreme Court. They received several extensions to file their opening brief, which is due today on June 10, 2022. Pursuant to its authorization in this case, LCB Legal will be filing an amicus brief on appeal on behalf of the Legislative Commission arguing in favor of affirmance of the District Court's decision.

The next case is *Nevada Hospital Association v. State of Nevada* in the First Judicial District Court, Carson City. In this case, the plaintiffs challenge the constitutionality of section 20.9 of SB 329 of the 2021 Regular Session, which prohibits providers of health care from including certain anti-competitive contractual provisions in their contracts with third-party health care coverage providers. On March 10, 2022, the District Court entered an order and final judgment that upheld the challenged provisions of SB 329 and granted the state defendants' and the Legislature's motions to dismiss. On April 26, 2022, the plaintiffs filed a motion asking the District Court to alter or amend the final judgment. The parties completed briefing on the motion and they are awaiting a decision by the District Court. It should be noted that by filing the motion, the plaintiffs stayed or suspended the time period in which they may file a notice of appeal with the Supreme Court. As a result, if the District Court denies their motion to alter or amend the final judgment, it is likely that the plaintiffs will file an appeal with the Nevada Supreme Court.

The next case is *Koenig v. State of Nevada*. In this case, the plaintiffs challenged the constitutionality of SB 1 of the 33rd Special Session held in November 2021. SB 1 is the redistricting bill which revised the legislative districts for the election of members of the Legislature following the 2020 United States Census. Under the authority of SB 1, LCB contracted with the outside law firm of Wolf, Rifkin, Shapiro, Schulman and Rabkin to provide legal representation to the Legislature. After entering into the contract, the outside legal counsel filed a motion to intervene which was granted on behalf of the Legislature, and the District Court also considered the substance of the claims in a motion for preliminary injunction. On March 24, 2022, the District Court denied the plaintiff's motion for preliminary injunction. Following that, on April 14, 2022, the state executive defendants filed a motion to dismiss the complaint. On April 15, 2022, the outside law firm representing the Legislature filed a motion for judgment on the pleadings. On May 11, 2022, while those motions were pending, the parties entered into a stipulation and order for the dismissal of this case with prejudice and submitted the stipulation and order to the District Court for review and approval. If the District Court approves the stipulation and order, this case will be closed, and if that occurs I will not report on this case in future litigation reports.

The final case to report on is a new case, *McIntosh v. City of North Las Vegas*, and that's in the United States District Court for the District of Nevada. In this case, the Legislature and its members, officers and employees are not parties to this litigation. Instead, this case involves several subpoenas issued by the City of North Las Vegas to Senator Neal as a nonparty demanding that Senator Neal produce documents and testify at a deposition. LCB Legal is providing legal representation to Senator Neal in her official capacity regarding the nonparty subpoenas because the scope of the demanded

document production and deposition testimony extends to matters relating to legislative activity. On April 18, 2022, LCB Legal served the City with written objections to the first subpoena to produce documents. On May 18, 2022, LCB Legal served the City with certain responsive documents not protected by any privileges. LCB Legal also served the City with a privilege log describing documents being withheld under a claim that they are protected by one or more privileges recognized by federal law or state law, or both. On June 1, 2022, the City served Senator Neal with a subpoena to appear and testify at a deposition. On June 6, 2022, the City served Senator Neal with a second subpoena to produce documents. LCB Legal is taking appropriate actions to respond to these additional subpoenas on behalf of Senator Neal in her official capacity.

Thank you, Mr. Chair. That is the litigation report, and thank you for the Commission's indulgence today to go through all the things that I had to participate in. Thank you.

**Chair Yeager:**

Thank you, Mr. Powers. This is not an action item for the Commission, but it is a chance to ask questions if there are any of the cases that were reviewed. Are there questions down here in Las Vegas? I don't see any. How about up in Carson City or on Zoom? Any questions for Mr. Powers at 6:39 on a Friday evening? I don't see any questions. Thank you, Mr. Powers, for your litigation update. We appreciate that.

That will close out agenda item XII, which takes us to, I think, the last agenda item, so agenda item XIII, which is public comment. Much like the beginning of the meeting, we have public comment here at the end of the meeting. We'll do that in person and on the phone. You'll have two minutes. Is there anyone here in Las Vegas? I don't see anybody, unless someone is hiding behind the pillar, but I don't think there's anyone left here in Las Vegas, so I don't see public comment. Looking like there's nobody in Carson City, either, but if I'm wrong about that, someone just jump up and head to the table.

**Assemblywoman Dickman:**

You're not wrong.

**Chair Yeager:**

Seems like people maybe have other things to do on a Friday evening, but we will go to the phones just to see if there's anybody there. So, BPS, if you could check the phone line to see if there's anyone to give public comment, please?

**Karen England:**

I'm an advocate for religious freedom, pre-born babies and women, and I want to thank you for this hearing and really thanking Mr. Powers for explaining how courts really will rely on the plain language, the plain language of the bill, and that's the first thing they will

look at and often the only thing they will look at, and the plain language of the bill is very clear that it's protecting—the courts are going to protect gender identity or expression, and that is just sad. Gender expression is how you feel at any moment, any given moment. If you're a male and want to express yourself as a female, this makes it discriminatory for you not to be treated as equally as other girls. I wanted to give the people that all along have claimed to be for women's rights, for religious freedom, for life and considered themselves pro-life, the benefit of the doubt during the whole time this was going through the Legislature, but after hearing today, it's clear they really aren't those things. They were advocating for the same language the ACLU and Planned Parenthood wanted, the proponents' language. It's clear that they've known all along what this bill will do and they are not for religious freedom, women's rights and they're definitely not pro-life. What happened here today, instead of the nonpartisan legislative bureau team making the arguments or helping craft them, the proponents of SJR 8, they got to write the ballot arguments in support of it and in opposition, not the opposition that opposed it. I want to leave you with my favorite quote, William Wilberforce, and this is for you, Assemblywoman Tolles: "You may choose to look the other way, but you can never say again that you did not know." You have been told.

**Chair Yeager:**

Thank you for your public comment. BPS, is there anyone else on the line who'd like to give public comment?

**Broadcast and Production Services Staff:**

Sir, the public line is open and working but there are no more callers at this time.

**Chair Yeager:**

Okay, thank you so much. We will close public comment. Before we adjourn, just want to thank Commission members. I know it's been a long day, and not longer for anyone than Senator Harris, who's been here all day. Thank you for your service, and thanks always to our staff and BPS for doing it with us, getting us through this meeting.

With that being said, I do want to remind anyone who might be listening, which is probably nobody, to make sure that you vote. We have an election coming up, a primary election on Tuesday, and it's important that your voice is heard, so please make sure to do that. I hope everyone has a really great weekend, and we'll see you all soon. This meeting is adjourned.

RESPECTFULLY SUBMITTED:

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Jordan Haas, Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chair

Date: \_\_\_\_\_

<b>Agenda Item</b>	<b>Witness/Agency</b>	<b>Description</b>
<a href="#"><u>Agenda Item II A</u></a>	Lindsey Harmon, Nevadans for Equal Rights Ballot Committee	Public Comment
<a href="#"><u>Agenda Item II B</u></a>	Tess Opferman, Nevada Women's Lobby	Public Comment
<a href="#"><u>Agenda Item II C</u></a>	Janine Hansen, Nevada Families for Freedom	Public Comment
<a href="#"><u>Agenda Item II D</u></a>	Holly Welborn, ACLU of Nevada	Public Comment
<a href="#"><u>Agenda Item III</u></a>	Jordan Haas, Commission Secretary	Draft Minutes of the Meeting Held on April 8, 2022
<a href="#"><u>Agenda Item V-A</u></a>	Bryan Fernley, Legislative Counsel	R119-20 for Continuance Request
<a href="#"><u>Agenda Item V-B</u></a>	Bryan Fernley, Legislative Counsel	Administrative Regulations for Review
<a href="#"><u>Agenda Item VI-A</u></a>	Kevin Powers, General Counsel	Ballot Question No. 1 Materials
<a href="#"><u>Agenda Item VI-B</u></a>	Kevin Powers, General Counsel	Ballot Question No. 2 Materials
<a href="#"><u>Agenda Item VII</u></a>	Tammy Goetze, Audit Supervisor	Summary of Audit Reports Presented to the Audit Subcommittee
<a href="#"><u>Agenda Item VIII</u></a>	Brenda Erdoes, Director	Assignment of Interim Study Relating to the Establishment of Crisis Call Centers to the Joint Interim Standing Committee on Judiciary
<a href="#"><u>Agenda Item IX</u></a>		Revised Interim Budget and Deadlines for the Joint Interim Standing Committee on Education

<a href="#">Agenda Item X</a>		Appointments to the Commission on Minority Affairs
<a href="#">Agenda Item XI</a>	Brenda Erdoes, Director	Proposed Early Session Hires for the 2023 Legislative Session