

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

SEPTEMBER 27, 2022

The meeting of the Legislative Commission was called to order by Chair Yeager at 1:43 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 4:07 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
Senator Nicole Cannizzaro, Senatorial District No. 6
Senator Moises Denis, Senatorial District No. 2
Senator Dallas Harris, Senatorial District No. 11

COMMISSION MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Jill Dickman, Assembly District No. 31
Senator Pete Goicoechea, Senatorial District No. 19 (Alternate for Senator Joseph Hardy)
Senator James Settelmeyer, Senatorial District No. 17

COMMISSION MEMBERS PRESENT VIA WEBCONFERENCE:

Assemblywoman Lisa Krasner, Assembly District No. 26
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1 (Alternate for Assemblyman Jason Frierson)
Assemblyman Tom Roberts, Assembly District No. 13
Senator Carrie Buck, Senatorial District No. 5 (Alternate for Senator Scott Hammond)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Brenda Erdoes, Director
Asher Killian, Chief Deputy Legislative Counsel, Legal Division
Nicolas Anthony, Director, Research Division
Sarah Coffman, Assembly Fiscal Analyst, Fiscal Analysis Division
Daniel Crossman, Legislative Auditor, Audit Division
Broadcast and Production Services Staff, Administrative Division
Angela Hartzler, Secretary, Legal Division

Jordan Haas, Secretary, Legal Division

OTHERS PRESENT:

Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees

Kenneth Paul, Former Principal, W. Mack Lyon Middle School

Ed Gonzalez, School Organizational Team Member, Hickey Elementary School

Kathy Flanagan, Springs Preserve

Shelly Stolworthy

Dr. Mary Schroth, Chief Medical Officer, Cure SMA

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

Richard Whitley, Director, Department of Health and Human Services

Dena Schmidt, Administrator, Aging and Disability Services Division, Department of Health and Human Services

Terry Reynolds, Director, Department of Business and Industry

Cathy Sheehy, Commissioner, Division of Mortgage Lending, Department of Business and Industry

Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services

Ashley Jeppson, Administrator, Division of Plant Health and Compliance, State Department of Agriculture

Shellie Hughes, Executive Director, Department of Taxation

Leticia Metherell, Health Program Manager, Division of Public and Behavioral Health, Department of Health and Human Services

Jennifer Montoya, Interim Communication Access Services Program Manager, Aging and Disability Services Division, Department of Health and Human Services

Stephanie Van Hooser, Administrative Director, Nevada State Public Health Laboratory

Vickie Ives, Deputy Bureau Chief, Division of Public and Behavioral Health, Department of Health and Human Services

Dave Wuest, Executive Secretary, State Board of Pharmacy

Stephanie Alcantar

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

Good afternoon, everyone. Welcome to the seventh meeting of the Legislative Commission for this interim. Good afternoon, again, to those joining us here. It looks like we have a pretty full room here in Las Vegas. We have folks with us in Carson City as well, and we have some on Zoom, so it is a packed house in all manners of attendance. Again, as you can see, folks who are watching, we have some in person here in Las Vegas, some in person in Carson City, and then some over Zoom.

Before we get started, just a few quick housekeeping items. I'd like to ask anyone who testifies today to please state and spell your name for the record before testifying. That

helps us to keep a very clear record. If anyone would like to receive a copy of the Commission's agendas, minutes or reports, you may be added to our mailing list by following the link on the Legislature's website or by providing your information to our staff. Contact information for staff is also listed on the legislative 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.

That will now take us to agenda item II, public comment. We will be accepting public comment at this time from persons present here at the Grant Sawyer Building in Las Vegas, then from those attending at the Legislative Building in Carson City, and then from persons wishing to provide public comment by phone. Just a reminder, if you prefer to wait to speak until later, there will be a second period of public comment at the end of the meeting. Please remember that comments will be limited to not more than two minutes per person. Just to make sure we're being fair, I will be timing you, so if you get to those two minutes and you're still talking, I will ask you to please wrap up, and if you could please do so, that would be much appreciated.

We'll start again here in Las Vegas. If there's anyone in Las Vegas who'd like to give public comment at this time, would ask you to please come forward to the table. We do have three seats here, so would just ask that you fill those seats in. Then, just a reminder, when you do speak, if you could identify yourself for the record. Please be sure to explain any acronyms that you might use and then ensure that, if you haven't already, you sign in at the clipboard by the door before you leave so we have an accurate list of who was here for public comment. I see we have at least a couple here in Las Vegas. Sir, if you want to go ahead on the end there and start?

Jeff Horn (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

Good afternoon, Chair Yeager and members of the Commission. I am the Executive Director of the Clark County Association of School Administrators and Professional-Technical Employees (CCASAPE). We represent nearly 1,400 Clark County School District (CCSD) administrators, of which 98 percent are members. I'm here today to voice our support for the approval of the proposed regulatory draft language listed in R063-22A regarding the ability of a principal to select teachers in good standing and who meet the needs of the local school precinct's plan of operation, as well as R064-22A, clarifying other staff who work under the direct supervision of the principal. CCASAPE appreciates the time and effort that the Nevada State Board of Education took to develop the proposed draft language to further clarify and define NRS (Nevada Revised Statutes) 388G. These regulations as written will positively impact school achievement, finally placing the needs of students above the wants of adults. I thank you for your time.

Chair Yeager:

Thank you for your public comment, Mr. Horn. Please, go ahead.

Kenneth Paul (Former Principal, W. Mack Lyon Middle School):

Kenneth Paul, former principal of W. Mack Lyon Middle School, CCSD principal from the inception of AB (Assembly Bill) 469 until the present NRS 388G, which requires CCSD Central Administration to include service-level agreements (SLAs) beginning with the 2018-2019 School Year. CCSD's CFO (Chief Financial Officer) Jason Goudie had no intention of complying with the law. Last year I met with a few rural principals and CCSD's Director of Facilities Management. Drafting the initial service-level agreements was difficult after CCSD Central Services learned those funds would go to the schools of the precincts. CCSD Central Administration, specifically CFO Jason Goudie and Associate Superintendent Kellie Kowal-Paul, quietly assured CCSD Central Services Department heads they would, however, still control that money. Since then, the transferring of funds from CCSD Central Services to schools has been a carefully orchestrated illusion. After school and community-level presentations and public comment at the Nevada Board of Education, this illusion came sharply into focus as it quickly began to unravel. As a result, in December of 2021, in direct violation of the law, CFO Jason Goudie and Associate Superintendent Kellie Kowal-Paul convinced the trustees all SLAs must be recentralized by the January 15 deadline for the 2022-2023 School Year. The illusion of funds being properly and legally transferred to schools is an intentional, premeditated and calculated ruse by central leadership, specifically CCSD's CFO Jason Goudie and Chief Strategy Officer Kellie Kowal-Paul. That continues to this day. This illusion is what leads CCSD's Superintendent Jesus Jara to believe CCSD is in substantial compliance with the law. These NRS 388G regulations being voted on today are critical since CCSD Central Administration continues to prove they have no intention of complying with the law. Thank you.

Chair Yeager:

Thank you, Mr. Paul. That was right at two minutes, so very well done. Please, go ahead.

Ed Gonzalez (School Organizational Team Member, Hickey Elementary School):

Thank you, Mr. Chairman. It's been a while. I am the community member of the Hickey Elementary School Organizational Team (SOT). I'm here to speak on three regulations in support of R063-22A, R064-22A and R065-22A. You've heard previous testimony talking about the school reorganization. A little background for members who don't know it: I was a staffer in 2015 when we originally passed the law. I was an educational lobbyist in 2017. I've been involved in this issue since its inception nearly 7 years ago. These regulations are trying to get the District to comply with the law that the Legislature has passed in a Democrat and a Republican Legislature with a Republican governor, codified with a Democratic majority in the Legislature with a Republican governor, and once again

reaffirmed in 2019 with a Democratic governor and a Democratic majority. What the goal was is to make sure that dollars that are handed down to schools and give principals the accountability and also the autonomy to be able to do what's best for the community. The frustration has been over the last 6 years we have not seen this happen, and it goes against the defiance of both the State Board of Education and also the legislators' actions. Today those three regulations has with a dispute process to make sure that there's a way if there's some objections, direct supervision so principals have more autonomy over the control of their schools, and also a pathway for noncompliance. I would expect more regulations to come as the State Board looks at this more, but Mr. Chairman, I hope you approve this. Thank you.

Chair Yeager:

Thank you for your public comment, Mr. Gonzalez. Anyone else here in Las Vegas? If so, don't be shy and make your way to the front of the room. Okay, I'm not seeing anyone at the moment in Las Vegas. Let's go up to Carson City. If there is anyone there who would like to give public comment, would ask you to please come forward to the table, and when you are there and ready, hit your microphone button and please provide your public comment. Looks like we've got eyes on Carson City. Do I see anyone coming forward?

Senator Pete Goicoechea (Senatorial District No. 19):

No takers.

Chair Yeager:

All right, no takers in Carson City. Thank you, Senator Goicoechea. Let's go to the phone lines to see if we have anyone joining us over the phone who'd like to give public comment. I'll hand it over to BPS (Broadcast and Production Services), and if you are on the line, if you would please wait for instructions, you will be given those instructions and you'll be able to give public comment. Please take it away, BPS.

Kathy Flanagan (Springs Preserve):

Good afternoon, Chair Yeager and members of the Legislative Commission. This is Kathy Flanagan on behalf of the Springs Preserve. The Springs Preserve would like to offer its support of regulation R025-22 proposed by the Nevada Department of Conservation and Natural Resources (DCNR). The Springs Preserve appreciates all the work DCNR has done on these regulations and encourages the Committee to approve them. Thank you for allowing me this opportunity to make public comment.

Chair Yeager:

Thank you for your public comment, Ms. Flanagan. BPS, can we take the next caller please?

Shelly Stolworthy:

My name is Shelly Stolworthy. I am on the Moapa Valley Community Education Advisory Board and I am also on the middle school SOT in Overton, Nevada. With the Clark County School District being as large as it is, we were grateful to have the reorg law so that the SOT would have control over budgeting instead of the centralized Clark County School District. CCSD is very unaware of our rural needs. In simple decision making and more complex situations, CCSD is very slow to help or fix our problems. Please continue to enforce the reorg law so that our administration and SOT can have local autonomy which meets the needs of our schools, staff, and most importantly, our children. Thank you.

Chair Yeager:

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

Dr. Mary Schroth, Chief Medical Officer, Cure SMA:

I am the Chief Medical Officer for Cure SMA (spinal muscular atrophy), a patient advocacy organization which represents Nevada residents affected by spinal muscular atrophy, or SMA ([Agenda Item II A](#)). I am speaking in strong support of the newborn screening regulation being considered today. SMA is a devastating neurodegenerative disease that results in severely weakened muscles in every part of the body. Infants with SMA lose the ability to swallow, breathe and move independently. Throughout my 25-year career as a lung specialist for children, most babies with SMA died before reaching their second birthday. That has changed, because there are now treatments for SMA. These medications are most effective when given before the symptoms of SMA begin. These medications, coupled with newborn screening for SMA, has dramatically changed the outcomes for those babies. Babies born today with SMA are living full and normal lives, but only if they can access treatment right after birth and before permanent nerve damage begins. These success stories are happening everywhere except Nevada. Ninety-eight percent of all US newborns currently are screened for SMA and can access the treatment before SMA symptoms start, but not newborns in Nevada. Nevada is one of only two states that has not implemented newborn screening for SMA. Why? Because the newborn screening regulation's been delayed due to a larger debate over health privacy and patient and family choice. I worked with patients of families daily for over two decades. I respect their choices and take their privacy seriously, but this debate has delayed this rule and has hurt the health and wellbeing of Nevada children. While babies born with SMA in every neighboring state are thriving, children in Nevada are developing irreversible, permanent disabilities that will affect their entire lives, irreversible and costly lifetime disability, only because they were born in your state. The health challenge has a simple solution. It's newborn screening of SMA. Please, meet the needs of children in your state by approving the newborn screening rule. Thank you.

Chair Yeager:

Thank you for your public comment. Next caller please.

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

Chair, the public line is open and working, but nobody else wishes to participate at this time.

Chair Yeager:

Great. Thank you so much, BPS. Again, as a reminder to everyone here, we'll have a chance for public comment a second time at the end of today's meeting. That closes agenda item II, and that takes us to [agenda item III](#), which is approval of the minutes. Committee members, you will have found in your packet the draft minutes for the June 10, 2022 Legislative Commission meeting ([Agenda Item III](#)). They are also available on the website. I would ask if there is any discussion or corrections on the minutes, and if not, would certainly accept a motion to approve the minutes.

SENATOR SETTELMAYER MOVED TO APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON JUNE 10, 2022.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

Is there any discussion from Commission members on the motion?

Senator Goicoechea:

Mr. Chair, I will be abstaining as I am only an alternate and didn't attend the meeting.

Chair Yeager:

Thank you, Senator Goicoechea. I suppose I should ask, Senator Buck, would you like to abstain as well since you weren't here on June 10, 2022?

Senator Carrie Buck (Senatorial District No. 5):

Yes, thank you.

Chair Yeager:

You're very welcome.

THE MOTION PASSED (SENATORS BUCK AND GOICOECHEA
ABSTAINED).

Chair Yeager:

That takes us through [agenda item III](#). We'll go next to agenda item IV, which is our fifth court-mandated status report regarding the Nevada Department of Motor Vehicles' (DMV) Technology Fee Refund Project. I believe we have Sean Sever, who I think is probably in Carson City. He is the Deputy Administrator of the DMV and he's going to go ahead and present any information he'd like to present, and then we'll have a chance for questions. Welcome to Legislative Commission, Mr. Sever. Always good to see you, and please proceed.

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

Thank you, Mr. Chair, and good afternoon, Commission members. Sean Sever from the DMV. Thank you for giving me a chance to update you on our Tech Fee Refund Project. Through August 30 of this year, the DMV has distributed more than \$1.7 million of the \$6 million available in tech fee refunds. The DMV started issuing the refunds by sending out checks to businesses on February 22 of this year, and 61,005 business refunds were issued for close to \$2.2 million. As of August 30, 44,600 business refunds have cleared for more than \$1.6 million, or 74 percent of the business refunds. More than \$3.8 million in customer refunds were made available to the public on April 4 of this year. As of August 30, 37,261 of these refunds have been issued for more than \$114,000, or almost 3 percent of the customer refunds. Now, many of our customers have told us to keep these refunds, which is not reflected in these stats. The DMV is trying to get the word out to everybody about this, and we have. We've conducted a \$15,000 advertising campaign, received a lot of media coverage and posted many times on social media to inform and remind customers about getting their refunds. We also proactively encourage our customers to pick up their refunds when they visit our offices. Then, any funds remaining after June 30, 2023 will revert to the State Highway Fund pursuant to section 4.7 of Senate Bill (SB) 457 of the 2021 Legislative Session. Thank you for your time today, and I can answer any questions.

Chair Yeager:

Thank you, Mr. Sever, appreciate that. Commission members, this is an informational item only so it does not require any action on our part, but it is a chance for members to ask questions if they have them about the project, so I will open it up to members. I guess, let me start here in Las Vegas. Anyone with a question for Mr. Sever on the DMV status report? I don't see anyone here in Las Vegas. How about up in Carson City, anyone have any questions? I'm not hearing anyone. How about our Zoom participants, any questions there? Might let you off easy today, Mr. Sever. I don't hear any questions, but members, as you know, if you do have questions after today's meeting feel free to reach out directly to the Department of Motor Vehicles. I'm sure Mr. Sever would be happy to answer those questions, but for now, Mr. Sever, thank you for the update and we hope you have a great rest of the day.

Mr. Sever:

Thank you.

Chair Yeager:

Okay, that takes us through agenda item IV and takes us to agenda item V, which is the meat of the agenda. These are the administrative regulations under consideration today. We have Chief Deputy Legislative Counsel Asher Killian with us in Carson City at the end of the videoconference to assist us with this item if we need to. Just by way of reminder, we have two types of proposed approvals for regulations under item V today. Items V-A, V-B and V-C are all requests pursuant to subsection 4 of NRS 233B.040 to continue a regulation not adopted within 2 years after submission to the Legislative Counsel. That subsection provides that if an agency does not adopt a proposed regulation within 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel Bureau, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted within the prescribed 2-year period and request an extension of the prescribed time to allow the regulation to continue through the process to become a permanent regulation. We are going to start with the consideration of those three, which are requests for extensions, and then we'll get to the bulk of what we have left today.

At this time, we'll start with item V-A, which is a request for continuation of R101-19 ([Agenda Item V-A](#)). I believe we have Mr. Richard Whitley, Director of the Department of Health and Human Services, at the Carson City end of the videoconference to provide the explanation required by statute and to answer any questions you may have. Thank you for being here, Mr. Whitley. Please go ahead and provide the explanation required under statute.

Richard Whitley (Director, Department of Health and Human Services):

Thank you. I serve as the Director for the Department of Health and Human Services. The regulations that we have before you today, R101-19, we're requesting an extension as submitted to the Legislative Counsel. The Department of Health and Human Services did not adopt the regulations within 2 years, and two factors really contributed to this. One is the pandemic and the impact on our staffing, then secondly, this is a new activity for our Department, the mediation process, and so standing that up has required, I believe, a great deal of engagement with stakeholders. There's three primary stakeholders: payers, health insurers, hospitals and providers. We've conducted the public workshops, but on top of it we've conducted stakeholder work groups with each of the stakeholders. The activities as required in statute have been conducted. We've had over 1,500 referrals of application for mediation. Just to back up a little bit, this statute had removed the patient from the equation when there's a dispute between the hospital and the payer and the provider with out-of-network charges. In this role with the Department, we wanted to get it right. We really started with an application and have been conducting the mediation but needed to do regulations to formalize it. That accounts for the delay, and with that, I could answer any questions, but really no singular excuse other than staffing challenges and then just the process of making sure we get this right.

Chair Yeager:

Thank you so much, Director Whitley. I think we do have a question from Senator Settlemeyer, who I think is up there with you in Carson City. Please go ahead, Senator.

Senator James Settlemeyer (Senatorial District No. 17):

Thank you, Mr. Chairman. A quick question to you. It's unusual when we defer regulations or state that we're going to extend the time frame. Do you wish to have questions pertaining to the actual regulation or do you want to just focus questions to the concept of the delay or the desire to delay? That question is to you, Chair Yeager.

Chair Yeager:

Thank you, Senator. I think just questions pertaining to the request from the agency for an extension of time. Since the regulation is not final and before us in that form, I think any questions about the content would be premature at the moment.

Senator Settlemeyer:

Appreciate that, Chairman. In that respect, how much more time? We have the rule, 2 years, and I understand the discussion that a lot of things have occurred. How much more time do you need in order to go through this process, and if we were to just say, "Go through the whole process again," how much time would that take?

Dena Schmidt (Administrator, Aging and Disability Services Division, Department of Health and Human Services):

If we had to restart over, that could be another year and a half-plus. If we were granted the extension, we believe we can get this adopted right away. We just need time to schedule and hold our final hearing for adoption. We did hold the hearing to adopt completed, but we were just waiting for approval from LCB and we were just past that time frame. We are ready to move forward and should be able to have them done within the next 3 to 6 months.

Senator Settlemeyer:

Would there be time for the ability for individuals to weigh in on the most recent language and then change it, or does that further extend it? I'm just trying to figure out the time frame.

Ms. Schmidt:

If there were changes that would further the time frame, but at this point we have engaged with stakeholders to the extent that we feel comfortable with these being adopted.

Senator Settlemeyer:

Appreciate that. Appreciate it, Mr. Chairman. I always get very hesitant though on extending it. The concept is to have these done in a time frame for a reason. Thank you. Thank you, Mr. Chairman.

Chair Yeager:

You're welcome, Senator. Are there additional questions for Director Whitley? Let me look here in Las Vegas. Don't see questions. Are there any other questions in Carson City, or anyone on Zoom with questions?

Senator Goicoechea:

Mr. Chair, more of a comment than a question. I really sympathize with them and the work they've done on this and how critical it is, but I want to echo and support the statement of Mr. Settlemeyer. I am concerned if we start moving away from the 2-year time frame, and we've got a couple requests here today, and as we move forward I am very concerned all of the sudden the 2-year deadline will be just—no longer be a deadline but just a point. I am going to struggle to support this even though I do support the reg.

Chair Yeager:

Thank you, Senator. Are there additional questions at this time? Before I look for a motion, I will note, certainly understand the concerns about extensions, but that is why we do have this statutory provision where agencies come before us to explain the extenuating circumstances. Although it doesn't happen frequently, I think as long as I can remember on Leg Commission, it seems like there is at least one of these every meeting. But when you look at the 54-plus that are on the other part of the agenda today just as a percentage-wise, I think it's well-founded in terms of it doesn't look like this provision is being abused, at least in my mind. Understand those concerns, but it sounds like the agency is close to being done with this one. I'll stop editorializing with that comment and would just ask if anyone would be willing to make a motion to approve the continuation of R101-19.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE CONTINUANCE REQUEST FOR REGULATION R101-19.

SENATOR DENIS SECONDED THE MOTION.

Chair Yeager:

Is there any discussion on that motion before we take the vote? If so, just feel free to chime in.

Assemblyman Tom Roberts (Assembly District No. 13):

Thank you, Mr. Chair. Look, I have some of the same concerns that Senators Settlemeyer and Goicoechea have, but although I'd hate to set them back 1 1/2 to 2 years in the process, I think we've waited a long time for these regs, so I'll be supporting it.

THE MOTION PASSED (SENATORS BUCK, GOICOECHEA AND SETTELMAYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

Chair Yeager:

Sorry for the clunkiness, everyone. We have a lot going on on the screen up here, so feel free to chime in at any point if I miss you or I incorrectly tally what your vote is, but that one I think passes by a margin of seven to five.

That will take us to [agenda item V-B](#), which—give me one second here. That is another request pursuant to subsection 4 of NRS 233B.040 to continue a regulation not adopted within 2 years ([Agenda Item V-B](#)). I believe we have Ms. Cathy Sheehy, Nevada Commission of Mortgage Lending, in Carson City to provide the explanation required by statute. If that is the case, if you could please come forward and provide that explanation, please.

Terry Reynolds (Director, Department of Business and Industry):

Chair Yeager, this is Terry Reynolds, Director for Business and Industry, and I am here with Commissioner Sheehy, so we will both present on this today. Thank you.

Chair Yeager:

Okay, thank you for being here, obviously on Zoom, not in the building, but whoever would like to go first with that presentation, please go ahead.

Mr. Reynolds:

Cathy, why don't you go ahead?

Cathy Sheehy (Commissioner, Division of Mortgage Lending, Department of Business and Industry):

Hi, good afternoon. Cathy Sheehy, Commissioner for the Mortgage Lending Division. I respectfully am here this afternoon to request an extension for our regulation, R119-19. We have already held the workshop for the regulation. We submitted the proposed regulation. It's just a matter of we were returned the regulation this July of 2022, so the extension will allow us to—to give us just a couple of months to complete the adoption hearing, which my plan is to have before the end of the calendar year so that we can have that wrapped up.

Chair Yeager:

Thank you for that.

Mr. Reynolds:

Chair Yeager, let me also include that these are really technical changes that were from AB 468 and SB 69 that were passed in the 2017 Legislature. They are basically wording changes. Mortgage brokers and mortgage bankers were combined under the designation of mortgage companies, and mortgage agents will be called mortgage loan originators. NRS Chapter 645E was repealed and so there was a change in the technical writing of the new NACs (Nevada Administrative Code) to incorporate those legislative changes. It's 132 pages of basically technical changes. It took LCB (Legislative Counsel Bureau) a

while to make those. Not faulting them, but it did take a while to make those changes within NRS and the NAC. With that, we are ready to go ahead with final adoption of the regulations in the next couple of months, so we appreciate your consideration. Thank you.

Chair Yeager:

Thank you for that explanation. We will open it up for questions. Any down here in Las Vegas? Seeing none, how about in Carson City. Any questions? I don't hear any. How about on Zoom? Any questions from our Zoom members? All right, I don't see or hear any questions there. I would be looking for a motion to approve the continuation of R119-19.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE CONTINUANCE REQUEST FOR REGULATION R119-19.

SENATOR DENIS SECONDED THE MOTION.

Chair Yeager:

Any discussion on the motion?

Senator Goicoechea:

Thank you, Mr. Chair, and I'm going to take the same position on this as we did the last reg. I understand the regs and the work that went into it, but again, deadlines are deadlines, and I'm just concerned. We're talking about legislation that passed in 2017 and we're still working on regs. It concerns me. Thank you. I will be a no.

Chair Yeager:

Thank you, Senator. Any other discussion? Okay, I don't hear other discussion.

THE MOTION PASSED (SENATORS BUCK, GOICOECHEA AND SETTELMAYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

Chair Yeager:

All right, we've got one more of these to go, and that is [agenda item V-C](#). This is a request for extension for R024-20 ([Agenda Item V-C](#)). I believe we have Ms. Cindy Pitlock, who I think is either in Carson City or on Zoom, and if that's the case, if you could go ahead and provide that explanation, please.

Cindy Pitlock (Administrator, Division of Child and Family Services, Department of Health and Human Services):

Thank you, Chair Yeager. I serve as the Administrator of the Division of Child and Family Services. So, same story, different scenario, but same story. R024-20: I am requesting an exception to the 2-year time frame. We made it through two public workshops and also two hearings and moved for adoption with some requested revisions and want to now proceed on to final adoption. Same reasons, global pandemic with accompanying staff shortages, and I would request your support for us to move this process forward. I can certainly answer any additional questions that you might have.

Chair Yeager:

Thank you for that explanation. If you could just answer, similar to the question that I believe Senator Settelmeyer asked of Director Whitley, just give us the scenarios between what happens if we're to grant the extension, what kind of timing are you looking at, versus if you'd have to go back to square one to start the process all over.

Ms. Pitlock:

Great, thank you for that. If we were to move with final adoption, I would anticipate we would be able to accomplish that within 90 days. If we were to start the process over, we would need to reengage our stakeholders and go back to public workshop and again to public hearing, which we would be more than happy to do, but we'll certainly take your advice and move forward with what you require us to do.

Chair Yeager:

Thank you for that explanation. Any questions from any of the Commission members? If so, just go ahead and speak up. Okay, I don't hear questions. I would be looking for a motion to approve an extension for this regulation that we are on, which is R024-20.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE CONTINUANCE REQUEST FOR REGULATION R024-20.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED (SENATORS BUCK, GOICOECHEA AND SETTELMAYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

Chair Yeager:

Thank you, Commission members. That takes us through V-A, B, and C. Up next is V-D. We have 58 regulations submitted for approval pursuant to NRS 233B.067 ([Agenda Item V-D](#)). These regulations are all contained in the binders provided to all the members today and also all posted on the Nevada Legislature's website under the tab for this meeting, which you will find by hitting the "View Events" button in the upper-right corner of the page. As is our usual practice, I'm going to let you know the regulations that we are either going to defer or I have been asked to hold for questions. 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 of those out, we'll take one motion and approve the remainder of the regulations, and then we'll come back to the regulations that have been pulled one at a time to discuss those in turn.

If you'll give me a moment here, let me pull up my list and let folks know what I've already been asked to pull. I guess, let me start with this one. There is one that I'm going to defer to a future meeting, so this means it will not be included in the motion and it will not be pulled out for individual discussion, and that is R134-20. Again, that's R134-20. That's the Division of Business and Industrial Relations. That one will not be considered today.

Beyond that, I have a handful that folks have asked me to pull for discussion. I'll go ahead and list those in order as they appear on the agenda. Starting under 2020 regulations, we will pull for discussion R130-20. Again, that is R130-20. That's the State Quarantine Officer regulation. I'm going to keep a running tally, so that will be one. Then, moving on, the next one we'll pull is R052-21. That is R052-21, Nevada Tax Commission. We'll pull the very next one as well, R062-21. That is R062-21, the State Board of Health. Then we're going to skip forward quite a bit, and actually that's going to be it for the 2021 regulations. We'll go to the 2022 regulations and the ones to be pulled there. The first one should be the third one listed, R016-22. That's R016-22, Aging and Disability Services Division of the Department of Health and Human Services. That will be pulled for discussion. That is it for that particular category.

Now, if you go to the bottom of that list that you should have, there are a couple of regulations that were previously deferred and they've been brought back for consideration, and we're going to pull both of those for discussion. So, at the very end, the first one is R088-20. That is the State Board of Health, R088-20. Then the next one would be R119-21. R119-21, the State Board of Pharmacy.

That is what I have. Let me just check before we do a motion if there is anything else that members would like pulled. I'll start here in Las Vegas. Any additional regulations that members here would like pulled for discussion? I'm seeing shaking of the heads in the negative. Let's go up to Carson City. Any additional regulations that any of the Commission members up there would like pulled?

Senator Settelmeyer:

No, Mr. Chairman. If nobody has a question on Zoom, I'd be willing to make a motion whenever you are ready, sir.

Chair Yeager:

Thank you, Senator Settelmeyer. Let's just go to the Zoom quickly to see. Are there any additional regulations that our members on Zoom would like pulled for discussion? Okay, I'm not hearing or seeing anyone, so Senator Settelmeyer, I'll give you the honor of making probably a very long motion for us to consider, and thank you ahead of time for doing that for us. Please, go ahead.

Senator Settelmeyer:

No problem, Mr. Chairman. Thank you, sir. I would move to approve regulations R101-19, R122-20, R128-20, R175-20, R015-21, R016-21, R017-21, R027-21, R029-21, R033-21, R037-21, R041-21, R050-21, R071-21, R072-21, R073-21, R074-21, R078-21, R079-21, R114-21, R115-21, R116-21, R120-21, R121-21, R125-21, R126-21, R127-21, R128-21, R005-22, R008-22, R024-22, R025-22, R026-22, R032-22, R033-22, R034-22, R038-22, R041-22, R045-22, R050-22, R051-22, R052-22, R057-22, R063-22, R064-22, R065-22, R069-22, R071-22, R080-22, R085-22 and R170-22. Sixteen years ago when I began this process, I didn't have to wear glasses. Thank you, Mr. Chairman.

Chair Yeager:

Thank you for that motion. That was a long one, and I think you got it right on the money.

SENATOR SETTELMAYER MOVED TO APPROVE REGULATIONS R101-19, R122-20, R128-20, R175-20, R015-21, R016-21, R017-21, R027-21, R029-21, R033-21, R037-21, R041-21, R050-21, R071-21, R072-21, R073-21, R074-21, R078-21, R079-21, R114-21, R115-21, R116-21, R120-21, R121-21, R125-21, R126-21, R127-21, R128-21, R005-22, R008-22, R024-22, R025-22, R026-22, R032-22, R033-22, R034-22, R038-22, R041-22, R045-22, R050-22, R051-22, R052-22, R057-22, R063-22, R064-22, R065-22, R069-22, R071-22, R080-22, R085-22 AND R170-22.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you, Commission members, and we'll give our members of the audience here and in Carson a second. If you were just here for your regulation that's already been approved and you don't want to stay for the rest of the meeting, while we're sad about that, we certainly understand and we'll let you go about your day. In about another 30 seconds to a minute here, we'll go ahead and come back to the regulations and start with the first one.

All right, we'll go ahead and come back to order. It turns out that here in Las Vegas we're not as popular as we thought. Most of the room has left, so thanks for those who are sticking around. All right, so we're going to go ahead—one second. Okay, we're going to go ahead and start with—we'll just go ahead and take the regulations in order as they exist on the agenda, so the first one we're going to discuss is R130-20 ([Agenda Item V-D](#)). That's the State Quarantine Officer, a regulation establishing firewood quarantines. I'm not entirely clear who is with us and where they are joining us from, but if you are here for that particular regulation, if you could just let us know that, and I'm sure we'll have some questions.

Ashley Jeppson (Administrator, Division of Plant Health and Compliance, State Department of Agriculture):

Good afternoon, Mr. Chair. I'm Ashley Jeppson with the Nevada Department of Agriculture and I'm the Division Administrator for our Plant Health and Compliance Division. I'm happy to answer any direct questions or provide an overview of the regulations should that be preferred for your Commission.

Chair Yeager:

Thank you for being here. I think we'll just go right to questions, and I believe Senator Settlemeyer may have a question on this one, so we'll start up there.

Senator Settlemeyer:

Thank you, Mr. Chairman. Specifically, my question dealt with the concept of exterior firewood quarantines. It's probably a question for Legal, and I know the answer, and that's kind of why I'm asking. How does this apply to tribes? I ask because, in Douglas County, we have the tribe just is going to be opening up a logging mill, and then we also have a firewood center located down by my other ranch as well, and if we're going to try to keep

away invasive species, infestations and things of that nature, how are we going to do that if there's a segment that doesn't have to obey these rules? Do they have to actually obey the US Department of Agriculture's quarantine rules, or is the tribe exempt from all that? That may be more of a question for Legal, unless she knows that answer.

Ms. Jeppson:

I don't want to speak out of turn, but my experience thus far has been that our authority is limited when it comes to tribal land, so I will defer that to Legal as well for their insights, but so far, in other programs, that has been the answer that we typically run into.

Chair Yeager:

We could have Mr. Killian up in Carson City offer some insight on that as well.

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

Thank you, Mr. Chair. This is a situation where the Federal Constitution's Commerce Clause comes into play. The Commerce Clause is not just interstate commerce but also applies to tribal commerce, and it reserves those matters to the federal government. To the extent that this would be a regulation of a state entity that attempts to regulate commerce with the tribes, that would be—that exercise of this power would be precluded by the Commerce Clause and reserved to the federal government instead.

Senator Settelmeyer:

Thank you, and thank you for that, Mr. Chairman. I'm just concerned that we are passing a law that there's a pretty large loophole around that you could literally drive a logging truck through. Thanks.

Chair Yeager:

Thank you, Senator. Are there additional questions from Commission members on R130-20?

Senator Goicoechea:

Mr. Chair, then I guess I'm concerned that we can in fact quarantine any firewood that is coming from out of state? Is that not in itself also contrary to interstate commerce?

Mr. Killian:

Thank you, Mr. Chair. I wasn't sure if the agency wanted to speak to that, but it's my understanding that there are provisions in place to allow for this kind of interstate

quarantine under federal law, but I believe the agency may have better information on that than I do.

Senator Goicoechea:

If I may follow up, Mr. Chair? When we start talking firewood, are we talking wood pellets? How far down the line you get, I don't care. You can go to Maverik or Walmart and see these bundles of firewood. Are they all in fact being inspected or cleared, and if not, then who's going to do this work?

Chair Yeager:

I think that question is probably for the agency rather than Mr. Killian, so please go ahead.

Ms. Jeppson:

To answer your initial question, there are clauses that do allow the federal government and state to have those quarantines in place. It's fairly common. A lot of other states have similar provisions. In fact, most of the language that we have here has been referenced from Utah. It does allow us to establish a quarantine. Typically those are pest-oriented.

To answer the second piece of your question, you're correct that firewood is widely distributed, and trying to capture all those different avenues will be a challenge, so we did involve the Nevada Division of Forestry. We did have a pretty massive call, and this has been a national effort to try to educate and try to get as many eyes out there involved as possible. There will be a lot of outreach and education. There will be spot checks to look at those labels, see where things are coming from, but a big part of that is flagging the areas of particular concern where these pests are coming from that we want these retailers to be particularly cognizant of, so there will be a lot to it. There will be a lot of outreach and education. There will be spot checks to look for that labeling, and it will be a divide-and-conquer effort with some of our partners as well that are in the campgrounds, in the parks, our folks that are doing retail inspections to keep an eye out for so we can do our best to try to mitigate this issue.

Senator Goicoechea:

Thank you. Thank you, Mr. Chair.

Chair Yeager:

Certainly. Any further questions from Commission members?

Senator Settelmeyer:

Ready for a motion, Mr. Chairman?

Chair Yeager:

I am ready.

Senator Settelmeyer:

Thank you, Mr. Chairman. I move to adopt regulation R130-20. I'm still very concerned that it doesn't go far enough in many respects, especially as we try to protect Lake Tahoe, and then you have somebody bring in some bad firewood and unfortunately bring a beetle up there, but I guess doing something's better than nothing, but yet, like I said, there's problems with this. Maybe next session someone can try to figure out how to make it slightly better. But with that, I move to adopt regulation R130-20. Thank you, Mr. Chairman.

SENATOR SETTELMEYER MOVED TO APPROVE REGULATION R130-20.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That takes us next—the next one I believe we had pulled was R052-21, the Nevada Tax Commission, a regulation implementing the provisions of SB 389 relating to peer-to-peer car sharing taxes ([Agenda Item V-D](#)). Again, I'm not entirely sure who we have with us, so if you are here for that regulation, could you just let us know that you are here and we'll have some questions.

Shellie Hughes (Executive Director, Department of Taxation):

Good afternoon, Mr. Chair. My name is Shellie Hughes, Executive Director for the Department of Taxation. I'm here to answer any questions you may have.

Chair Yeager:

Great, thank you. Good to see you, Ms. Hughes. I actually had a question on this, so I'll go ahead and ask that and then we'll see if anybody else has questions. My only question really pertains to the information that will be collected by the Tax Commission relative to the vehicle that is being used for peer-to-peer car sharing. In the regulation itself it lists a number of items of information that will be collected, including the name and contact

information of the shared vehicle driver. I have heard some concerns about that, whether that information is necessary, and so just wanted to kind of get your, I guess, topline view of what exactly the Tax Commission is intending, what kind of information you're intending to collect and how that information would be related to, I guess, carrying out the mission of SB 389.

Ms. Hughes:

We worked very closely with industry on this regulation and were just recently notified of industry concerns. However, NRS 482C.245 authorizes the Department to access all records of a business, so that would include the host's name in this instance, which is the car owner's name and contact information. Something that may ease the concerns is NRS 360.255 requires the Department to keep any records that we obtain confidential, so any of this information that would be submitted to us would be confidential and we would not disclose that. Our Taxpayer Bill of Rights does provide that we will collect the minimum documentation that may be reasonably required for audit purposes, so if we don't need the information we will not request it. However, at this time we do see that the quarterly report would be necessary to determine that all taxes have been accurately remitted to the state. The type of information that is being required is the host or car owner's name and contact information, the vehicle VIN (vehicle identification number) number and license plate number, the date of purchase and the full amount of the purchase, and whether or not sales tax has been paid on that vehicle. That is so that we can ensure that sales tax was properly paid to the State of Nevada.

Chair Yeager:

Thank you, Director. Not to put words in your mouth, but I think what I hear you saying is you're going to collect the information you need to be able to do your job as the Department of Taxation but you don't intend to collect anything beyond that, and of course, keeping that information confidential is not only good policy but required statutorily as well.

Ms. Hughes:

Yes, that is correct.

Chair Yeager:

Great, thank you. Any additional questions on this regulation? We'll start down here in Las Vegas. Any questions? Don't see questions. How about in Carson City or on Zoom? Anyone else like to ask a question on regulation R052-21? Okay, I'm not hearing any. I know I'm the one who pulled it, but I don't think I'm supposed to make the motion, so could someone else make the motion to approve?

SENATOR DENIS MOVED TO APPROVE REGULATION R052-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

We're going to go next to the very next regulation on the list, R062-21 ([Agenda Item V-D](#)). Again, I'm not entirely sure who we have and where that person would be. If you are here for that regulation, could you let us know, please?

Leticia Metherell (Health Program Manager, Division of Public and Behavioral Health, Department of Health and Human Services):

Hi, this is Leticia Metherell. I'm here.

Chair Yeager:

Okay, great. Thanks so much for joining us today over Zoom. I believe we'll start with Assemblywoman Krasner, who I think had a question on this one.

Assemblywoman Lisa Krasner (Assembly District No. 26):

Hi. Thank you, Chair Yeager. It's just more of a comment. I still have concerns about these freestanding birthing centers because, in accordance with AB 287, which was the Assembly Bill that brought forward this legislation during the 2021 Legislative Session, in the bill it states that the freestanding birthing centers have to be 30 miles from a hospital that provides neonatal ICU (intensive care unit) services. I'm informed that an infant born in fetal distress who needs neonatal ICU services needs to be 15 minutes away from those services or the infant will die. That's my concern here. I'm just wondering if there's any change.

Ms. Metherell:

Since that's a statutory requirement, I don't believe it's something I could address with the regulations. I would leave that up perhaps to legal counsel, but it's in the statutes.

Assemblywoman Krasner:

Yes. Anyway, I want to put that on the record. I think it's very dangerous, but I do understand that the Nevada Hospital Association wants these regulations passed because they want some regulations on these freestanding birthing centers. Thank you.

Chair Yeager:

Thank you, Assemblywoman Krasner. I think that is correct. That is a statutory requirement, so that could not be changed by regulation without directly contradicting the statute, so that will be up to a future Legislature to decide whether some changes need to be made in that regard, but we do have this regulation in front of us today, and I want to give other Commission members an opportunity to ask questions if you have them. Let's start here. Las Vegas, any questions? I have a very quiet group in Las Vegas today. I am the only one speaking. How about up in Carson City or on Zoom, any questions?

Senator Settelmeyer:

I believe that another section of this law that gets into it on R062-21 is the whole discussion of "birthing person." I can't find the correct page on it, but I believe that that is within this discussion as well. My mom's been passed away for 10 years, and I sure never would have told her she was a birthing person rather than a mom, so I'm a little concerned about that type of language in the bill, or rather within this reg. I wonder if anybody could address that.

Ms. Metherell:

I have Assembly Bill 287 here and it does omit like "mother," "father." It says "person giving birth," "person giving birth," so it's just keeping it standard with the statutes. "A person who gives birth" is in the statutes.

Senator Settelmeyer:

I appreciate that, and thank you. Thank you, Mr. Chairman. I consider a person who gives birth to be a mother, and I'm going to stick to that. Thank you.

Chair Yeager:

Okay, do we have any further questions about the regulation? Okay, I'm not hearing any questions. I would take a motion, if someone would like to make one.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO APPROVE
REGULATION R062-21.

SENATOR DENIS SECONDED THE MOTION.

Chair Yeager:

Is there any discussion beyond what we've heard already on the proposed regulation?

Senator Goicoechea:

Mr. Chair, I'm going to be consistent. I voted against the legislation and I don't like the reg any better. Thank you.

Chair Yeager:

Okay. Thank you, Senator. Any further discussion before we vote?

Assemblyman Roberts:

Thank you, Mr. Chair, and likewise, I voted for the bill last session, so I'll be supporting this regulation.

Chair Yeager:

Thank you, Assemblyman Roberts. Further discussion? Okay, I don't hear further discussion. I have a feeling I know how this one might go, but let's take the vote and see.

THE MOTION PASSED (SENATORS BUCK, GOICOECHEA AND SETTELMAYER AND ASSEMBLYWOMEN DICKMAN AND KRASNER VOTED NO).

Chair Yeager:

All right, moving along, our next regulation for consideration is R016-22 ([Agenda Item V-D](#)). That's Aging and Disability Services Division of the Department of Health and Human Services, a regulation revising provisions relating to sign language interpreters. As you, Commission members and members of the audience, might have noticed, we actually have sign language interpretation of this meeting going on. That's largely because of this particular regulation. But I do believe we have Ms. Montoya with us to answer questions about this regulation. I just want to confirm that before we take questions that Ms. Montoya is here and available.

Jennifer Montoya (Interim Communication Access Services Program Manager, Aging and Disability Services Division, Department of Health and Human Services):

Yes, I am here, connected by Zoom. I am the Interim Communication Access Service Program Manager. We also have Adrian Navarro with us as well.

Chair Yeager:

Great, fantastic.

Ms. Montoya:

She is—for our program.

Chair Yeager:

Fantastic. I'm sorry for interrupting. I'll try to give a little bit of time for the interpretation. Thanks for being here. I think we had Assemblywoman Dickman who had a question on this one, so if that's the case, Assemblywoman, if you would like to go ahead and ask your question, please.

Assemblywoman Jill Dickman (Assembly District No. 31):

Yes, thank you very much. I have some concerns with the fact that we're raising these standards so high that it's going to create barriers for qualified interpreters, thereby reducing the number of those available, and we already don't have enough available. Do you anticipate a drop in available interpreters, and if so, can you put a percentage or a number on it?

Ms. Montoya:

To answer your question, the NRS was passed in 2001, and then that led to us having the NAC in 2008. We've had quite a bit of time go by. We didn't have a lot of resources available when these laws were put into effect in regards to sign language interpreters and raising the bar for their quality, but we do now. One example is our program, the Communication Access Service, provides mentoring and assistance to interpreters all over the State of Nevada who are currently working in the state. The mentoring program is free of charge to any sign language interpreter that is interested. The changes are not going to impact the availability of the interpreters that we have in our state. They will have a 5-year grace period in order to meet these requirements, and that doesn't even begin until August 1, 2023. So really, if you break that down, there will be 6 years from today in order to meet those changes and in order to bring the quality of the interpreters up. We also have an ability to register in the State of Nevada in an interim so that they can have the time—to meet those new requirements. They'll have time to bring their skills up in order to change their registry level that they're at. I do want to emphasize as well that the

law is to protect the consumers of sign language interpreters to make sure that the interpreting services they're receiving are of the highest quality so those who are using the interpreter—their protection should be more of a concern than—so we want to make sure that those who are using interpreters, the deaf community, have access to communications and have the highest quality interpreters that they can be.

Assemblywoman Dickman:

Thank you for that, and that's my concern as well. I agree, we need the highest quality interpreters, but I would hate to see a shortage as well because that would cause problems also, but I appreciate your explanation and that makes me much more comfortable with this regulation.

Chair Yeager:

Thank you, Assemblywoman. Are there additional questions from Commission members?

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE REGULATION R016-22.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you, Ms. Montoya, for being here today and walking us through some of those questions in the regulation. Okay, Commission members, we have two more to go I believe, as far as regulations, and then we have a little bit of other business on the agenda, but we're going to go next to R088-20 ([Agenda Item V-D](#)). That is a 2020 regulation from the State Board of Health, a regulation establishing provisions relating to newborn screening. I think we have—hopefully I'm pronouncing it right, Ms. Ives. It looks like I see someone coming to the table in Carson City. If you could confirm that I didn't butcher your name and that you're here for this regulation, please.

Stephanie Van Hooser (Administrative Director, Nevada State Public Health Laboratory):

Hi, I'm Stephanie Van Hooser, Administrative Director for the Nevada State Public Health Lab, and I am joined with Ofelia Gentscheff. She is our short-term Follow-Up Coordinator for Newborn Screening, and then Vickie Ives with the Department of Public and Behavioral Health, Maternal Child Health, should be on Zoom.

Vickie Ives (Deputy Bureau Chief, Division of Public and Behavioral Health, Department of Health and Human Services):

Good afternoon. Yes, Vickie Ives, Deputy Bureau Chief, Child, Family and Community Wellness, Division of Public and Behavioral Health. Thank you.

Chair Yeager:

Great, thank you. Well, I'm glad I didn't get the name incorrect at least, and thank you to the two of you who are here in Carson City as well. I wanted to give Commission members an opportunity to ask questions. Of course, we'll have a vote and we'll be able to make any sort of discussion points at the time of the vote, but if there are questions on the particular regulation, now would be a good time to ask those. Let me start here in Las Vegas to see if there are any questions. I don't see anyone in Las Vegas. I see Assemblywoman Krasner on the Zoom I believe has her hand up. Yes, that is real time. I wasn't sure if that was still the old frozen frame, but that looks like a new hand raise. Assemblywoman Krasner, we'll go to you for the first question, and then we'll take additional ones after that.

Assemblywoman Krasner:

Thank you, Chairman Yeager. My question is, are freestanding birthing centers required to send in blood samples as all the other hospitals are required to do, and if not, why not, and what is the public policy reason? Thank you.

Ms. Ives:

Thank you for the question. At the time the regulations were drafted, the codified changes coming out of last session that updated the term "obstetric center" and replaced with "birthing center" throughout the chapter had not yet been codified. Yes, the references to "obstetric center" have since been changed to "birthing center" throughout, so it would apply. Thank you.

Chair Yeager:

Any additional questions? I guess we'll stick with the Zoom for the time being, since you're on my screen right now. Anyone else on the Zoom have questions on this particular

proposed regulation? All right, I don't see questions on the Zoom. How about in Carson City in the Legislative Building? Are there questions there?

Senator Settelmeyer:

Mr. Chairman, I appreciate that. One of the things it was deferred on last time was a discussion of potential liability and, per say, the expansion, but regulations and NRS already dictate liability, but by extending out these tests and now everyone within that chain could be potentially liable, there was a lot of discussion from doctors to me that they were very worried about that. Was there any discussion of that during the regulations, or has there been any ability since last time we deferred that for that reason to reach out and try to alleviate those concerns or have those discussions?

Ms. Ives:

Thank you for the question. Liability was not specifically raised during the public hearing process, public workshop process or in any response to the small business impact statements. Liability just hasn't been brought up as a concern. Thank you for the question.

Senator Settelmeyer:

Appreciate that. Unfortunately, I've had several doctors reach out to me about that concern, and that does bother me. Thank you. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Are there additional questions in Carson City? I'm sorry up there, you're very small on my screen.

Senator Goicoechea:

I don't know whether—I guess I go to Ms. Ives down south, but anyway, section 5 of the regs, as I look at it, there is a significant expansion there of the liability. Again, we go from it's any position, midwife, nurse, obstetric center, hospital of any nature, attending or assisting, or the mother and any infant at childbirth—so on. I guess I'm concerned about—it doesn't really talk about it here, but we know we've got the term "the doulas" and they can run out 2 years in postpartum, and yet in the reg we are really tying that back to liability for almost anyone that is, was or will be in the room for the next couple of years, and that really concerns me. I know that the doctors I've talked to as well are very concerned about the exposure, the liability, and again, who—as you read this reg, if you're there, you can—you're either guilty or you can implicate somebody else. I'm just concerned about the expansion of the liability there.

Ms. Ives:

Thank you, Senator. In case—helpful context, it does—in NRS 442.008, it does state “any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the parent of any infant, at childbirth” shall make these examinations. Currently in statute, those groups are called out in relation to the testing for the inherited diseases, and the lab may want to speak to that further, but in case that’s helpful context. Section 5 conforms with the language in NRS 442.008, in case it’s helpful.

Senator Goicoechea:

Thank you, Ms. Ives. Mr. Chair, if I may, just a follow-up question to that. It’s my understanding, if these regs do not move forward, then in fact we would—it would either start over or we could bring it back to the Legislature in the form of a bill draft. I guess I’d be leaning that way. I’d like to see if maybe we can clean this up a little bit. We’re 4, 5 months from the session. Let’s clean it up there and get it right.

Chair Yeager:

I had a couple of questions that I think, one probably for the agency and one probably for Legal. We’ve gotten into questions on the regulation itself, and we certainly heard some public comment that I believe was in support of the regulation, but just kind of want to get a sense from the agency. What is the driver of this regulation? Why are you bringing this forward? What’s the purpose? What are you hoping to accomplish? Then when you answer that question, I’ll have a question for Legal.

Ms. Ives:

Thank you, Chair, for the opportunity to address. Some of the main goals are really to help the State Public Health Laboratory call out specific reference by reference the recommended universal screening list that federally has the newborn screening disorders listed, as well as to tie to the specific clinical standards and update some of the language that’s particularly for children that might need a transfusion before the heel stick that can be done or who are medically complex and have a longer stay. It updates some of the timelines for additional screening points that are needed in those contexts. It adopts national standards by name, the two references. It also allows for payment for laboratory testing at the time of testing, or when the test kit is obtained by the State Public Health Laboratory, as well as some conforming language consistent with NRS 442.008 that was just brought up in relation to section 5 of the proposed regulation, and some just pathways around reporting as well as to parents, information sharing to parents, both from the provider angle and, if there is no primary provider, from the lab, who the representatives there would be able to speak much, much better to that, but those are some of the main goals of bringing forward the regulation, to detail and add clarity around some—update some clinical processes, adopt by reference and call out some specific communications that are needed to families in the case that a disorder is identified. Thank you.

Chair Yeager:

Thank you for that. I guess just as a follow-up, we heard in public comment, I believe, and there was a letter submitted in public comment that said Nevada is either one of two or three states that do not currently do newborn screening for spinal muscular atrophy, known as SMA. Can you just confirm, is that accurate information, that there's only a couple of states that don't do that and we're one of them?

Ms. Ives:

That's correct.

Chair Yeager:

Great, thank you. Just a question for Mr. Killian, if I could. We heard some discussion about liability, and I guess I just want a little bit of confirmation that I'm processing this correctly, because I don't read the regulation to change whatever existing liability would be under statute. Certainly the regulation expands responsibility and expands testing, but I don't read it as changing existing framework of liability. Mr. Killian, if you could just confirm that I am correct about that, or if I'm not, if you could let me know that, please.

Mr. Killian:

Thank you, Mr. Chair. I will say that the regulation does not directly and explicitly expand liability. What the regulation does is revise the parties who are responsible for carrying out the heel stick. Under existing regulations it would be either the hospital or obstetric center, now freestanding birthing center, that is obligated to comply, and in the absence of compliance, or if the infant is not born in a hospital or obstetric center, the person legally responsible for registering the birth of the child is required to either have a physician, hospital, public health nurse or the State Public Health Laboratory take the blood sample. As revised by this reg, instead of the hospital or obstetric center, or if the infant is not born in one of those parties, it would be a physician, midwife, nurse, obstetric center, hospital of any nature, which aligns with the language in NRS 442.008. While there's not an explicit expansion of liability to those parties, there could potentially be different parties engaging in a medical procedure, and I think that's where the impression that there could be an expansion of liability resides, because there would now be additional parties obligated by law to perform a medical procedure that would not otherwise be obligated to perform that procedure.

Chair Yeager:

Thank you, Mr. Killian, appreciate that explanation. Okay, I've asked a couple questions; we've had some other questions. Are there additional questions before we consider voting on this one? I'm not hearing any additional questions. At this point, I would be looking for a motion to approve R088-20.

SENATOR DENIS MOVED TO APPROVE REGULATION R088-20.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

We have had some discussion on this already, but wanted to give Commission members a chance. If you wanted to make any further discussion or remarks before the vote, now would be a good time to do that. Why don't we start up in Carson City. Any discussion up there?

Senator Settelmeyer:

Mr. Chairman, thank you. With that being said, my objection is to section 5, the expansion of the scope of liability by the people that are affected by it. If it weren't for that section, I could easily vote for this, and I wish we could come back next session and specifically change that to give people more comfort. You're talking a disease unfortunately that does occur sadly—in the State of Nevada's history, I'm told three people have come up with this to record. Of course, I don't know if they were born in Nevada so I don't know if the test here would have prevented that, but three people have been diagnosed in the State of Nevada. That being said, again, my objection is to section 5, not the test or the fact that one particular entity out there is the one who might be able to sell the test. That's not it, it's the liability factor. With that, I'll be voting no. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Additional comments in Carson City? How about on Zoom?

Assemblyman Roberts:

Thank you, Mr. Chair. Look, I fully support the expansion of the testing. I just think we didn't get this right on a couple of things. I think Assemblywoman Krasner brought up the ambiguity in birthing centers now that we've added that just by regulation that I supported a couple votes ago, and we still have time to fix this. The liability section concerns me as well, so I just can't support it as is. I think we still have time to fix it and bring it back. I know they've been working on this for several years. I would even approve an extension if we wanted to do that today, if that was an option. I just can't support it as is.

Chair Yeager:

Thank you, Assemblyman. I think I saw other folks on the Zoom shaking their heads no for additional comments, but I'll give you another chance. Assemblywoman Monroe-Moreno, I think that's your hand that's up, so please, go ahead.

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

I apologize, Mr. Chair, I didn't have my hand raised. However, since you did call on me, I would say that, if you look at the way the regulation was written, as it's written now, it just delineates those that work in a hospital or an obstetric center or a birthing center in plain language so that anyone could understand it. I do not see it as an expansion of liability for any of those that are specifically listed because they would have already been under the original liability as the regulation was written. Now it just specifically states who those are, whether it's a midwife attending in a birthing center or in a home setting. It just says who actually is liable. I don't feel it expands the liability in any way, and for that reason, I will be voting for it, and when you look for a motion, I'm ready to take the vote, sir.

Chair Yeager:

Thank you, Assemblywoman. Stand by for that motion. I just want to give anybody else an opportunity to weigh in before we take the vote. Last call for comments or discussion. I don't see any. Assemblywoman Monroe-Moreno, would you like to make a motion? I'm sorry, we already made the motion. It feels like a Friday but it's still Tuesday. Okay, we already have a motion, we already have a second. We have completed discussion, so we will take a vote now.

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

Chair Yeager:

Okay, that takes us to our last one for discussion on today's agenda item IV, I think we're on, or D, or something to that nature. Anyway, R119-21, which is the State Board of Pharmacy ([Agenda Item V-D](#)). This is a regulation implementing provisions of AB 177 relating to the labels on containers of prescribed drugs. The listed contact I have here is Ms. Hunting. Ms. Hunting, if you are with us either in person or on Zoom, could you say something, or if there's somebody else there? Actually, I think I see someone else on Zoom. Please go ahead, sir.

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

Thank you, Chairman Yeager. Shirley works with me, so I'll be doing this today and I can answer any questions.

Chair Yeager:

Great, thank you. Sorry, it's hard to see on the screen sometimes, but thank you for being here with us. Committee members, you may remember we previously deferred this one. I think we gave some additional direction to the State Board of Pharmacy at a prior meeting, but we have this one pulled for discussion. I'm not sure if it was Senator Settlemeyer or somebody else, but Senator, if you had a question, please go ahead and ask it, or if not, somebody just pipe up and let me know they have a question.

Senator Settlemeyer:

Thank you, Mr. Chairman. I believe Ms. Dickman had a question, but I think it's similar to mine. The concept that has happened in other states in discussion that this type of a bill where we add additional languages onto a bottle is the right thing to do, but the question that comes is sometimes the bottle is not very large. As I mentioned earlier, having to wear glasses, I don't want to have to get a larger prescription in order to read the bottle if it gets smaller. Is there an exemption that would be allowed so that if it doesn't have the ability to fit? In other states, and probably shouldn't mention other states, but like Oregon has that type of an exemption where they state that "if it doesn't fit on the bottle, we won't do it," otherwise, you're making all the pharmacies liable for something that they just physically can't really do. I guess that's my question.

Mr. Wuest:

David Wuest, Executive Secretary to the Board of Pharmacy. As the language is in front of you, there's no exemption for that. That is more to the direction that this Committee gave us exactly. As it refers back to the bill, there's no listed exemption for it.

Senator Settlemeyer:

Thank you, and thank you, Mr. Chairman. That's my opposition is that you need to have an exemption just due to the simple fact it is not physically possible sometimes on these smaller bottles to fit additional languages, and we need to have an exemption to that effect. Thank you. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Assemblywoman Dickman, did you have a question as well? If so, please go ahead.

Assemblywoman Dickman:

Thank you, Chair. The Senator mostly covered it, but it's my understanding also that these pharmacists can be fined if the labels aren't in these other languages even if they don't fit. If we're going to be fining people, I don't see how we go ahead with this. As I

understand it, there's been discussions of fixing it next session, but what happens between now and then?

Mr. Wuest:

There's not a listed fine, and you can ask your own counsel that, but there's not a listed fine for this. I guess there is the possibility that the Board could get a complaint, and it would go through the typical complaint—as that does, people that have complaints again in Nevada go in front of their peers, so they would weigh the circumstances.

Assemblywoman Dickman:

Thank you. Could we ask Legal what the penalty could be if there's no penalty listed?

Mr. Killian:

Thank you, Mr. Chair. In general, when the law imposes a requirement on a party and the party fails to comply with the law, in the absence of any other penalty it would be a misdemeanor, and the penalty for a misdemeanor is generally a fine or not more than 6 months in jail.

Assemblywoman Dickman:

Thank you for that clarification. Thank you, Chair.

Chair Yeager:

Let me ask—I don't know, Mr. Wuest, if this is an appropriate question for you. Maybe it's more of a comment, but I'll just throw it out there in case you have any relevant information to add, but it just seems to me, when I go get prescriptions, I mean we're thinking of labels, but most of these bottles seem to have these very small labels that, and with apologies to Senator Settelmeyer because you're going to have to get your glasses out, but you have to peel them off, and it's almost like a CVS receipt. They're so long already, I guess I'm just not seeing the issue about having a different language because you already have the ability with these very small sort of folded and attached labels to include an incredible, maybe too much information at times on these labels. I'd just throw that out there as an observation. Mr. Wuest, I don't know if you have any thoughts on that, but it seems like putting something, the basic warnings and other languages—number one it might already happen with some of these medications. It certainly happens on over-the-counter things, but if you had any thoughts on that and whether that kind of a label would comply with the regulation.

Mr. Wuest:

Yeah, I do. Since I work for you, I will have to give you my thoughts because you're asking for them. The pharmacy—I think that in certain circumstances this could be challenging, in most it would not be. The pharmacies do have a way of folding the labels now so they kind of become a flag out the side of them. I think the intent of the legislation as I saw it was that the information is on the bottle at the time that the patient needs it. That's why I think there was resistance to having a separate piece of paper.

Chair Yeager:

Thank you for that. Any additional questions from Commission members?

Mr. Wuest:

I'm sorry, one more thing just to clarify. The Board does not have the ability to charge a misdemeanor, so it would not be the Board of Pharmacy that would charge that. That would be law enforcement if they were to go down that path.

Chair Yeager:

Thank you for that. Certainly this is editorializing, but it seems unlikely that law enforcement would spend resources going after labelers of prescription medication, but we'll let them speak for that at another time. Before we consider a potential motion, any additional questions?

Assemblywoman Monroe-Moreno:

Mr. Chair, I have a question. Can I just ask Legal, just to make sure that I'm understanding it correctly? In the digest, it says that the prescription drug will be in English and, upon the request of the prescribing practitioner, a patient or authorized representative, in any of the other languages. Does that mean only at the request, or is it every prescription, just to make sure I understand it correctly?

Mr. Killian:

Yes, this would only apply if there was a request either from the patient, an authorized representative of the patient or a prescribing practitioner for the label to be printed in a language other than English in addition to in English. Unless that request is made, the label would only be printed in English and not in an additional language.

Assemblywoman Monroe-Moreno:

Thank you so much for that clarification. With that understanding, I don't see it as an additional labor-intensive requirement that we are putting on our pharmacists or

subjecting them to any legal ramifications because it's not attached to every prescription. For that reason, Mr. Chair, I could support this regulation.

Chair Yeager:

Thank you, Assemblywoman. Additional questions? Okay, don't see additional questions. I would look for a motion to approve.

SENATOR DENIS MOVED TO APPROVE REGULATION R119-21.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Chair Yeager:

We've had a lot of discussion. Any further discussion anyone wants to put on the record before we take the vote?

Senator Settelmeyer:

Mr. Chairman, thank you for the opportunity to speak again. Again, the concept that there's no exemption level allowed—you can have several homes where you have a tiny bottle that's in English, but they have someone who is Chinese living there and they have somebody who is Hispanic living there and you have several languages on the bottle. There needs to be an exemption in order to protect legally the pharmacies, because this could just easily get out of hand, and that's why so many other states have, in my opinion, done the right thing and allowed that exemption. Based on that, I will be voting no. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator. Any additional discussion? Okay, I don't hear or see additional discussion, so let's see how this one goes.

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

Chair Yeager:

All right, give me a second here to regroup after that long agenda item. That takes us through agenda item V and it now takes us to [agenda item VI](#), which is the Legislative Audit. Specifically, item VI-A is a request for approval to continue the audits currently in progress pursuant to section 4 of NRS 218E.205 ([Agenda Item VI](#)). I believe we have Dan Crossman, Division Chief of the Audit Division, in Carson City with us to present this item. If that is the case, Mr. Crossman, please go ahead and proceed.

Daniel Crossman (Legislative Auditor, Audit Division, Legislative Counsel Bureau):

Thank you, Chair. Good afternoon, Chair Yeager and members of the Commission. I have two items for consideration today for the Commission under VI-A and VI-B, and I will address VI-A first. Under [agenda item VI](#), in the packet you'll see a letter to the Commission dated today requesting permission for the Audit Division to perform certain audits ([Agenda Item VI](#)). The first paragraph in that letter does pertain to this first item. Schedule 1, which is on the next page in the packet, lists the audits we currently have in progress. Pursuant to NRS 218E.205, we're requesting approval to continue these audits. While some of these will be presented at a meeting before the start of the 2023 Legislative Session, some will not be able to be completed and presented before that time. As a result, we respectfully request the Commission's approval to continue these audits under agenda item VI-A. Thank you.

Chair Yeager:

Thank you, Mr. Crossman. Are there any questions for Mr. Crossman about the request under agenda item VI-A? I don't see questions here in Las Vegas. How about in Carson City or on Zoom? Any questions?

Senator Settlemeyer:

It wasn't pertaining to this one particularly, but it was just kind of on the general concept of audits. I'm not going to be here, but I've had a lot of discussion with different individuals on the opioid settlement saying that somebody ought to do an audit of the contingency fees versus how much money per hour is being paid. I guess this is just a request to try to have that added to the next agenda to try to have that formal discussion. Thank you, Mr. Chairman.

Chair Yeager:

Thank you, Senator Settlemeyer. I think for item VI-A we obviously have to limit it to what's in front of us in terms of the discussion, but your request certainly is noted. I guess let's try to stick with VI-A. I think the request is for an extension of time for those audits. We haven't taken a motion yet, but any questions for Mr. Crossman on that request? Okay, I

don't see questions, so I would be looking for a motion to approve the request to continue the audits.

ASSEMBLYWOMAN KRASNER MOVED TO APPROVE THE CONTINUATION OF AUDITS CURRENTLY IN PROGRESS BEYOND THE BEGINNING OF THE 2023 LEGISLATIVE SESSION.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That takes us to item VI-B, which is a request for approval of the basic audit program pursuant to NRS 218G.120 ([Agenda Item VI](#)). Mr. Crossman, would you like to go ahead and present item VI-B for our consideration?

Mr. Crossman:

Thank you, Chair. Under agenda item VI-B, pursuant to NRS 218G.120, we are requesting approval of our biennial audit plan, which is included on Schedule 2 on the next page. Senator Settlemeyer will be excited to see that the opioid crisis response is actually included on that list of potential audits for us to consider. The proposed audits were selected using a risk assessment process consistent with our historical practice. This assessment includes various factors. That includes the length of time since the last audit, size and complexity of the agencies, and the nature of issues that we might be aware of, and other legislative interests that have been expressed. With agencies on our audit plan that have multiple divisions or programs, it is possible that we might perform just a single audit of a single program, or it's possible we could perform multiple audits within each agency. For audits that are noted as multi-agency audits, which is at the top of that list on Schedule 2, specific agencies will be determined at the time of the audit based on a specific risk assessment that will be specific to the objectives defined in that audit. The timing of the audits is contingent upon availability of our staff and is obviously impacted by additional resources, or additional audits, I should say, that are placed upon the Audit Division by either the Legislative Commission or by the Legislature, but we'll do our darnedest to complete as many of these as we can over the next biennium. With that, Chair, I'd respectfully request permission of the Commission to—ask the Commission to approve agenda item VI-B, our biennial audit plan. Thank you.

Chair Yeager:

Thank you, Mr. Crossman. Any questions for Mr. Crossman? I don't see any in Las Vegas. How about in Carson or on the Zoom?

Assemblywoman Dickman:

No questions. Could I move to approve?

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE BASIC AUDIT PROGRAM.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That then takes us to—so much paper in front of me today—takes us to [agenda item VII](#), which is a presentation related to the Oral History Project ([Agenda Item VII](#)), and I believe we have Mr. Nick Anthony, Division Chief and Director of the Research Division, who will be presenting this item today. I'm not sure if he's there in person or on Zoom, but Mr. Anthony, whichever manner you are joining us, please feel free to go ahead and present.

Nicolas Anthony (Research Director, Research Division, Legislative Counsel Bureau):

Thank you, Chair Yeager and members of the Commission. Before you today on agenda item VII is an informational item relating to the Nevada Legislature's Oral History Program. Within your meeting packet you do have a set of materials there, including a memo from myself along with a fact sheet and a snapshot of what the current Legislative Oral History Program looks like on the website. Just by way of brief background, the Oral History Program started in 2007 via legislative appropriation that session. The Research Division then went out on an RFP (request for proposal) and retained outside experts to conduct 17 oral histories of former legislators, as well as one of a former staff member. Since the 2008-2009 Interim, in 2015 the Legislature codified the Oral History Program and enshrined it as a duty of the Research Division in statute. That's why I'm here before you today. It is enshrined in statute in 218A.350, thus this report before you today.

Largely since it's been in statute, the way it's written, the Oral History Program is contingent upon available funding. There has not been any additional funding allocated to the program, so there have not been any additional oral histories completed since the 2008-2009 Interim. Thus, before you is a policy option. Should the Commission wish to move forward with the Oral History Program, there are two different options. One avenue would be the introduction of a BDR (bill draft request) during the 2023 Session which would appropriate funding. The Research Division would then go again to an outside RFP and solicit bids and find an available vendor to conduct those through a professional nonpartisan setting. The other option would be for the Commission to direct the Research Division to conduct oral histories via our own internal staff. There would be considerations there in terms of expertise, staff time, travel and the like.

So with that, Mr. Chairman, that's the current status of the report. Based on Commission direction, the Research Division would be pleased to return at a future date and lay out a plan, policies and procedures, which would then be up for Legislative Commission approval at that time. With that, I stand available for any questions.

Chair Yeager:

Thank you, Mr. Anthony. Any questions? Commission, we don't have really a specific request in front of us. As Mr. Anthony noted, we have a few different options today, which I think range from requesting a BDR, directing Research to sort of do this on their own, or we can ask them to put together a proposal as Mr. Anthony just said to bring back to a future Commission for future consideration. Before we do any of those things, I wanted to give Commission members a chance if they had questions about the program that you'd be able to ask Mr. Anthony those questions. Any questions about the Oral History Project that seems like it's been stalled for a little while but was clicking along there for a bit earlier—well, years ago. Any questions here in Las Vegas? No questions. How about in Carson City or on Zoom, any questions? No.

I'm not sure if this takes a motion or not, so I'll ask legal counsel, but I think probably given that I think, for a number of us, this might be the first time we're hearing about this program, that I think it would make a lot of sense for Research to put together a proposal and some more information about what a potential bill draft request could look like for the Legislature should this Commission decide to ask for that and bring that back to a future meeting for action. Is that something I need a motion on? Does that sound like something the Commission would be willing to approve, to simply ask Research to do a little bit more planning and bring us back something a little more concrete that we'd be able to look at and approve? Assemblywoman Jauregui has agreed to make that motion. So again, we're not agreeing to do anything other than consider this with a little more information at a future date.

ASSEMBLYWOMAN JAUREGUI MOVED TO APPROVE THE REQUEST OF THE RESEARCH DIVISION OF THE LEGISLATIVE COUNSEL BUREAU AS DESCRIBED.

SENATOR BUCK SECONDED THE MOTION.

Chair Yeager:

Before we take a vote on that, any discussion on the motion? I should ask Mr. Anthony, is that clear enough direction in terms of how the motion was made?

Mr. Anthony:

It is, Mr. Chairman, and we'd be pleased to return on a future agenda with additional information.

Chair Yeager:

Great, thank you.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you, Mr. Anthony, for bringing this to our attention, and we look forward to an update at a future meeting. That takes us now to [agenda item VIII](#), which is appointment of members to the Commission on Minority Affairs, NRS 232.852 ([Agenda Item VIII](#)). We have Ms. Erdoes here, Director of the LCB, who will present this item. First, would you like to explain item VIII-A, which is the rescinding of a previous appointment?

Brenda Erdoes (Director, Legislative Counsel Bureau):

Yes, thank you. Item VIII-A is basically a little bit confusing, and I apologize for that. We were asked by this body, the Commission on Minority Affairs, to take the action of rescinding the appointment of Jose Melendrez to an additional term of the Commission on Minority Affairs. The Chief Deputy Attorney General (DAG) who advises this body advises that the term that this Commission appointed him to violates the statute. What happened is that Mr. Melendrez actually served a few months of the person before him's term because that person had left early, so in addition to the 2 years that he just served

of what they call his second term, he had served a few months in the other one, and according to the AG's (Attorney General) reading of NRS 232.852, that's not legal. What they have asked you to do is to rescind your action whereby you appointed him to an additional term with the understanding that Mr. Melendrez would continue to serve because he is allowed under the statute, and again, the Chief Deputy DAG agreed with this, that he could serve until a successor was appointed, and the plan would be not to appoint a successor until the 2 years are up for this term. If you would like to—and I would tell you that the Commission on Minority Affairs is very excited to have him as a member and would like him to continue.

Chair Yeager:

Thank you, Ms. Erdoes. Does anyone have questions about that description of the conundrum we find ourselves in? Okay, I don't see questions. Again, the motion would be to rescind the action of this Commission where we appointed Mr. Melendrez to serve a new term on the Commission, acknowledge that he has agreed to continue to serve until a new member is appointed to replace him because he basically stepped in to fill a couple of months of someone else's term. I don't think he should necessarily be penalized for that, so this will allow him to serve until we find a replacement for him.

SENATOR DENIS MOVED TO RESCIND THE REAPPOINTMENT OF JOSE MELENDREZ TO THE COMMISSION ON MINORITY AFFAIRS.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

Thank you for that, Commission members and Ms. Erdoes. Now we move to item VIII-B, which is appointment of an additional member to the Commission on Minority Affairs pursuant to NRS 232.852. Ms. Erdoes, please.

Ms. Erdoes:

Thank you, Mr. Chair. The Commission on Minority Affairs has requested that this body appoint Jonathon Lau, and that's based on the information in your packet, which is also up on the internet for this meeting ([Agenda Item VIII](#)). It has his resume and everything up there, and it also explains the manner in which these folks are chosen to represent

various different minorities. Again, the action that we seek today would be a motion to appoint Jonathon Lau as a member of the Commission on Minority Affairs.

Chair Yeager:

All right, thank you. Any questions on that item? If there are no questions, would take a motion.

ASSEMBLYWOMAN KRASNER MOVED TO APPROVE THE APPOINTMENT OF JONATHON LAU TO THE COMMISSION ON MINORITY AFFAIRS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That takes us through agenda item VIII and to [agenda item IX](#), which is approval of early session hires for the 2023 Legislative Session. This is a pretty standard agenda item for us at this time of the interim. There is a replacement page for this item provided to members and to the public ([Agenda Item IX](#)). I believe Ms. Erdoes is here—she is obviously here with me, but she'll be able to answer any questions you might have about this request from our staff. Let me find [agenda item IX](#). Here we go. You should have that in your packet. Any questions for Ms. Erdoes about the early session hires for the upcoming legislative session? Okay, I don't see questions. I would be looking for a motion to approve.

SENATOR DENIS MOVED TO APPROVE THE EARLY SESSION HIRES FOR THE 2023 LEGISLATIVE SESSION.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

We are whipping right through this thing. Just a couple more items to go. That will take us next to [agenda item X](#), which is an informational item only, from our LCB Director, Ms. Erdoes. It's a status report of our legislative capital improvement projects, which those of you who've been to Carson City lately, you've seen evidence of the work that's being done. You do also have a handout in front of you, and I think that's available to the public as well ([Agenda Item X](#)). Ms. Erdoes, what is going on with our capital improvement projects?

Ms. Erdoes:

Well, there is quite a bit going on, actually. I would just like to note at the beginning of this presentation that because of the supply chain issues as well as labor issues, these things have gone slower than we thought, but actually everything is seeming to work well. The roof replacement, if you recall, you used to look out and you would see gravel on the roofs, like over the chambers. All of the roofs had gravel on the top with a layer of tar. That way of providing a roof just plain leaks in the—building, so we have bladders, which is a big tarp hung on the first floor rooms, a lot of them because there's so many leaks. All of the gravel was removed. There were actually big cranes out there. All the gravel was removed and instead there is a heavy layer of really amazing material that will keep us dry and will not allow—it's all sealed, so it's supposed to be for 30 or 40 years. You will not have water coming down the walls on the inside of the building. This will not fix the water coming down the walls on the outside of the building, which do contribute to some of those leaks as well, but this should take care of all of our roofing problems, and it will be completed in mid-November. If you don't get to the Legislative Building before mid-November, you probably won't get to see the cranes.

The concrete replacement project is, as you see there, approximately 25 percent complete. What we are calling the upper pedestrian plaza is on the west side of the building where the main entrance is, across there, and there's a picture there that you will see that has red sort of lines in it, and what that is is the hydronic heat that will keep us from having to throw salt down and use shovels and heavy equipment to get the snow and ice off when you are trying to go into the building. This is estimated to—the hydronics to pay for itself based on all the deterioration, which is why we're replacing it in the first place—the concrete within the first year or two. We hope that is the case and that it keeps our sidewalks clear. What you can't see in this picture is that it goes all the way out to the street so that access from the front will be complete and then access from the back will be complete. The rest of the sidewalks, which we are mostly replacing in the whole mall, it goes all the way over to that wrought iron fence that's by the Capitol. The rest of that won't be. We just are doing it for access to the building. If there is bad weather between now and then, we'll have to complete it after the legislative session, but the access to the building will be complete by the time session starts.

The next project is the HVAC (heating, ventilation and air conditioning) upgrade, and the two pictures that you see below there are actually new displays that we will have on our computer which will allow us to know what is happening ([Agenda Item X](#)). If you look at the one on the left, that sort of pinkish area is where it's too hot, and so basically these will hopefully allow our staff or building staff to actually make you comfortable before you know that you are really hot or really cold. But the main thing is that this will be much more cost effective to work on, and it also tells us what the boiler is doing which is a good thing to know.

On the next page, the exterior restorations and the renovation project, which is to basically get rid of the stained material on the outside of the building, which is a result of all the water that's gone down because it's—the outside layer has separated from the building itself and so water drains down there. Basically, we've completed the conceptual designs and we are trying to evaluate the best way to go forward with this project.

The east security plaza is—that's between the Legislative Building and the parking garage there, and that will replace going through security in the garage because it's highly recommended that where you go through security is directly attached to your building. This will accomplish that. If it's not completed before session, this will be an ongoing—we'll have to finish it, so instead of using that entrance coming out of the garage going into this covered area and into the building through security, the access will be on the north side of the building. It sort of lines up with where you go to the Capitol across the mall there. So, you'll come straight out of the parking garage, through that exit that looks right at the Supreme Court Building and walk straight up to that building that's in the center of the north side of the Legislative Building. There will be a nifty new concrete ramp replacing those stairs right there, which are always icy because they are on the north side of the building, but the ramp will be completely ADA (Americans with Disabilities Act)—in compliance with ADA completely. Once that's no longer needed, you'll still have the ramp there so people can access the building from the mall area through an ADA-compliant entrance.

The parking garage is—I think many of you knew that we were worried about being able to save it, and so we are very pleased to say that it's basically done. The only thing that's not done right now is the striping and recoating on the very top of the garage. It's open today. It opened yesterday, actually, the basement and the second level. The third level will be in about a week.

The committee room countertops have been all replaced. For those of you who ever got your clothing caught as I did as you move up toward the microphone because there was a piece of, whatever that's called, formica or whatever, that would grab you. These are solid. They have no seams so they are smooth, and we shouldn't wreck anyone else's suits or sweaters. Hopefully they'll last a long time as well.

Moving on to the asbestos, the survey was completed, which just means we've determined for sure where all the asbestos is still in the building. The Senate Majority

Leadership was done last interim. This time the Assembly Leadership area was done. It's that leadership suite as you walk in there. While we were doing that, there were a lot of changes, or basically things we were able to do to improve it. Besides the mitigation and removal of the asbestos, when we replaced—there were some leaks in the roof there and we couldn't access them very well until we got the asbestos taken out. Basically, we had to also replace all the ceiling tiles, so they got replaced with nifty, neat new ones that are sound reducing, and they actually look a little bit better too. Again, because of the leak there was repainting and replacement of the grid that holds those ceiling tiles. The lighting was replaced as well, so it's got LED lighting with different spectrums and different controls. You can dim them and things like that. Actually, as it turns out, the new lights, the LED lights are less expensive than all the other lights were, so it's, I think, very nice. We'll probably start going in that direction in the future as well as we remodel. There's also reconfiguration of the HVAC because it was one of those things where you turn the temperature up and it increased or decreased in a different room than you were in, so that's all been fixed. Then we also put some of the connections for the electrical on UPS (uninterruptible power supply) power so that it won't be totally dark in there when we lose power. The other thing that we had planned to do this last interim was abatement of the Senate Minority area on the second floor there, and that had to get pushed back, again due to materials and labor, to next interim, so we'll finish that then.

The next thing is the exterior granite replacement project. You might remember that, again, because water leaked behind, between it and its mounting. We had cracked granite. I'm happy to say only one piece fell off and it didn't hit anybody. We were pretty lucky, but we are replacing that. In addition to that granite, where it says Nevada State Senate and it says the Nevada State Assembly on the other side, those were removed and cleaned, and then we had the opportunity since we were doing the concrete to also light those, so eventually when this is all done and you drive by the front of the Legislative Building, the name will be lit up with energy-efficient lighting.

The door entry security system upgrade, which we had really hoped to get done this time because of the key issues and—anyway, the contract was executed and about 80 percent of the product is here, but the other 20 percent is not here. We don't think it will come in time to do it for this session, so it will be done immediately following session. This time you will still use the same key cards and keys to get in.

The next item is on page five of the handout ([Agenda Item X](#)), and that's the Legislative Research Library in the Legislative Building, and you can ask questions of Nick on this too because he worked on the design of this. What you are looking at in this picture is a computer-generated model of what you'll have there. But where the sort of beige octagon there is, it says it's the entry, and that is basically—well, that's the elevator, but the next thing that's glassed up there that does say the library entry is basically right across the hall from the gift shop, and so the glass matches up and all the angles match up too so it's symmetrical with the area across the hall from that. But this will allow for, I think, about half or so of the materials that you might want to look at in the library, legislative histories, historical books and things like that, so that legislators will have much more quicker

access because it will be downstairs, as well as part of the library staff will be here to be able to answer questions as well. We believe that'll be done the same time. We married that to the east security project because there was a lot of savings to include them both together, so that will be done at the same as that, as the pop-out for the security on the east side of the building.

Then we have three things to report that we're really done with, which feels very nice. The UPS lighting project: I don't know if you remember this, but the emergency exit lights weren't on UPS so when you had an emergency and the power was out, the exit arrows didn't light up, so that's been fixed. Then we replaced the two cooling towers on the roof that were totally disintegrated. We did get a new generator because ours is like, 50 years old, but the chips and everything didn't come, so that will be a project that we finish right after the 2023 Session. That's what I have for you today.

Chair Yeager:

Thank you. Thank you, Ms. Erdoes. It's exciting to see some of these projects coming together, and I'm glad we could save the garage. That was a little dicey there for a moment. This is an informational item only, so we don't have to approve anything, but this is a chance for Commission members to ask any questions you have about the information presented. Do we have any questions down here in Las Vegas? Go ahead, Senator Denis.

Senator Moises Denis (Senatorial District No. 2):

Thank you. On the Research Library, is that where the cafeteria and all that area is? Is that what this is?

Ms. Erdoes:

Yes, that is the area where the kitchen and that facility was where you could get coffee and stuff.

Chair Yeager:

How about up in Carson City or on Zoom? Any questions about all of our capital improvement projects? Is everyone worn down after the last couple of hours?

Senator Goicoechea:

Thank you for the parking garage.

Chair Yeager:

Senator Goicoechea, we're going to make sure you get that really small parking spot for your giant truck. Go ahead, Assemblyman Roberts. Did you have a question?

Assemblyman Roberts:

Just a comment. I'd just like to thank Director Erdoes. I think a lot of people don't realize the amount of work that you have to put in to get all this stuff done. I mean, this isn't just a minor project. It sounds like the whole building and the parking garage was about to collapse and she saved it. I just want to say thank you, Brenda, for all your hard work, and I know it's a pain having—for everybody to come and go in a building that's basically under construction, but you guys have done a great job, and I just want to say thank you.

Chair Yeager:

Thank you, Assemblyman, very well stated. I know she has been working hard on this for a long time, so it's going to be nice to see some of these improvements. Additional questions? Okay, don't see additional questions, so that closes [agenda item X](#). Just a couple more to go. Next is [agenda item XI](#), which is consideration of a Legislative Commission Resolution celebrating the 111th anniversary of the National Day of Taiwan and recognizing the 37th anniversary of the sister-state relationship between the State of Nevada and Taiwan. We have Ms. Erdoes here again with us to present this item.

Ms. Erdoes:

I think the text is in your packet and it's on the website for the public ([Agenda Item XI](#)). This is a traditional resolution that this body will do usually each year so it can be presented at the celebration of, this time it'll be the 111th anniversary of their National Day, and it will be presented this year in Foster City at their celebration.

Chair Yeager:

That's correct. I think it's October 6, right? This year in Foster City they'll be doing the celebration. We do need to take a motion on this one, but any questions before we take a motion? You can find that resolution, or find the—I guess it's a Legislative Commission Resolution. It's in the very back of the packet if you're following along, on the very last tab. Okay, I don't see questions. How about a motion to approve?

SENATOR DENIS MOVED TO APPROVE THE RESOLUTION
CELEBRATING THE 111TH ANNIVERSARY OF THE ESTABLISHMENT OF
TAIWAN AND RECOGNIZING THE 37TH ANNIVERSARY OF THE SISTER-
STATE RELATIONSHIP BETWEEN THE STATE OF NEVADA AND TAIWAN.

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

That takes us to our final item on the agenda today, which is item XII, our second round of public comment. As stated before, you will have two minutes to provide public comment. We'll start down here in Las Vegas. Those of you who've been down here, you can't really tell if someone is behind that pole, but I don't see anybody. I think we have run out of audience here in Las Vegas, and it looks probably the same in Carson City. But if I'm wrong about that, please come forward to give public comment. No in-person public comment. Can we go to the phone lines and see if there is anybody there who would like to give public comment?

Stephanie Alcantar:

Hello, my name is Stephanie Alcantar from North Las Vegas. I am a mother of a child born with spinal muscular atrophy and I'm very disappointed in this decision of not implementing SMA's—newborn screening panel ([Agenda Item XII A](#)). My son Aidan was born in January of 2021 with SMA, a rare genetic disease that causes debilitating muscle loss and is usually fatal for children by the age of two if not diagnosed in a timely manner. Because Nevada is one of the only two states that does not screen for SMA, we did not receive our son's SMA diagnosis for another 23 days after birth. In these 23 days, my son stopped swallowing on his own, was no longer able to breath without assistance and lost all movement in his body. He was weak and he was tired. He was only two weeks old when we didn't know if he was going to make it to see the next day. There are three treatments for SMA. Although they do not reverse all damage caused before taking the treatment, it is so crucial that SMA is added to the newborn screening panel to start treating these babies as soon as possible. Aidan is doing better since getting treatment at one month old. He can now sit independently, has decent upper body strength and no longer requires permanent ventilation or a G-tube for feeding. He loves Mickey Mouse and playing with his toy cars and he's striving to be the best that he can be. However, he lost so much strength before getting his diagnosis. This could have been prevented had our state screened for SMA so everything could have moved faster. There have been already fatal cases of children with SMA passing away in Nevada due to a late SMA diagnosis, and there are much more than just three people born with SMA in the State of Nevada. While a proposed newborn screening regulation will not directly benefit Aidan today, it will help other Nevada families with children born with SMA. More than 60,000 Nevada residents are SMA carriers according to Cure SMA organization. If both parents are SMA carriers, every child they have together has a 25 chance of being diagnosed

with SMA. It is the right thing to do, and I respectfully ask that you approve the newborn screening regulation immediately to screen for spinal muscular atrophy to help save future babies. Newborn screening will give future Nevada residents born with SMA their best shot at life and success. Thank you.

Chair Yeager:

Thank you for your public comment. Is there anyone else on the public comment line?

Broadcast and Production Services Staff:

Chair, there are a few other people on the line but they do not have their hands raised to participate at this time.

Chair Yeager:

Great. Let's just give them a quick minute just to make sure there's nobody who wants to participate, and if not, we will adjourn. Let's just give them about 30 seconds or so.

Did we have anybody else for public comment?

Broadcast and Production Services Staff:

The public line is open and working, but it does not appear that anybody would like to comment at this time.

Chair Yeager:

Great, thank you so much, BPS. Before we adjourn, I did want to hand it over to Senator Denis to make a remark.

Senator Denis:

Thank you, Mr. Chair. Because I don't know that we are going to have another meeting before November, I just wanted to take the opportunity to say that it's been an honor and a privilege to have served on this Commission probably at least 10 years. I even previously chaired this Commission. I think we do a lot of great work that people don't understand sometimes in this Commission, so I just wanted to thank everybody, especially staff that just makes it run smoothly and gives us all the things that we need to do. Thank you very much for allowing me to even be part of this. Thank you.

Chair Yeager:

Well, you are most welcome, Senator. Certainly appreciate your years of service, not just on this Commission but in the Legislature as a whole. If this is indeed the last time we're

together as this Commission, we obviously wish you the best and hope that you do not make yourself a stranger in the Legislative Building, because if nothing else, you have some capital improvement projects that you need to come check out and see how they look.

Senator Settlemeyer:

Mr. Chairman, in that respect, I'd like to echo Senator Denis' comments. Sad to say the last time I'll see all of you. Sad to say I won't be working with Mo. I think me and you have served the entire Legislative Comm history together on this Committee. I've been on it 14 years. In that respect, good to see you all and have a good one.

Chair Yeager:

Thank you, Senator. We're going to go to Senator Cannizzaro as well.

Senator Nicole Cannizzaro (Senatorial District No. 6):

Thank you, Mr. Chair. I just wanted to extend my thanks to both Senator Denis and Senator Settlemeyer, who I think without which we wouldn't be able to do the consent motions, because he's the only one who's really got that down pat, so we'll have to fill those shoes. It has been a true pleasure to serve with both of you over the last few years, and I appreciate that you have such dedication to the people of Nevada and to making sure that this state is a good one to live in, and I just will miss you both very much. I'm sad that it's the last meeting, and we'll definitely miss you.

Chair Yeager:

Thank you. Before I adjourn too, I do want to recognize that my colleague Assemblyman Roberts will not be coming back to the Legislature, but I want to remind him that he does still have years of legislative service available, so perhaps this is not the end of the road for him. But certainly wish you the best as well and thank you for your service, not just during the session but on this Interim Committee. I would say that sometimes people decide not to run and they kind of check out, but you have done the opposite of that. You've been very engaged throughout this process, and so appreciate your service as well and wish you the best.

Assemblyman Roberts:

Thank you, Chair, I appreciate that. I also have 4 years of college athletic eligibility, too. I don't think I'll be going to that either.

Chair Yeager:

Great, fantastic. Well, thank you to everyone for getting us through this meeting today. It was, I think, the biggest agenda we've had since we've been doing Leg Commission. We got done quicker than some other meetings, so that's a testament to your hard work, and of course, a thank you to the staff who does the real work behind the scenes to make sure that we are here and ready to do this. I'm not sure if we'll see you again before the election. We'll see how things shape up, but if not, we will see you all on the other side, and I hope everyone has a really great rest of the day and a really great rest of the week. With that, this meeting is adjourned.

RESPECTFULLY SUBMITTED:

Jordan Haas, Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chair

Date: _____

Agenda Item	Witness/Agency	Description
<u>Agenda Item II A</u>	Dr. Mary Schroth, Cure SMA	Public Comment
<u>Agenda Item III</u>	Jordan Haas, Commission Secretary	Draft Minutes of the Meeting Held on June 10, 2022
<u>Agenda Item V-A</u>	Bryan Fernley, Legislative Counsel	R101-19 for Continuance Request
<u>Agenda Item V-B</u>	Bryan Fernley, Legislative Counsel	R119-19 for Continuance Request
<u>Agenda Item V-C</u>	Bryan Fernley, Legislative Counsel	R024-20 for Continuance Request
<u>Agenda Item V-D</u>	Bryan Fernley, Legislative Counsel	Administrative Regulations for Review
<u>Agenda Item VI</u>	Dan Crossman, Legislative Auditor	Request for Approval to Perform Audits
<u>Agenda Item VII</u>	Nicolas Anthony, Research Director	Presentation Relating to the Oral History Project
<u>Agenda Item VIII</u>		Appointment of Members to the Commission on Minority Affairs
<u>Agenda Item IX</u>	Brenda Erdoes, Director	Proposed Session Hires for the 2023 Legislative Session
<u>Agenda Item X</u>	Brenda Erdoes, Director	Status of Legislative Capital Improvement Projects
<u>Agenda Item XI</u>	Brenda Erdoes, Director	Resolution Celebrating the 111th Anniversary of the Establishment of Taiwan and Recognizing the 37th Anniversary of the Sister-State Relationship Between the State of Nevada and Taiwan
<u>Agenda Item XII A</u>	Stephanie Alcantar, Cure SMA	Public Comment