



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON THE JUDICIARY

(Nevada Revised Statutes [NRS] 218E.320)

MINUTES

July 26, 2024

The fifth meeting of the Joint Interim Standing Committee on the Judiciary for the 2023–2024 Interim was held on Friday, July 26, 2024, at 9 a.m. in Room 165, Nevada Legislature Office Building, 7230 Amigo Street, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN PRIMARY LOCATION:

Assemblywoman Brittney Miller, Chair
Senator Melanie Scheible, Vice Chair
Senator Dallas Harris
Assemblywoman Elaine Marzola

COMMITTEE MEMBER ATTENDING REMOTELY:

Assemblywoman Danielle Gallant

COMMITTEE MEMBERS ABSENT:

Senator Lisa Krasner (Excused)
Assemblywoman Cecelia González (Excused)
Assemblyman Ken Gray (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Diane C. Thornton, Deputy Research Director, Research Division
Patrick Guinan, Chief Principal Policy Analyst, Research Division
Jen Jacobsen, Research Policy Assistant, Research Division
Maria Velazquez, Research Policy Assistant, Research Division
Karly O’Krent, Senior Deputy Legislative Counsel, Legal Division
Michael Viets, Principal Deputy Legislative Counsel, Legal Division

Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]

AGENDA ITEM I—CALL TO ORDER AND OPENING REMARKS

Chair Miller:

We all found where we are in our new building, and I am glad we were all able to make it here. I am going to call this meeting to order. This is our fifth meeting for the Joint Interim Standing Committee on the Judiciary (JISCJ). We have Assemblywoman Gallant on Zoom and Assemblyman Gray is having technical problems getting logged on, but it trying to participate. Senator Krasner and Assemblywoman Gonzalez are absent and excused, and the rest of the Committee is present in Las Vegas. With that, we do have a quorum.

[Chair Miller reviewed housekeeping and testimony guidelines.]

AGENDA ITEM II—PUBLIC COMMENT

Chair Miller:

We will start with our first agenda item which is public comment, which we have at the beginning and at the end of today's meeting. You can make public comment in a variety of ways by calling-in or emailing the comments to the Committee. We ask that you try to keep your public comment brief, to around two minutes, and if it is longer than that, we welcome you to send your full comments in an email to us, and we will get it to each legislator. I would like to open it up for public comment.

Tonja Brown, Advocate for the Inmates and the Innocent:

We know that next month this Committee is going to be hearing our recommendations and we are asking that you consider our recommendation that we have already provided to you to establish a petition for factual innocence posthumously. We have also provided you today with some documents. ([Agenda Item II A](#)). I know that you will be getting some opposition on the recommendations and that is pretty much normal. We do not know what the recommendations are, but we know that there will be recommendations. I want to nip it in the bud right now, because I know that you will in our particular case because it has happened in the past. I want to say that I am very fortunate in part compared to most people whose family has lost a loved one and have remained vigilant on trying to prove their innocence. In the process, I have gotten some public officials to go out of their way to misrepresent the facts of the case.

Recording played of unidentified person:

Except that her brother was involved in this case. Nolan Klein. You got to start with the case, this was a very nasty case. He was convicted of holding two girls hostage—they were nothing, they were just selling shoes at a shoe store. He held them hostage in the back room, raped them each several times, burned them with cigarettes, torched them, tortured them, did a lot of bad things. He was convicted after jury trial and sentenced.

I played that because that was played to thousands of people and not one thing that he said was true. This type of information that is being broadcasted by the media to the Legislature. Things like that in this case is not, and the segment after this is what resulted in the Honorable Judge Brent Adams issuing an order for Dick Gammick to

turn over the entire file in the case. When the file was turned over, all the exculpatory evidence was there. The handwritten notes of the prosecutor defying a court order. As you have heard in the past, I actually found the real perpetrator of the crime. Two years after his death, I have gone through the whole process. The only thing left is for this Committee to accept and pass our recommendation so that people like me and other families who have lost a loved one be given the opportunity to continue to exonerate their loved ones. Thank you.

Chair Miller:

I am feeling a little awkward as we are getting adjusted to this physical environment. You are used to seeing us look up at the screens and now we have these screens so if it looks like we are looking down, we are still watching. Please do not think that we are not paying attention.

Is there anyone else in Carson City wishing to make public comment? Not seeing anyone. Broadcast will you please open the lines?

Broadcast and Production Services (BPS):

Thank you, Chair Miller. To provide public comment, please press *9 now to take your place in the queue.

Caller with the last three digits of 556, please press *6 to unmute yourself.

Anne Marie Grant, Advocates for the Inmates and the Innocent:

I would like to talk about the Washoe County Conviction Integrity Committee Unit (CIC) and use it to exemplify why a posthumous exoneration/factual innocence bill is what is best if we are seeking true reform of our justice system. I requested data from the CIC in June 2020 for the number of cases that have been reviewed since its conception in 2018 and was told there was only one request from Tonja Brown in August 2022. I put in an additional request for an updated number of cases reviewed since 2018. I was told two have been reviewed, Nolan Klein and Tyrone Wells. The stark difference in the two cases that were handled by the CIC is telling. There was no alleged prosecutorial misconduct also known as "Brady violations" of withholding of evidence in Mr. Wells situation, his case got a thorough review; Klein's did not. I was truthfully shocked at [Assistant] District Attorney Jennifer Noble's clear resistance to having Senate Bill 354 when it was up for having factual innocence posthumous added to the bill. What is the point in having CIC if they are not going to truly investigate the case. If Jennifer Noble stated in Klein's case that the CIC cannot offer a more thorough assessment of the claim than the 12 citizens that served on the jury, a jury that did not get to see all the evidence, by the way. She also stated that ours is structured a little differently, and if any member of this Committee has any questions about how it functioned in the review of Nolan's case, the deceased sibling of Miss Brown, I would be happy to answer those questions offline and share any communications and evaluations. By the way, that information and data has yet to be shared four years later with any of the legislative committees. As client's attorneys of hers asked if she is not going to look behind jury decisions and appeals, what is the purpose of her committee? Truthfully, to me, it appears to be a dog and pony show and further proof as to why we need legislation on this. If you as the Legislature do not hold them accountable, they never will be held accountable. With a posthumous exoneration/factual innocence bill, the wrongfully convicted would not have to rely on the unrealistic expectation

of ensuring the same agency that perpetuated the injustice makes a sincere honest attempt at independent fact finding of the wrongful conviction. Thank you.

Chair Miller:

Thank you. Broadcast, next caller?

***Dora Uchel-Martinez, Representative, American Council of the Blind, Nevada
Disability Peer Action Coalition Advocate:***

Good morning, Chair Miller, Vice Chair, and everyone in the Committee. First, I want to thank you Madam Miller for all that you do in the hard-working interim Committee. Today is the 34th anniversary of Americans with Disability Act of 1990 (ADA), Pub. L. 101-336, 104 Stat. 327 (1990). I want to thank the City of Reno Mayor and the Regional Transportation Commission (RTC) Director, Bill Thomas. First time ever, today rides are free for all RTC services and the transit services, and we hope this can be statewide so that everyone with disabilities can take the ride for free. I am sorry, I have a background noise. I was getting my license at the Department of Motor Vehicles (DMV), but I think with everything getting [inaudible], I could not find my car where it was parked so they gave me a Real Identification Card instead. I just want to thank all of you and if Director Catherine Nelson will be presenting, she is one of our champions, and we thank her for all of her hard work and all of you legislators for doing the right thing. I know it is hard for you guys to sit there and listen to positive and negative things, but we appreciate you all and your services. One thing that I need to bring to the attention when I heard the agenda with a lot of judges on the agenda, the other day, my friend who is blind, went to the court and there was a touch screen computer system and if she did not have her sister to help her it would have been inaccessible to proceed and without people to help them out. I would really encourage that Department to ask to help them make their computer system accessible because it can happen. Thank you, Madam Chair, and everyone, please stay hydrated, and thank you for all that you do. Happy ADA day, take care. ([Agenda Item II B](#)).

Chair Miller:

Thank you. Next caller?

BPS:

Chair, you have no more callers wishing to participate at this time.

Chair Miller:

Thank you for that. I will go ahead, and close public comment, and we will resume public comment at the end of today's meeting.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON APRIL 26, 2024

Chair Miller:

Our next agenda item is Agenda Item III, which is the approval of the minutes for the meeting on April 26, 2024. Members, I trust that you have had an opportunity to review those minutes as they were emailed to us. Are there any questions about the minutes? All right, not seeing any, I will entertain a motion to approve the minutes from the Committee meeting on April 26, 2024.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON APRIL 26, 2024.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Miller:

We will move on to our next agenda item, which is a presentation by the courts on adult and minor guardianship in Nevada. We have presenters in Carson City, as well as here in Las Vegas.

AGENDA ITEM IV—PRESENTATION BY THE COURTS ON ADULT AND MINOR GUARDIANSHIP IN NEVADA

Honorable Egan Walker, District Judge, Second Judicial District Court, Adult Guardianship Division, Department 7, Washoe County:

Good morning, Chair, it is a great privilege to join you and the other Committee members. I bring welcome from the guardianship bench and our collateral colleagues across the State. We choose this morning to give you information about adult and minor guardianship. ([Agenda Item IV](#)). In order to best do that, I want to give you some background. Let me strike a somber tone for a Friday morning, and I apologize in advance, but is an important tone for our conversation. Wednesday of this week in one of my duties as a District Judge in Washoe County, I had the privilege of conducting a sentencing for a gentleman who attempted to burn his former girlfriend to death. That sentencing resulted in a prison sentence on the maximum end of 70 years. Yesterday, I conducted an adult guardianship calendar in Washoe County and had the privilege of granting guardianship over three adult human beings. That is a fairly average number each week for guardianships in Washoe County, for adult guardianships. The point I intend to make by this analogy is that the gentleman who I sent to prison on Wednesday for a very violent crime retains more constitutional rights than the people who are protected persons under the guardianships I granted yesterday. Why? The gentleman who goes to prison can still sue in his own name, he can marry, he can possess property, he can consent to medical treatment, and he can refuse medical treatment. As I indicated, he can sue in his own name and the people that I served yesterday can do none of those things after a guardianship is imposed. It is important to understand this lens through which we view the very vulnerable people we serve in adult and minor guardianship, because you can either view those people from a paternalistic perspective, like, "you need a guardianship, therefore we are going to impose one on you," or you can view them through the lens of person-centered service: "Do you need a guardianship and is there any alternative?"

I would like to share with you a little bit of the history about why that lens is so important. I have had the privilege of being involved with guardianship since 2009 as a judicial officer and prior to 2014, it was literally very much the wild west. My friend and colleague, Judge David Hardy in Washoe County who has authored a seminal article that is cited across the county about guardianships, brags still to this day that he could get a guardianship imposed over me in front of any of the then sitting judges in the district just by showing up with a petition. It was an unfortunate consequence of this worldview that if you need a guardianship, we are going to give it to you whether you want it or not. In 2014, and then

particularly in 2015, the world got kind of turned on its head here in Nevada. There was a series of very high-profile cases out of Clark County and out of Washoe County as well, where protected persons in guardianships had been abused in a variety of ways, their property had been taken without due process and their families had been disconnected from them without due process. It created a number of very high-profile, appropriately, high-profile incidents that spurred the Nevada Supreme Court and the judiciary into action. Justice Hardesty stood up a Guardianship Commission, that I was privileged to be a member of, which met 15 times in 2015 for the purpose of understanding how is it that we got so out of line in the worldview that we would strip people of their constitutional rights more than if we sent them to prison, without real protections.

In 2016, that Commission released a report, a very detailed multi-hundred-page report outlining recommendations for changes for the Legislature and for changes to the system. You all, meaning the Legislators, then enacted a very large piece of legislation in 2017, that carried forth very significant changes. Among other things, a group of us had the privilege of crafting a new chapter, Chapter 159A "Guardianship of Minors" of the NRS. We included provisions that require the appointment of counsel. Imagine, of course, in our criminal justice system, no one gives a second thought to the idea that the gentleman I sentenced on Wednesday had a court appointed attorney but until 2017, the people who I served yesterday, and imposed guardianships over did not even have attorneys. We created a civil *Gideon* right to counsel and through you all in 2017, we stood up a Guardianship Compliance Office. We have a remarkably good Compliance Officer and Compliance Office, that you are going to hear from in a few minutes, and they provide services to the judges throughout the State for investigation for financial forensics, et cetera. *The New Yorker* highlighted, really made a lot of hay, about some of the poor things that were happening in guardianship practices in Nevada in particular, in a famous article called "How the Elderly Lose Their Rights." The theme of the article was to point out how many of those constitutional rights get stripped from human beings when they are the subject of a guardianship. A permanent statewide commission was established, and I had the privilege of being a part of that and every commission since.

In 2018, the Supreme Court adopted a series of rules further clarifying and enhancing court procedure requiring that I actually physically see the human beings who are subject to a guardianship at least every three years. Imagine that! That we would actually see and assure that people are alive and well, and their needs are being met, lifting restrictions on ex parte communications. It is a tradition in the judicial system, of course, that nobody is able to just call a judge on the phone and say, "Hey Judge, I would like to talk to you about my case," but there are some emergencies that arise. A famous example is, I had a protected person on my docket who became pregnant. The issue of her pregnancy was very high-profile because the pregnancy was very high risk to her and very high risk to the developing fetus and there was no way for the Public Guardian's Office to give me an appropriate notice of this emergency that the baby is growing every day without ex parte communication, and so we lifted some of those restrictions. There were requirements again, confirming the requirement for representation of a protected person, how cases are terminated, and providing mediation services.

In 2019, the Legislature carried forward amendments to Chapter 162A "Power of Attorney for Financial Matters and Durable Power of Attorney for Health Care Decisions," bringing statutory codification of what are called less restrictive alternatives. We have learned that in many cases, persons who may have limitations to their capacity still retain many abilities, they still can tell us who they want to live with, where they would prefer to live, what literally would they like to eat, and what are the medical interventions they would like. We

can enable and lift-up their individual desires short of guardianship, through tools like less restrictive alternatives.

We wanted to share a bit of that history with you so that you might understand as we enter this Legislative Session, that Chapters 159 “Guardianship of Adults” and Chapter 159A “Guardianship of Minors” of NRS have been vetted, and very vigorously vetted, over time so that we have a robust set of rules with which to provide services to the citizens of the State. I would like to invite my colleague and friend, Judge Schreinert to move next in our presentation.

***Tamatha R. Schreinert, District Judge, Second Judicial District Court,
Family Division, Department 14, Washoe County:***

Thank you, Judge Walker. Judge Gentile from Las Vegas and I will be taking on the next portion of the presentation along with two of our staff from Washoe County and one in Clark County. I would invite Jonathan Bye and Mallory Nelson to join me as they are the Case Compliance Specialists in guardianship who will be the ones to actually give you the numbers. I will make a couple comments, and you will hear from me in a few more slides. I am very privileged to speak to you about this important topic. I became a judge five years ago and for five years I have been handling all of the minor guardianships in Washoe County. It is a very difficult docket that brings heartbreak and delight, and I am so pleased that you are taking an interest, and that we can give you this information. I think Judge Gentile also wishes to offer comments prior to jumping into the slides.

***Denise Gentile, District Judge, Eighth Judicial District Court, Guardianship
Compliance Division, Department F, Clark County:***

It is a privilege to participate in today’s session, and to present with my esteemed colleagues, Judge Walker and Schreinert from Washoe County and Staci Anderson and the other Compliance Officers from Washoe County. About me, my present judicial assignment is one-half of all adult guardianship cases in Clark County along with the domestic caseload. From January of 2021 to January 2024, I was assigned only adult and minor guardianship, so I have experience handling both case types. Also, I wanted to note that Judge Schreinert and I were appointed recently by the Supreme Court to Co-chair the Nevada Guardianship Commission that Judge Walker talked about. I look forward to working with her, the Commission, my colleagues, and the community stakeholders in addressing issues that need attention in Nevada’s guardianship system.

To provide a little context about adult guardianships, we are tasked with determining the need for the guardianship, ensuring the guardian is qualified to serve in that capacity, and then when a guardianship is granted, we evaluate and approve case plans for the protected person, and we review and approve budgets. We direct the management of assets and income with goals to ensure protection throughout the guardianship. The adults are also represented by counsel, as he mentioned, through the entirety of the guardianship that ensures the rights are protected and such representation is a benefit afforded to adults as a result of the 2017 Legislative reform to the guardianship statutes. As the guardianship remains active, we must ensure that the protected person’s needs continue to be met. We analyze annual reports about the person’s health and welfare. We evaluate annual accountings of their assets and income to ensure the monies are handled properly. We address any problems that arise with the protected person medically or financially. We have the support of investigators who often address allegations of abuse or malfeasance by the guardians. Those investigators are of assistance to the court in determining whether the guardians continue to perform their duties in caring for the protected person’s health,

welfare, and management of monies. Because guardians are vested with the responsibility of making those major life decisions on behalf of the protected persons, sufficient monitoring of these cases is of critical importance and is required by statute. As it pertains to these slides, 5 and 6, we provide statistics demonstrating the numbers of active cases each year for adults and minors and the number of new cases filings as well on the next slide.

Since 2020, you will see that the numbers trend upward precipitously and with the increase in open cases and in practicality, it means an increase in hearings, more paperwork, more interfacing with the guardians, more interfacing with the protected persons, and an overall increase in case oversight to ensure the needs of the protected persons are met. These requirements are in large part due to that 2017 Legislative reform, which really has transformed the guardianship system in impactful and positive ways and ensures the vulnerable populations under guardianships are better protected. The increases that we see in adult cases are likely attributed to the aging baby-boomer population. People are living longer in general. The nationwide increase in diagnosis of Alzheimer's and dementia, all in conjunction with the continued population growth experienced in Clark County. As it pertains to the increase in minor cases, the upward trend is likely due to the same thing, population growth in Clark County, as well as the lack of resources for parents, social services, economic and mental health resources, and further internally, we have improved our processes to account for each minor individually rather than a sibling group from one family, which is the way we did it before, so the numbers are more accurate since 2022. As of July 1, 2024, you will see that the two adult guardianship judges manage approximately 3,930 active cases, which means 1,965 open cases each. This is a caseload increase of about 20 percent from four years ago, and it is pretty significant. The two minor guardianship judges manage about 3,300 active cases and 1,650 each—an increase of approximately 10 percent from four years ago. That is in addition to our domestic caseload. You can imagine, it is a pretty significant load.

For some context, the statistics will demonstrate there are more new guardianships every year, but there is not a corresponding closure of an equal number of cases, so it is always increasing. For example, when an adult guardianship opens, it closes for only a few reasons, but most case closures are due to death of the protected person. That means the case could be open for many years and sometimes decades. For minor guardianships, they are different because the guardianship ends when the minor reaches 18 by operation of law, but the minor's case still may remain active for many years depending on when it is granted. You can see the caseloads have grown each year while the judicial resources have remained static. With the concerted effort of our teams, we are proud of our progress in the management of these cases. Everyone has gone above and beyond with their dedication and hard work to ensure that we are implementing the statutory processes necessary to properly manage the guardianships. Given the unrelenting increase in the guardianship filings, the workload will be unsustainable without some resources. Presently, our Chief Judge Jerry Weiss has assembled a committee which is in the process of performing a weighted case study to determine the court's needs in all case assignments, and we are hopeful that the court will be able to dedicate more judicial resources to the guardianship cases to ensure that our vulnerable populations are not put at risk. Once again, I must reiterate the same thing, 2017 Legislative reform has made a significant difference in ensuring the rights of those under guardianships are protected and has provided the court with the framework to closely monitor the protected persons and their guardians in the course of performing their duties. We will be discussing at the end of the presentation, a few minor changes that will benefit the system, we think, but on the whole that those 2017 changes have made a marked improvement. Thank you. I think our next presenter is Judge Schreinert.

Judge Schreinert:

Thank you. We will come back to Carson, and I have Mallory Nelson who is going to discuss the number of adult guardianships here in Washoe County.

Mallory Nelson, Case Compliance Specialist, Second Judicial District Court:

Good morning. The numbers in Washoe County for this time period show that active adult guardianship cases have stabilized even with the growing populations in Washoe County and that is for a couple primary reasons. First, during this period starting with Fiscal Year (FY) 2020, we just began to more closely monitor the cases in which a protected person has died, but the estate still needed winding-up and there still needed to be a final accounting. With closer shepherding of these cases through the termination process, we are now finding that the number of cases we are closing per year more closely resembles the number of cases we are opening. Second, less restrictive alternatives are widespread in our community in Washoe County and that is thanks to legislation recognizing things like "Supported Decision-Making Powers of an Attorney" geared towards adults with disabilities and adults with dementia. This provides us more off-ramps in the adult guardianship process so that just because a new case is filed that does not automatically equate to a guardian being necessary. Our workload is now focused on rigorous oversight of the cases. We do maintain, under supervision and as previously indicated, these cases can last for decades. If there are not any questions at this time, I will look to my minor guardianship colleagues to speak to those numbers.

Jonathan Bye, Case Compliance Specialist, Second Judicial District Court:

Good morning. As you can see, our active cases and minor guardianship have consistently been rising. While we do regularly close them for common reasons such as reunification with the parent, adoptions, and ages of majority, we are still acquiring and keeping cases at a higher rate than we are closing them. Part of that has to do with the increase in new cases. With that though, even these cases still do require regular management, three-year review hearings, and oftentimes subsequent petitions from parents, guardians, or other interested parties that often require hearings and sometimes investigations, but also for regular items like reviewing annual reports and responding to those as well as accountings. Overall, like I said, there are requirements for the cases, and we are terminating them, and we are making efforts to be on top of that. Overall, they are sticking around longer than they are leaving. With that, I will pass it back to Mallory Nelson for new case filing.

Ms. Nelson:

New filings in Washoe County have rebounded. In 2021 and 2022 we saw a slowdown and FY 2023 was something of an outlier. Crucially, what these numbers are not counting are petitions to appoint a successor guardian in an existing case. Most people under an adult guardianship in Washoe County are younger than 50 so those cases are lasting years, decades even, and we see annual filing requirements and review hearings not less than every three years. From the court's workload perspective, the process for appointing a guardian in a preexisting case is the same procedure as appointing a guardian in a newly filed case. I will turn to my colleagues in Clark County.

Staci Anderson, Assistant Court Administrator, Family Court, Clark County:

Good morning. We are pleased to present our compliance rates as you will see on the following slides for both adult and minor guardianships to give you an idea of some of the compliance things that we track that we believe are really important with the case. You can

see that we are tracking both *Clark and Washoe's Annual Report of Guardians*, which is actually the report of the protected person's well-being on an annual basis, which includes where they are living, who they are residing with, educational attendance, medication, and doctor's visits for the prior 12 months. We also are tracking annual accounting submissions, and these are detailed accountings of protected person's estates for both income and expenses so that we can review them from the guardianship compliance perspective to see if there are any known red-flags, anything stands out that we can advise the bench of the issues. Then we also closely track inventory, these are required as soon as a guardian is appointed, they have a period of time to submit those into the court, and this is the baseline for future annual accountings. It shows all of the assets or should show all the assets of the protected person including bank accounts, jewelry, property, cars, and investment accounts. Like I said, it is the baseline and then it follows by the annual accountings we continue to monitor.

All of these case compliance rates that are listed on these slides for Clark and Washoe, and are based on our active cases, so those 7,000 cases right now that are being monitored. In Clark County, these compliance rates are based on a couple of things. To touch on, in Clark County, over the last five years, compliance has changed a little bit—our Compliance Division has grown. We are appreciative that Clark County, recently in 2023, approved the creation of two new Compliance Officer positions and they funded them, which is amazing so that helps us continue to manage and review these annual filings that are coming in on a regular basis, and it also helps protect our vulnerable population. Some other things that we are continuing to do or that we have done in the past five years is we still generate notices of noncompliance, especially in adult cases. In minor cases, we found it is more effective to reach out to that guardian and say, "Hey, we are missing XYZ," and they tend to file it quicker. The guardianship website in Clark County was updated during these last several years to make it more user friendly, to provide better information to guardians and protected people, as well as frequently asked questions that we commonly get in the guardianship combined division, the courts, and alternatives to guardianships, which are important as well.

The other thing that we have done in 2021–2022, we developed and released guided interviews. Guardians can go online into our application and answer a series of questions and it will automatically complete the report for them, and if they chose to e-file it right then it will e-file it into our cases in Clark County. It is a really good tool to attempt to increase compliance. You can see that our rates have remained relatively stable with adults but in minor guardianship, in June 2021, we did see a decline specifically in the annual reports that were submitted, and we believe that to be due to Coronavirus Disease of 2019 (COVID-19). That was when schools went online and parents were taking care of their families, and annual reports did not seem to be the priority to be submitted. Since then, we have slowly started to recover, and I think it is very important with the resources that we have dedicated, not just to minors but also adult guardianships, as well as our daily workload managing those active cases. In fact, we are almost back to pre-COVID-19 levels which I know our court is very proud of. What that said, I am going to pass it back to my colleagues in Washoe County to see if they have any other additions to these slides.

Ms. Nelson:

Similarly, after COVID-19, we too worked hard to reestablish communication with our guardians and get them back up to speed. We pride ourselves here in Washoe County on maintaining that culture of compliance. The chief way we do that again is issuing a formal notice of noncompliance into our cases, typically, as soon as a week of those key filing deadlines being missed. We also use a less-formal mechanism, automatic text notifications,

to our guardians about upcoming and past-due filings, and also directly contacting them by phone or email to make sure they are aware there has been some noncompliance in their case, and they know how to access the forms they need with this consistent enforcement and reminders. You know, our FY 2023–2024 numbers are showing our guardians are overwhelmingly responsive to the call of the court. I will let my colleagues speak to the next minor guardianship slide.

Mr. Bye:

Looking back, another item that we face in minor guardianships here in Washoe County is that our actual new cases are increased year over year, these filings we are getting and those do contribute to the amount on these statistics you see. Regarding the compliance rate, June 2020 has significantly less reports that are being reviewed than the overall number than June of 2024. We have only recently gotten a full-time compliance specialist for minor guardianships, it has been a little under two-years, so our minor guardianship compliance program is a bit younger. As you can see, our numbers have been improving overall with our annual reports going up, and we have been implementing a lot of the same things that the adult guardianship side has. On our end, we issue formal orders to file a lot for noncompliance issues, and we generate lists daily to get those out to cases that are out of compliance. We have also developed our own minor guardianship class, at the onset of someone being appointed guardian, teach them about the job they have been hired for and specifically the requirements, paperwork, and resources that are unique to Washoe County, and what we are doing as well as things they need to do or that can be done to either end it, move guardianships, and those sort of things so they know their options.

We have also been implementing a text-message notification for missing documents. From a few slides ago, you saw there are 1,400 cases that are active, a large part of our compliance part has been adding phone numbers to all of those cases so that can happen, and also phone calls when appropriate to help get people get their paperwork and help with simple things like how to find it because that is something that it is easy to forget if they only have contact with us once a year they may not remember everything. One other comment I would like to make to give some context to these statistics is when you see our annual report number, that is over 900 instances of that, versus the accountings and inventories which are between 50 and 60. While the annual reports are oftentimes a much more consistent number because it is simply harder to move, accountings and inventories can be a little bit more volatile because it is such a smaller number. In minor guardianship, we are often dealing with the guardianship of the person much more often. Thank you, with that I will pass it back to our colleagues in Clark County.

Ms. Anderson:

On the slide that we are reviewing currently, we want to touch base on the investigator appointments that occurred in the last 12-months for both Clark and Washoe Counties; also, as a result of the guardianship reform from 2017, the recorder fees that were enacted that have been collected since FY 2018 through current; and, some of our expenditures and how we are spending that money, mostly at a high-level to give you an idea of how we spend it. You can see on the slide that we have had 1,428 investigator appointments, which is quite a bit for minor guardianships. However, that number is made up of what we consider to be three different types of minor investigator appointments. We have our regular minor guardianships, these are investigations that are usually coming directly from the judge—there is something that is showing up in the petitions or documents, or said during the hearings that is causing concern, or there are allegations that the judge needs guardianship investigators to look into. That can include Child Protective Service (CPS)

records, sometimes obtaining bank records, or other things to determine what exactly is going on in the case. Written reports are filed back into the case so the judge and all the associated parties can see what we found. We also do what we call Rule 10 investigations. Rule 10 is a direct reference to the statewide guardianship rules, and Rule 10 allows for the removal of a guardian for noncompliance. In Clark County, the judge actually appoints a minor guardianship investigator when all of our efforts seem to have failed—so all of our notices of noncompliance and our phone calls—because at this point, we presume that they are missing, even though they might not be, but we have not had any contact with this. This is very important, because now we are on the mission to go out and find these guardians and our protected people. We do this specifically for our minor caseload and the State Guardianship Office helps us without adult caseload to due to volume that we have.

The other thing that we do, and what this number represents is 1,065 new minor petitioner background investigations. That is a new initiative that we started in January of 2022. Every new petition for minor guardianship especially if it has multiple petitioners, we do a preliminary background check. We found this is a best practice, but it seems to assist in alleviating issues farther down the road that maybe we did not know about. It is a preliminary background check and unless we find something that warrants that we need to obtain law enforcement records through Las Vegas Metropolitan Police Department (LVMPD), Henderson Police Department, or North Las Vegas Police Department, and sometimes we do reach out of state as well. A report is filed into the case with this information, so the judge has something to speak to the petitioners as a jumping off point to determine potentially what happened because obviously, we do not have that full information when we are doing that preliminary background check.

Now we recognize this is not a money committee, but we did want to show what has been collected in fees with that additional dollar recorder fee that is going to support our minor guardianship investigators. You can see that fees were quickly increasing, then in about FY 2022, we started to see a decline with that associated spending in Clark County. The two major things we spend our money on from these fees is minor guardianship investigators' salary and benefits and minor guardianship legal representation. Those are our two major expenses if you will, and they are best practices, so, the court is committed to always ensuring we hopefully have the resources to continue those efforts. With that said, I am going to turn it back to my colleagues in Washoe County so that they can comment on this slide as well.

Judge Schreinert:

These investigative fees are crucial to certainly my work as the minor guardianship judge. As you can see by the numbers, the recording fees are going down and our need is increasing. When do I use these investigators? First, often we will appoint an investigator when receiving a petition and when we do not have enough information, or if the petition is itself lacking in the detail. After the initial hearing, I might appoint an investigator when there is clearly more information that the relatives want to tell me that I do not have time at the actual hearing for or there is background information that I need; such as the criminal records, the school records, any past connections with CPS. Then we also appoint an investigator when we receive a petition to terminate a child guardianship or a petition to relocate a child. We do get annual reports from parties, but often we do not know at that point what is happening with the parents with visitation so the investigator will reach out at that point to give me information before my hearing. Then of course, as mentioned by Mr. Bye, we do appoint investigators to track down missing reports to contact guardians who have not been filing and get further information. As you can tell by that breath of use, this is a crucial piece of our cases, the more funds we have, the more compliance we have,

and the higher protections that I can put in place for the children and make better decisions on behalf of the children. That is our slide that looks at the numbers.

The next slide, if you will turn to that, is for me to give you a little more context than I have given in terms of what the investigators can do for us. A couple of examples I have had recently where we learned that the guardian has either contacted the court or when they have not contacted the court and I have appointed an investigator, we learned that the child was moved to a different relative unbeknownst to the court. The investigators have quickly been able to reach out, find the adult that the child is with, do an assessment, do a report, and then we have a hearing. In at least two or three cases, I am thinking about, we were able to do a successor guardian and get the child the protections they need. We have had our investigators work with other states in getting information—we have had success with that when we have out-of-state guardianships to get that information. It is a piece that was so important that it was put into place in that legislation in 2017, that we all really appreciate and work with, and one that I wanted to highlight for you as an important piece going forward. I think the next slide is for my colleague Judge Gentile in Clark County.

Judge Gentile:

We have the same assistance for the State investigators in adult guardianships. We appoint them to either investigate abuse, neglect, or exploitation. They assist with locating the protected person, oftentimes, again, we will not have the reports filed, and we will not know where they are, so the investigator will go out and find the protected person and oftentimes they are fine—we need to know because they have not kept up with their reporting. Sometimes they are not fine, and we need to take action to either replace the guardian or maybe appoint the Clark County Public Guardian to step in and do what needs to be done to care for the protected person. Under Rule 10, the statewide guardianship rule, we cannot revoke and terminate the guardianship unless we appoint the investigator to determine their health and welfare. That is part of the process as well to determine whether the guardianship remains necessary, so they assist us in that process. Then when there is a mismanagement of funds, which often happens, they will perform forensic evaluations on the protected person's estate to let us know what is missing, if anything is missing, or if they are just doing a poor job of reporting. They assist us with many aspects of managing these cases. I will pass it to the next slide.

Judge Walker:

Thank you again for the privilege of speaking. I hope we are demonstrating to you that the judges work collaboratively across the State, together with one another in our individual jurisdictions in the north and the south. You are learning there is a passing of the torch happening here, quite appropriately, the former Do-Chair together with myself, Judge Marquis are passing the torch to our colleagues; now Judge Gentile and Judge Schreinert. Judge Marquis and I literally went to every district court in the State during our tenure on the Guardianship Commission to speak with judges across the State about their needs. As you all consider the legislative agendas you will have to carry this session, we ask you to consider that the Guardianship Commission has been and will be very active. We intend to give feedback and information any time to either body of the Legislature on request—I was very active last Legislative Session and got to meet some of you in that context. I know that my Co-Chairs did as well.

Judge Schreinert:

I am excited about going forward with the Commission with Judge Gentile. One of the things the Commission has in the past been involved in, as we discussed already, is the Legislature and changes that could happen for adult and minor guardianships. We are very pleased to let you know of a few things that we are interested in looking and will be discussion with you further. This slide is a little highlight, and I know we do not have a lot more time but certainly one of the things that we want to look at is allowing judicial discretion to have the types of service available for other types of cases in guardianship. Specifically, there is a rule in the Nevada Rules of Civil Procedure (NRCP) Rule 4.4, allowing alternative service that may be appropriate in some cases in guardianship. Right now, the law is very prescriptive in what we can do. The next piece we want to look at is increasing the funds coming in for those investigators. I think Judge Gentile and I have made a strong case for why that is needed, but currently, those funds are decreasing, and the need is increasing. Finally, the amendments to allow our investigators to obtain vital records from the Nevada Department of Vital Statistics at no cost. Those are crucial to the court. Those are the records of birth certificates, death certificates, and other types that should readily be available for one department to the next to be able to make these orders. We will move to the next slide.

Judge Walker:

As we move into the next iteration of the Guardianship Commission, I want to thank my Co-Chair Linda Marquis from Eighth Judicial District Court, and I want to thank the new torchbearers, Judge Schreinert and Judge Gentile moving forward. I hope we have painted a picture for you, the legislators, of our ethos. We are first, last, and always public servants. The folks who occupy these cases, the children, and the vulnerable adults, are deeply and profoundly close to our hearts and we seek, together with you as the legislators who write the law that continue to harmonize practice with the needs of the people we serve in this very vulnerable area. It has been a deep and profound privilege to serve as a Co-Chair of the Guardianship Commission, and I thank you for your time.

Judge Schreinert:

As one of the new Co-Chairs, I will give a warm thanks for your service. I attended a meeting where you and Judge Marquis ran those meetings and was amazed about the amount of dedication, time, and traveling statewide, that really brought us all together at judges' conferences. Everyone is very pleased with the amount of work being put into this area and the Guardianship Commission will be setting up a meeting this fall. Judge Gentile and I will be working with the court to get that set up so that we can let all the stakeholders know when the meeting will be, and we invite the stakeholders to come and present ideas for legislative changes or other goals going forward with that.

Chair Miller:

Thank you, and with that, can I request that you send the Committee, a direct invitation to your Commission meeting? I know this is such a complicated nuanced issue that I am sure many of us would like to participate if we could or at least listen if we could. Just send a reminder to us, that would be very helpful. Members, do we have any questions? Not seeing any questions. I will thank you for your presentation and close this agenda item. Thank you. It is so good to put names to faces for this.

Our next agenda item is a presentation on the activities of the Guardianship Compliance Office.

AGENDA ITEM V—PRESENTATION ON THE ACTIVITIES OF THE GUARDIANSHIP COMPLIANCE OFFICE

Kathleen McCloskey, Guardianship Program Manager, Administrative Office of the Courts, Nevada Supreme Court:

Thank you, Chair Miller and thank you all for inviting me to present to you the Guardianship Compliance Office (GCO) ([Agenda Item V](#)). Our primary function is to provide investigation and audit services to all district courts in Nevada. As Judge Schreinert, Judge Gentile, and Judge Walker have talked about, our investigations inform the court on the well-being of the protected person, their estate, any unmet needs protected people have in the circumstances that have brought the guardianship petition, any competing interests that may occur, and other issues that impact the guardianship case. In all our investigations and audits, we do issue a report to the court. Our Commission investigations include location of the protected person when the court has lost contact due to non-compliance, health, safety, and welfare concerns and what I call "pre-guardianship" which are those background checks that Ms. Anderson spoke about. We do access records such as educational records, financial records, and other important records, and provide those to the court as well during our investigations. We are a statewide office, so we investigate and audit all guardianship types in all courts, the only exception is in the Eighth Judicial District Court in Clark County and the Second Judicial District Court in Washoe County. As you have heard, they have their own minor investigators. However, we do audits for minor guardianship cases in those districts. Currently, my office has two investigators, one located in Carson City, and one located in Las Vegas. I have two financial forensic specialists, again one in Carson City and one in Las Vegas.

On our next slide, you will see our appointments to investigate and audit for a five-year period. The numbers are kind of bouncy, you will see in 2019 we were ordered into 254 cases, then we dip down in 2021, then go right back up in 2022, come down in 2023, and then down again in 2024. The bouncing, I believe there are three things that have influenced that. First, in 2018, we had a change in minor investigations, so we did see a reduction in the following year going into 2019, 2020, and 2021, as they got their offices and contracts in place. Second, the COVID-19 pandemic between 2020 and 2021 you see a pretty significant reduction from 2019, courts were struggling to figure out how to deal with hearings, and families were taking care of their families and not necessarily reporting. Then in 2022, you see an increase where courts were bouncing back and ordering us back in to locate people and look at people's health, safety, and welfare. The third influence I think is courts have really gotten good at monitoring their guardianship cases in the past five years; they have put in good processes. I think the Compliance Specialists today gave you a good description of how they have improved their processes, and how they are tracking their cases. I think that we have not seen yet a true baseline over the past five years of what our office will be doing because of those factors.

Our primary activities are investigations and audits; however, we have been working on several other projects. In 2021, my office was the recipient of the Elder Justice Innovation Grant, which was sponsored by the Department of Health and Human Services (DHHS) Administration for Community Living. The goal of our project is to develop consistent guardianship practice and monitoring throughout the State, increase access to less restrictive alternatives to guardianship, to improve the collection and analysis of guardianship data, and to develop a training program for guardians as well as judicial officers.

When we started this Project in 2021, we first started with a fairly comprehensive assessment of each district court's internal processes including their case management system and data needs related to guardianships. In addition, because the State currently receives limited data on guardianships on a statewide level, we wanted to assess for the feasibility of developing or creating a guardianship portal in Nevada. I will talk more about that portal in a few minutes. We also wanted to fill a gap in education for judicial officers as well as lay guardians. With respect to the training, we contracted with the National Center for Juvenile and Family Court Judges. They helped us conduct a statewide training and helped us do a training-needs assessment related to both types of trainings. Based on this needs assessment, we focused on developing training for judges that include less restrictive alternatives, monitoring best practices, overall general best practices in guardianship case, available services in their communities, and again, the actual legal process. We have held one in-person training in 2023, and we are almost ready to publish the online modules for judicial training this fall. In addition, we have worked with specialists in the guardianship arena in developing online training for lay guardians. Currently, NRS allows for a judge to require a guardian to receive training, but there has been no statewide training available to lay guardians. This fall, we will be filling that gap, and that training will be published in English as well as in three other languages.

For our initial assessment of guardianship court needs throughout the State, we contacted the National Center for State Courts (NCSC). The assessment we completed included physical site visits at each district court to conduct interviews with court staff and judges, file reviews, and a comprehensive assessment of their case management system. In addition to that assessment, the NCSC did complete the feasibility study related to the creation of an online guardianship portal. That portal will provide a way for guardians to directly enter their reports and accountings, provide courts with an efficient way to monitor guardianships, issue reminders to guardians, as well as allow for the collection of consistent data across the State. The findings of our initial assessment found that we had improved monitoring in Nevada and that Nevada had put in some best practice. For example, required three-year review hearings as well as the use of remote hearings during the pandemic which have continued and that has increased participation of guardians and protected people. However, we also identified some "need for improvements" which included improved needs for data collection, the need for more efficient monitoring processes, the need to improve our process of complaints, and there has been a lack of e-filing throughout the State. One of the recommendations was to improve the ability for families to e-file, create a way to provide reminders to guardians prior to reporting deadlines, and the training for both judicial officers as well as the guardian training.

In addition to those findings, the outcome of the feasibility study found that Nevada was in a very good position to create the online guardianship portal. The portal is currently being designed, and it is being designed to address the findings in the initial assessment. For the last year, my office as well as the Administrative Office of the Court's Information Technology Team have been focused on designing and building that guardianship portal. What the guardianship portal will allow for, again, is collection of statewide data, which we hope to be able to provide feedback to the Commission so they can make good, informed decisions related to any systemic changes, and/or make changes to ensure there is consistency across the State with the administration of guardianships. In addition, we are hopeful that the portal will provide district courts with an efficient way of monitoring their guardianship cases. District court judges and staff will have dashboards that will show them automatically what is due and what is overdue. The portal will issue alerts so there will be built in red-flags. For example, as the guardian is inputting their accounting information in the background, the portal will be analyzing the data and issuing alerts based on identified red-flags. In addition, we will have what we are calling an "opt-in" where if a guardian

opts-in, they can have their financial institution directly upload financial information for the accounting directly into the portal and will reduce some work for that guardian. What I have learned in the past five years is that the majority of guardians want to do a good job, but accounting can be really hard for the layperson so the benefit of the portal for guardians will be that it does the arithmetic. They are going to enter in incomes, assets, and expenses, and it will do the math for them. We are hoping to make it a little bit easier on the guardian as well. The portal will issue reminders of things that are due so that will help reduce hopefully some of the time current compliance staff have to issue those reminders so if they are using the portal that will generate for them and that will allow their compliance specialists to focus on the quality of reporting. We are hoping to make monitoring more efficient, reporting easier for guardians through the portal.

The status of the Project currently, for the portal we begin use for testing this fall. Our Team has done an extremely wonderful job in developing the portal, and it looks wonderful. I am excited to see the results of user testing and then piloting in district courts this coming year. Our lay guardian training in English will be deployed later this summer/fall and throughout next year, we will be translating that and publishing it in Spanish, Gaelic, and Mandarin, which are our three most requested languages for interpretation in courts in Nevada. Our judicial online training will be published late this summer or early fall. With that, those have been the activities of my office over the course of the last five years, and I will entertain any questions if you have them.

Chair Miller:

Thank you for your presentation. Members, any questions? Not seeing any, we thank you, and I will close this agenda item.

Our next agenda item is a presentation on adult and minor guardianships in Nevada from the Legal Aid Center of Southern Nevada (LACSN).

AGENDA ITEM VI—PRESENTATION ON ADULT AND MINOR GUARDIANSHIP IN NEVADA

Jonathan Norman, Esquire, Director, Statewide Advocacy, Outreach, and Policy, LACSN:

Good morning. I am with the Nevada Coalition of Legal Service Providers, and I am joined by my two colleagues, Marina, and Katie. They both are team leads for minor guardianship and adult guardianship. I did want to make a brief comment, one thing that I think is interesting is that we think of guardianship, minor and adult, being similar but in both Northern Nevada Legal Aid (NNLA) and LACSN; our minor guardianship program is nested within our Children's Attorney Project, which is under Chapter 432 "Public Services for Children" of NRS for dependency, abuse, and neglect. I know Marina will be touching on the overlap between those two but a lot of the families coming into minor guardianship are the same families that we see in dependency, abuse, and neglect. With that, I will turn it over to Katie. ([Agenda Item VI](#)).

Katie Anderson, Esquire, Guardianship Advocacy Project, LACSN:

Good morning. Thank you for having me today. I first want to talk about an overview of guardianship and the judges did a really good job, so I do not want to belabor what they have already explained. We want to focus on the fact that our adult guardianship clients can range in age from 18-years-old to those who are facing the end of their life, so it is a unique

area of law. Our representation starts at the onset of the case. As soon as the case is filed, we are appointed, and we remain on the case as advocates for that person until that guardianship is terminated, which as you heard earlier could be when a person recovers from whatever caused them to be in guardianship or when that person passes away at the end of their life. It can be a very long time that we get to know our clients, and we want to make sure our client's voice is heard by the court, that our client understands what is happening to them, and that their due process and constitutional rights are protected. Protecting these rights is our priority and the reforms in 2017, solidified that as that is when it became mandatory for us to be appointed in every single case and as a result, we have become the primary voice for people who would not have otherwise had a voice prior to 2017. With that I will pass it over to my colleague.

Marina Dalia-Hunt, Esquire, Children's Attorney Project, LACSN:

As a basic preliminary matter, when we talk about minor guardianship under NRS 159A, what we basically mean are children who are being cared for by someone other than a parent outside of the dependency system. We do of course, see children who have somehow inherited in the State or have received settlement, but the vast majority of our cases for children that we represent are children who have a parent or both parents who are unsafe, unsuitable, or unavailable. Just to situate us, they are outside of the dependency system. As John mentioned, most of our cases, however, are wildly similar to the dependency cases which are housed under NRS 432B. I will touch on this more later in our presentation, but of course, the 2017 Reforms from our perspective are one of the major and most important reforms is that it created the mechanism for permissive appointment of counsel. Counsel is not required to be appointed for children in guardianship, unlike adult guardianship, and unlike children in dependency, but through our representation of children and minor guardianship, we have represented thousands of children in the system.

Ms. Anderson, Previously Identified:

Next, I want to dig into a little bit more about what our representation looks like. In 2023, both the NNLA and our LACSN accepted about 1,000 new cases and at the end of 2023 the guardianship advocacy programs had a total of 4,000 cases, both old and new; that we are actively working. That gives you an idea of how many folks we are helping each year. We follow what is called a Direct Representation Model. What that means is that we try to maintain as close to a normal attorney-client relationship with our clients. What that means in practicality is we still have to follow all of the Nevada Rules of Professional Conduct, Statewide Rules for Guardianship set forth by the Nevada Supreme Court, and Nevada law. If a client is able to communicate their wishes to us, at any point during the guardianship, then our responsibility is to fulfill and represent those wishes to the court. As you can imagine, capacity can be nuanced—some clients are able to weigh in on more complicated decisions that need to be made and some clients are not—some clients are nonverbal. Just because a client does not know how to weigh in on those more complicated things—if a client cannot give an opinion on how their finances should be invested—it does not mean they cannot weigh in on more simple things; like where they want to go on vacation. We try to make sure that we are approaching our clients to make all these decisions regardless of how complicated they are. If our clients are in an unfortunate situation where they cannot direct us at all, we still have an obligation to protect their due process rights and their constitutional rights. We are still going into court and advocating to make sure that the people who are in their family that may want to know a guardianship has been filed. We want to make sure they have all received notice of those proceedings. We want to make sure all of the other procedural requirements have been met. We want to make sure that every court hearing is attended by our Office; those types of things.

With that in mind, I want to touch on the challenges that we have faced, and what we are looking to improve for our client representation going forward. One of the greatest challenges, as we put in the slide, is actualizing the Protected Person's Bill of Rights. Going back the reforms that happened in 2017, one of the new things that was implemented is called the Protected Person's Bill of Rights. That is a list of rights that even once a person is under guardianship, they maintain some independence and autonomy; as much as possible. In certain areas, which can include the right to attend court, the right to be presented with an accounting of how their money is being spent, a right to participate in the plan that is being made about their care. All these things we are ensuring that the court keeps in mind and respects along the course of the case. Unfortunately, it is sometime tempting to think of a person who is incapacitated as unable to have any participation in their own life, because we all are tempted to have this sort of paternalistic view of what we are doing for those folks. We are tasked with reminding and educating people all the time about how deserving our clients are of continuing to participate and have their opinions about how their life is led, respected, and always kept in mind. That is one of the challenges that we are always faced with.

Another challenge that we have is going back to the Protected People's Bill of Rights. One of the things that a protected person has the right to do it, talk to, and visit with anybody they want to. On the flip side, a protected person also has the right to refuse to talk to or refuse to visit with those people that they do not want to visit with. Sometimes that can be more difficult for people to accept. Family often wants to visit their grandma but we, as part of our responsibilities, we are ensuring that people who want to control who come into their house, when they visit with people—when they do not visit people. We must remember that is a right that is maintained by our protected folks as well, and just because they do not want to visit on a particular day it does not mean that they might not want to visit on another day. We always like to keep those lines of communication open, but again that is a challenge that we have to face and educate people about.

Another challenge that we have that is present in our practice right now, is the idea of attorney's fees. In guardianship, guardians who use attorneys to help them in their case, are required by statute to pay their own attorney's fees, but there is also a portion of the statute that allows the guardians to seek permission to have their fees paid by the protected person's estate. Instead of paying their own fees, they would submit those fees to the court, and the court would award those fees to be paid out of a protected person's estate. As part of our advocacy, we work to ensure any fees that are going to be paid from our client's estate are reasonable and necessary. We want to also ensure the fees that are requested, the attorney's services that are provided have benefited the estate and benefited the protected person. Finally, we want to make sure the estate can afford it. For example, if a person has \$200,000 and that amount of money is what is meant to help them take care of themselves for the rest of their lives, but then attorney's fees are awarded and suddenly \$50,000 is gone then that is that much less that the protected person has to pay for their ongoing care. We want to ensure the estate of the protected person, first and foremost, is used for that person's care because that is what they saved it for. If the estate is depleted by attorney's fees, again, that means there is less left over for that person to take care of themselves.

Finally, and this is a less common example but another challenge that we have that we are looking forward to trying to solve in the future is having the right to appeal life-altering decisions that are made by the court. Right now, there are only certain court orders that have the finality to allow them to be appealed, but the court does have the power to make other decisions about a protected person. For example, if a protected person is going to be moved by their guardian out of state, that would be a decision that would need to be

presented to the court and the court would rule on that. Another example is if a guardian wanted to sterilize their protected person under their case, which would be another decision that the court would need to make. Unfortunately, though, neither of those court decisions are appealable. In the example of moving, if the protected person does not want to move, the guardian has presented this proposal to the judge and the judge grants permission to move against the wishes of the protected person. We, on behalf of the protected person, have no ability to appeal that decision. Those are things that we want to keep in mind as we look toward the future. I want you to be aware of that; pitfalls that we deal with in representing our clients. Thank you for your time.

Ms. Dalia-Hunt:

Similar to what Katie mentioned, we also have a relatively hefty caseload for minor guardianship cases. In 2023, we opened over 600 new minor guardianship cases following a Direct Representation Model as well. Currently we have about 500 open minor guardianship cases, some of which have existed since our program's inception in 2020; most of which are relatively new. In total, we have represented children in 2,415 guardianship cases here in Clark County, which has included about 3,600 children following the Direct Representation Model for our clients, which again as Katie articulated, though, it does take a slightly different form for children. It is a client-direct model of representation where we place the voice of the child first and foremost, we maintain as normal of a client relationship as we possibly can with them and empower them. This decision relating to guardianship will affect their life much more than it will affect their attorney's life. We are generally appointed at the initial filing of a guardianship, but we have represented children in other contexts most commonly when a parent seeks to terminate a guardianship, when they seek visitation, or when another adult comes to substitute in as guardian.

Often, as one of the judges mentioned, the ex parte communications that are allowed that we call "Rule 5" communications colloquially where there is a suspicion that children are being abused by the guardian and the child just needs someone to give them a voice, someone to talk to. We have noticed in a lot of our cases, the caregiver who is now seeking guardianship has been caring for the child for some time, sometimes from infancy to five-years-old. Then it is time to enroll the kid in kindergarten, and they do not have a guardianship so they come to the court and that can prompt a lot of litigation or legal objections from the parents. They may need to take the child to the doctor for a specialist and then sometimes a parent is threatening after leaving the child in place for 6 months to 1 year to 10 years to pick up the child and remove them from the caregiver they have lived with for most of their life.

To focus our presentation, when we started representing children in guardianship, our assumption was we were dealing primarily with orphans, and that is very much not the case. We looked back at our data from the last six months so filings from January 2024 through the end of May; and in only seven of our cases, were both parents deceased which is 3 percent and the remaining 97 percent of cases there is at least one living parent. When we break those numbers down further, what we see is about 68 percent of those cases—I am happy to go through each granular number, but I do not think anyone wants that—in 68 percent of cases we are dealing with safety issues that include lack of resources. Meaning a parent or both parents are homeless, unemployed, unable to provide for the child's basic needs such as medical care, food, housing, or education; or a parent has abandoned a child. We have a number of children who, for example, have been kicked out of the home because of their sexual orientation. We have children who are being physically or sexually abused at home and instead of going through the dependency system, the family has resolved the issue by having a relative take over. We have a number of cases

where there is domestic violence in the home or where the parents are engaged in the sale of drugs, so it is often listed as a drug house in the petition by the petitioner. The parent may be engaging in prostitution in the home or there are other unsafe situations in the home. Then many, many of our cases relate to untreated mental health and untreated substance abuse.

As we have mentioned there is a significant amount of overlap between the population served by NRS 159A guardianship and NRS 32B dependency. Both systems are primarily charged with keeping children physically safe. However, guardianship does not focus on ongoing child safety as it relates to the possibility to reunify with a child. When it works properly, dependency will wrap a child with parenting with services so that the child can receive the education services, the therapeutic services, and the medical services they need in a safe environment and the parent can work on reunification. None of that exists in guardianship. Most guardianship cases, unless something goes wrong or something else comes up, will have one hearing before someone seeks to terminate that will be the initial petition for guardianship and then the guardianship will go on and that works for the vast majority of cases. There is no such thing currently as permanent guardianship, but a lot of guardianships act as permanent guardianships. By contrast, dependency has many, many hearings. I think they have at least one hearing every six months. There is no case plan in guardianship, there is no attorney, there is no appointed attorneys for parents of guardians, and the appointment of counsel for children is permissive, there is no requirement for visitation, or guidance on step-up visitation in guardianship. There is no case worker involved, so there is no one checking that the guardian is actually appropriate. Then on the support side, there is functionally no support for a guardian. In Nevada currently, a guardian can petition or can seek a Child-Only Temporary Assistance for Needy Families (TANF), and they can receive I believe it is \$432 a month regardless of how many children they are taking in so one child or nine, is the most we have ever seen, they get \$432 a month. In dependency, Kinship Guardianship Assistance Payment (Kin-GAP) and Adoptions Subsidies, I believe are around \$800 per child per month, and that does not consider the fact the children who age-out of dependency can also get [inaudible] and receive those same subsidies. As I mentioned, there is no social worker, and this lack of resources really does create safety risks for the children we serve. Anecdotally in the last month, we have had two guardianships terminate due to lack of resources where the child has entered the foster care system now because a family member could not afford to care for the child.

The next slide I do not want to go through this too much because it was already covered in a prior presentation, but we would highlight that there are many changes from the 2017 reforms that were fantastic. The permissive appointment of counsel, the basic recognition that children who are in need of guardianship, who do not have a fit or suitable caregivers, or have different needs than incapacitated adults, were fantastic. From the representation of these thousands of children in Clark County, we have identified broad issues that we think are right for reform. The first one that I would like to discuss is the concept of emergency. Every child needs a grownup to take care of them, right? Every child, every baby to 17-years-old, needs to make sure they get to school in the morning, that they go to the doctor, that they are fed, that they are safe. In minor guardianship, as it currently operates, the mechanism if there is an emergency is to seek a temporary guardianship. In practice, the procedural requirements of seeking a temporary guardianship are almost impossible for a petitioner to satisfy. What that means currently in Clark County, is that our wait-times to get in front of a judge for the initial petition are three to four months and children's emergencies cannot wait three to four months. Even if there is an emergency such as "this child cannot get to school because there is no guardianship," four months of education, especially for a child who has experienced the trauma that led to the need for guardianship is too long to wait.

The next bullet point says, "Age of 14" and what that is referencing is that under our statute, as it is currently interpreted, a child over the age of 14 must consent to a guardianship, but the consent or objection of a child under the age of 14 is irrelevant. How it reads in the statute is that the opinion of the child over the age of 14 only needs to be considered in the case of a competing petition. If a parent comes to object to a guardianship, it is not required that the court consider the objection of the child, over the age of 14, even if there are major safety issues. That folds into the fact that like any other matter relating to child welfare or custody, the court must consider the best interest of the child. These are children who have experienced extreme trauma and often very young in age and the statute correctly mandates that the court must always act in their best interest. The statute does not define what "best interest" for this population of child means. What we have observed, is that judges often borrow for the custody factors which are from NRS 125C, which compared two parents and when considering the best interest of a child, asks what is the level of conflict between the parents, and what is the ability of the parents to cooperate—that does not apply in guardianship so we are missing a chunk of law that we need to make sure that these children are the primary focus of the process. Right now, the court does not need to consider the relationship beyond blood relationship so within the factors that the court must consider, when there are competing petitions, it must consider a ranking of blood relatives, but completely excludes the fact that many children in Clark County have significant relationships with godparents or the stepparents. They do not have any level of priority with the statute for consideration for placement. Again, anecdotally, we had a competing petition that we saw earlier this year where a mom, who was dying of cancer, wrote a will indicating she wanted her best friend to take over care of her daughter when she died. An aunt and uncle from out of state petitioned for guardianship having never met the child, but they were wealthier than the best friend. The judge granted the guardianship to them, which is contrary to what the mom, who had passed, had wanted for her daughter. Our hope, from our experience, is to update the factors that put the child front and center, both at the initial petition state, the citation stage, then when we move towards visitation, and then potentially termination, to make sure that the factors are appropriate to recognize the actual needs of the child and the family.

I want to hit on one piece relating to termination, it is a little bit complicated, but I think it ties into informed consent as well. It is extraordinarily rare in this system for a parent to have an attorney, there are no free attorneys, and these are parents who are struggling. What the statute currently reads is that when a parent consents to guardianship at its inception, affirmatively consents, then when they want to end the guardianship, they have to show they have corrected the reason for the need of guardianship, and they have been restored to suitability—they have fixed what the problem was and can now meet the needs of their child. If the parent did not consent, they also must show that terminating the guardianship would substantially enhance the well-being of the child. Anecdotally, in the five years that I have been doing this, I have seen two nonconsent-based guardianships never end and this includes parents who were just not involved in the guardianship process—they were held to a higher standard. What our concern is, is that both parents but also guardians, do not know what they are getting into. It is completely reasonable that parents think that someone wants to take their kid away, and they need to fight for that child. Our judges often do a good job of explaining the consequences of that but when they do not, and the guardianship has existed for five to ten years in the prior system, they do not know that they are not ever going to get their child back, and this is going to be a permanent situation. We think that ensuring that everyone knows from the beginning what guardianship is, how it might be terminated, what resources are available—we heard that there is a class in Washoe County that sounds fantastic and what resources are available in Clark County—would help everyone understand what the guardianship process is and that it is really to keep these children safe and help the family. I referenced this, just to highlight

one major issue that we are having relating to temporary guardianship, in the last year or so we have focused largely on the issue of denial of temporary guardianships. These are cases where petitions represented major emergencies relating the needs of the child. The first one, the child needed medical treatment for kidney failure and the doctor actually signed a note stating that, yes, he needs this imaging so we can check if he is in kidney failure but cannot get it because there is no guardianship in place. Temporary guardianship was denied. We had to file a writ of mandamus in the Nevada Supreme Court to get the petition granted. In the interim, this child was removed from the dependency system. Then we had two children, age 10 and 14, whose mom was homeless and had a history of domestic violence relationships. She was in a relationship with someone who had been convicted of felony child abuse within that year and was attempting to get her children back. Grandma petitioned for temporary guardianship, and it was denied. Why this case is an issue, in part is because, as I mentioned, we must wait three to four months to get in front of a judge at all. Then finally, the most recent petition for writ of mandamus we had to file related to a parent who is under a "Legal 2000s" (Mental Health Crisis Hold or 70-Hour Hold), and CPS had been involved creating what is called a "Present Danger Plan" where the parent agrees to a temporary mechanism to keep the child safe with the CPS caseworker, but it expired. Mom came to get her child without ever resolving any of the underlying issues. Again, that petition was denied.

Mr. Norman:

We are ready for questions, but I do want to put a final point on those slides. Those three cases where we had a temporary guardianship that was denied where we had a clear emergency, those kids were lucky enough to have an attorney who was practicing in this area for the last five years. We do not represent every kid in Clark County. We do not have the resources and the number of attorneys, so it is important when we think of how these laws impact the pro se litigants and the unrepresented kids. While it is great for the three kids that we were able to help, all those kids had delays that created uncertainty. For the kids that do not have an attorney, it is dire. Thank you, and we are ready for any questions.

Chair Miller:

Thank you for your presentation. Members, any questions?

Vice Chair Scheible:

I wanted to go back to your slides about NRS 159A and 432B. I think I missed an important distinction at the very beginning of that section. I apologize for making you repeat yourself, but could you outline the difference? Is it two different types of guardianship cases?

Mr. Norman:

In the Children's Attorneys Project, we have NRS 432B cases which are the dependency, abuse, and neglect cases, which does have a guardianship function within there. The reason we draw them together is our minor guardianship team is nested within, because it is the same group of families that we see with the same issues that bring them in. We wanted to contrast the supports that comes with NRS 432B cases, the parents get counsel, there are case plans, there is a visitation plan, there is an idea that the kids might reunify, and there is a lot of court dates. Versus if a case is routed to a NRS 159A guardianship, there is one hearing, often there is no counsel for the attorneys [parents] and there is no support. It is especially telling when you have grandparents who are at poverty who are afraid their

grandkids will go into the child welfare system, so they take on all this responsibility and end up disrupting, because they are at that poverty line before taking on that responsibility.

Vice Chair Scheible:

Is my understanding correct, then that NRS 159A generally would not have CPS or the Division of Child and Family Services (DCFS) involvement, whereas NRS 432B would?

Mr. Norman:

It is ongoing CPS involvement, 432B cases are DCFS that is intimately involved in every process. I will say that NRS 159A cases often have had CPS or DCFS involvement at some point and maybe right before that guardianship paperwork is filed.

Vice Chair Scheible:

Would a NRS 159A case be if my neighbor's kids come and stay with me? There is obviously stuff going on at the house. Then at some point I decide that I am willing and able to take responsibility for this kid, and I file with the court to become that kid's guardian. Then the parent has to either consent to it or not consent to it. Would that be a NRS 159A case? I see you are nodding. I think I am understanding what you were saying, that oftentimes in those situations, the circumstances are not actually that different from a NRS 432B case. What you have is that neighbor, or cousin, or grandparent who steps up before DCFS actually opens a file or after they have not substantiated the allegations. We are not talking about incredibly sophisticated families where one person is taking over guardianship and everything else is copacetic and everything is cool, and we need paperwork because the kid is going to live with me instead of their biological mom and dad. These families are generally struggling and that is why the kid has to go somewhere else.

Mr. Norman:

That is exactly right. It can be CPS has responded at your neighbor's home, and you are there, and you say, I have a good relationship and you are going to file guardianship, so the CPS case is averted. Sometimes that is not appropriate and sometimes it is depending on what the parents understand that guardianship means because in a two-tiered system, if that parent fights for their child in that guardianship it functions as a termination of parental rights. It is significant, and it is significant that they do not have attorneys. Both the neighbor (you) understand that you are not going to get any resources and support and those parents understand the gravity of that moment. The importance of having counsel for those decisions is vital.

Chair Miller:

Thank you for clarifying. Any additional questions? All right, not seeing any I will go ahead and close this agenda item. Thank you for your presentation.

Our next agenda item is a presentation on services provided by public guardians for Douglas County and Clark County.

AGENDA ITEM VII—PRESENTATION ON THE SERVICES PROVIDED BY PUBLIC GUARDIANS

A. DOUGLAS COUNTY

Nicole Thomas, Public Guardian, Douglas County (DCPG):

Good morning, Chair Miller and Committee Members. Thank you for allowing me to speak today ([Agenda Item VII A](#)). I have served as a Public Guardian in Douglas County for 9 years, and I have over 15 years of experience in the social service industry including but not limited to substance abuse, mental health, children's mental health, wraparound case management, and of course, guardianship, and elder affairs. I have a bachelor's in political science with a minor in psychology of addiction studies and a Master of Elementary Education focused on developmental disabilities and a Master of Science in professional counseling focusing on family dynamics. I am a National Certified Guardian as well as an ethics and compliance trainer through Ethics and Compliance Initiative (ECI).

Public guardianship is a crucial part of the robust social services model. Public Guardians partner with families, service providers, and law enforcement to promote safety, well-being, and the least restrictive environment for clients. What I need the public to understand is that the capacity to make and communicate decisions is very different than capacity in other context such as criminal matters. Guardianship is a mechanism to navigate and secure services, but we cannot create resources where none exist. The statewide Guardianship Commission membership has been before Washoe and Clark Counties and has avoided some of the rural difficulties. The DCPG office visits clients for their care and in Douglas County last year, we served 156 grocery deliveries, 192 doctor appointments, 20 indigent clients, 4,129 direct client service hours, and we traveled 5,283 miles in the service of our clients. Public Guardians in the larger counties utilize institutional placement while rural Public Guardians have a greater proportion of clients in home whenever possible; over a quarter of my caseload typically live in home. The average private care cost for elder care is \$6,000 to \$11,000 per month whereas the average income for an elderly person is less than \$2,500. Thirty-three percent of Douglas County residents are elderly and 7 percent additionally are disabled. This does not include the calculations for mental health populations which are numerous. This population is not well suited for the cooperation with services required by guardianship. However, our office serves all clients with mental incapacity in our area. Douglas County has one "Medicaid skilled" nursing facility. All clients needing Medicaid services outside of the "skilled need" must be placed in other counties. That means 71 percent of our clients are placed out of our county and that is longer drives for our staff members in order to serve them and meet our monthly needs visitation.

The average hours worked per month for the DCPG is 281 and does not include vacation, leave, training, education, or administrative time. My Deputy DCPG averages about 273 hours and our accounting specialist is about 253. I would like to remind that Committee that a regular 40-hour work week per month is about 160 hours. We accomplish all of this with three positions. We are responsible, I am specifically, for the educational, administrative, legislative, budgetary, and oversight of the Department and the guardianship of the county, in addition to carrying a full caseload. Those three positions are the Public Guardian (myself), one Deputy Guardian, and one Accounting Specialist. The average caseload of the DCPG is 25 to 58 clients with varying medical, financial, and personal needs. This includes guardianship of the person and the estate, small probate cases, and trustee services. The DCPG is on-call and accessible 24 hours a day, 7 days a week, 365 days of the year.

The DCPG has been preparing to open a brand-new Representative Payee Program partially funded through a grant via the Aging and Disability Services Division (ADSD) to allow clients to remain in their homes, in the community for longer periods of time so that we can keep them in our county. Rural county Public Guardians have challenges related to where they fit within the county structure. For the last nine years, I have been overseen by the County Manager, but just recently I was moved to the Community Services Department. Tensions between Chapter 253 "Public Administration of Estates and Public Guardians" of NRS for example and County rules, Douglas County Code 2.22030, are quite difficult to navigate within my County.

A large portion of what my office does is investigation. Eighty percent of my caseload is financial exploitation and neglect cases. These cases are difficult cases that are investigation and resource heavy. Cases that are having a difficult time getting to guardianship or have been lingering in the community as a repetitive resource user, our investigation NRS. Senate Bill 121 (2019) allows us to get guardianship or facilitate a family member stepping in the path to guardianship is difficult for families to understand, afford, and complete. Legal aid resources are often conflicted out because they represent the proposed protected person, and the process can be very stressful for loved ones.

We have significant limited resources in the rural areas, and this has led to placement of clients in the most restrictive means, including jail and mental health facilities and sadly has led to death. Our office is usually getting cases at the end of life in the direst needs. These fragmented relationships in the rural areas lead to a disconnection of "wrong door" policies and have led to clients floating within the system and decision-making capacity being determined by system partners instead of medical professionals because it is so difficult to get evaluations completed. There are no private professional guardians in these areas to offset the limited resources of the Public Guardian. There are limits to funding or support for the Public Guardian while demands on the office are serious and frequent. The medical and financial needs of the aging population are increasing while there is no funding, support, or additional staff offered to maintain quality service and meet community need. There is excessive burnout through the entire system. Concern over passing cases to the Public Administrators and counties over concerns that the cases will sit for years. This increases the caseload for final accounting activities where a client has passed away as a result. We have nowhere to send families seeking support to file guardianships. That places the burden on the Public Guardian's office that should not be giving legal advice and lacks the resources to spend helping fill out guardianship paperwork.

We are making policy recommendations specifically in the rural areas. We need funding for Public Guardians. We have continued to take on the brunt of changes in guardianship and the changes in workload with no changes in supports. We need resources in the rural areas and access to lower levels of care, so that we can have those lower levels of care in the rural areas. We, as a Public Guardian, do not need to be the answer to every problem. We need Medicaid funded facilities. We have no housing and no support for mental health. Limited and full Medicaid funded housing—all our Medicaid facilities in northern Nevada are pretty much full. We need courts to understand the lack of resources are placing unrealistic demands that cannot be attained on the Public Guardian with limited options. The GCO either needs to be accessible for a Public Guardian's office outside of a court order mechanism or needs to be an independent office, not under the judiciary, so they can be utilized by other entities and not conflicted in supervision.

Most of Nevada is rural. Most of our counties are rural. The current policies in place do not provide for our rural areas. We are required to meet the same level of needs with little-to-no support. We do not have access to the same supports that urban areas do. Each

county is different and county management needs to be held accountable for the caseload and the consideration of the Public Guardian department. Oversight of the department should fall within the jurisdiction of the Board of County Commissioners as it is stated in NRS and not subsumed by other departments. This causes extreme conflicts of interest. Due to the difference, some counties do not receive any support. The rural Public Guardians are expected to meet the same needs without the same staffing, the same internal and external supports, and the rules of engagement. Some counties have Public Guardians doing multiple roles without full legal support and due to the funding structures, these conflicts of interest are overlooked as a cost-cutting measure. A State Public Guardian's Office could be created and leveraged in order to help monitor and manage challenges to Nevada.

There are significant conflicts with the Public Administrators. Appointment of oversight of the Public Administrators will reduce caseload of the Public Guardians who are accountable for client's estates when they pass and to whom those estates will pass to for final distribution. Perhaps move to an appointed model for public administrator roles and not an elected role will attract well-trained and diligent individuals who can be held accountable to supervisors of their county. In the last six years, this turmoil in many counties with the Public Administrators has caused extreme caseload increases to the Public Guardians in the rural areas.

Currently, Nevada does not allow individuals who are guardians to be compensated for providing Medicaid covered services. Families must choose between being able to be paid or offer to be a legal guardian. Other states do allow these guardians to be compensated for service provision, and this would be helpful to alleviate the Public Guardian caseload and the rules.

We also need to have a place to send families to work within the difficult guardianship systems. Families will need legal advice, case management, and social work support. This task has fallen to the Public Guardian's Offices that have no resources, time, or ability to meet this task. The documents and processes are different for even master-level clinicians and social workers; and are difficult to understand. When families and friends do not file for guardianship authority, individuals in-need float in the system for long periods of time and the individuals are often exploited and have resources depleted until the case reaches the Public Guardian's office. Those cases are extremely time consuming.

I am available for questions, and my contact information is below specifically for independent cases. Thank you.

Chair Miller:

We are going to go ahead and continue with the presentation, and then ask questions at the end.

B. CLARK COUNTY

Karen Kelly, Public Guardian, Clark County (CCPG):

I want to thank you, Chair Miller, for allowing me to be here today and to the rest of the Committee, thank you. I will begin by briefly talking about guardianship and what we do as a Public Guardian ([Agenda Item VII B](#)). Firstly, we assist individuals who have been deemed incompetent by the court with their medical and financial needs, but most importantly for that, there must be a showing that there is really no friends or family willing or able to serve as their guardian. We, as a Public Guardian, should be seen as that last resort. At the

CCPG's office we do not accept direct referrals under NRS 253.220. We can only start to investigate the medical and financial affairs once we have been appointed. In some of the rural areas, there is a different mechanism in counties that have under 100,000 to investigate beforehand, but in Clark County and Washoe County, we cannot even start to look into the case until we have been appointed. Which means we never have information to file our own petitions, so all petitions are filed by a third-party. The third-party files a petition, notifies us to let us know what is going on, and we show up at that hearing. If they show by clear and convincing evidence that a guardianship is needed, and that there are no friends or family willing and able to serve, the court will appoint us as the guardian.

The majority of our referrals here in southern Nevada come from hospitals, skilled nursing facilities, ADSD, Adult Protective Services, Southern Nevada Adult Mental Health Services, and Desert Regional Center. Then the Clark County District Attorney's Office will file petitions for our services for children with disabilities or aging out of the child welfare system and maybe have no family able to serve as that guardian. Then the court, in situations where there is concern, will appoint us and Legal Aid attorneys have often asked, through petition, for our services in some cases. Finally, family members do file petitions requesting a Public Guardian to become the guardian for their family member.

After we have an appointment, we have intake case managers that solely work on these types of new cases. They will search for and marshal all the assets including all income sources, bank accounts, investment accounts, life insurance policies, anything you can think that you would have, we are trying to find. They will meet with the protected person, obtain level-of-care recommendations from medical professionals, and determine what current medical needs they have and review necessary preventative care. We want to discuss the protected person's goals regarding their medical and end-of-life decisions, which of course is always difficult, and what their goals are for placement. We obviously try to meet these goals, but in some cases, we are not able to, and that is when we work with their attorneys to try to come up with compromises.

The Office is divided, here in Clark County, into two sections for my case managers. We have a person-centered side and a financial side. Every case we are appointed on, they have two case managers that work on that case. The person side goes out and visits with the person monthly, makes sure all their care is taken care of, and really focuses on all the medical stuff going on. The financial side will get all benefits, apply for whatever needs to be applied for with Medicaid, Social Security, and really focus on that side. We have really good competency levels of people who are able to focus very specifically on certain parts of a guardianship. We also have a Representative Payee Program in place. We have that partially from a grant from ADSD and Clark County does supplement that. We only have one case manager who works that caseload, and it has about 90 cases right now with 15 on a waitlist. This is a voluntary program and not where a guardianship has been imposed. It is a voluntary program that assists with allowing people to stay in their own homes, their community, apartment, or whatever level they are at within their community. They may be struggling to pay their bills, they may be a victim of exploitation, or they could be at risk of eviction—these are the types of people that will come to us for us to start managing their money. Currently the Representative Payee Program we have is for 60 years and older.

To give you a little idea of our current caseloads, we went back to 2016, when I became the CCPG. At that time, we had a caseload of about 369 cases. As you can see, through the end of last month, we are now up to 862. We have over doubled our caseload in the past eight years and there are a couple of reasons for that. We changed the way we used to accept direct referrals before 2017. In 2017, we changed that model to be in-line with the statutes. Now we have third-party petitions and that has really allowed people to come to

us when we are needed. It is also a mechanism of there is just one private professional guardian here in southern Nevada. Before the reforms in 2017, and even a couple of years after, there were at least four that I remember of private professional guardians. They have slowly just disappeared, which has led to more cases being taken on by the Public Guardian.

Just to give a little bit of an idea of what our housing the clients we serve. Over 83 percent of the clients we serve are currently in nursing homes or group homes. We have a few in assisted living, in hospitals, and a few in independent living, but for the majority, we are looking at our nursing homes and group homes.

I will not go over too much of the reforms as you understand where we were as a State before the reforms. Often people were getting into guardianships without their knowledge, the less restrictive alternatives were not being explored, and guardians were making a lot of decisions without this person-centered approach or having everybody involved in these decisions. I will say, in my opinion, the most important change was that legal counsel has been given to the protected person when these petitions are filed. When I go and speak in other jurisdictions about reforms and things that have changed here, this is the one change that is most discussed and quite honestly, a lot of people really fear it. I have people ask me if, as a Guardian, if I am in court all of the time fighting about every decision that you make. I let them know that we are not, we have developed a very good working relationship with the LACSN, and we first try to work things out over emails, phones, or going to see them in meetings before we even go to court. We are quite successful at making sure these issues can be taken care of outside of the court environment, but everybody is still involved. I will say, of course, there are times we must go to court and even sometimes we need to get in very quickly, and the court has been very accommodating to get us in and being able to rule on these decisions.

The other thing I will say about legal aid attorneys and having attorneys for the protected persons from when the petition is filed, is they are quite successful in arguing against a petition for guardianship and advocating for less restrictive alternatives to that guardianship. The CCPG's office in 2023, we received 254 petitions requesting our appointment as guardian, and we were appointed on 199 of those cases, which is an appointment rate of about 78 percent. Of the ones we were not appointed on, some of them, unfortunately, had passed away. However, for a majority of those 22 cases that we were not appointed on, the LACSN had successfully argued against a guardianship and the petition was dismissed, or they found another alternative to guardianship, or an alternate to the Public Guardian serving. Those numbers hold true back in 2022, when the appointment rate was about 77 percent, and in 2021, it was about 76 percent. I will say the highlight of all the reform has been the person-centered approach, which is definitely a huge benefit to anybody under guardianship.

The current struggles we have here at the Public Guardian's Office, as anybody will tell you, in southern Nevada, mental health is huge and is somewhat a crisis. Our placements for clients with serious mental health diagnosis there just is not any. Our clients with serious mental health diagnosis cycle through various hospitals and nursing facilities in the Valley until nobody want to take them anymore because they have gone through every nursing home we possibly have. We must then find placement outside of the Las Vegas area. Some of our other mental health clients who do not have a serious mental health diagnosis but have a middle-of-the-road mental health diagnosis we have been very successful in placing them under the Medicaid Behaviorally Complex Care Program that Medicaid has for the nursing facilities. This is a tiered reimbursement program that pays extra funds to nursing homes to provide additional care for mental health clients. For challenging-to-place clients with serious mental health, this kind of program does not even work. The nursing facilities

do not want to accept these individuals. Right now, I have about 30 individuals that could benefit from homes in the community that provide intensive case management. These 30 people we have, they probably take up the most of my case manager's time. My working definition of what intensive case management means is monitoring and evaluating individuals with serious mental illness on a continuous basis to determine if additional services are required while providing crisis intervention, skills building, and advocacy. As part of that, is this mandated caregiver training that we want to put forward as a possibility.

One of the problems is there are currently as small pilot program of a group home here in southern Nevada for serious mental health. I have a couple of individuals that are in that home and what we have found is that even though additional funds are being paid to that home, the caregivers are not specifically trained on mental health, and they are not trained on caregiver burnout and identifying that. We have seen a lot of caregiver burnout leading to abuse and neglect of individuals in group homes. That is why I feel that mandated training, if we can get a serious mental health group home in place, is going to be absolutely necessary. I have been very lucky this year, and I have received some funding and working with Clark County Social Services to try and open our own home or at least find a provider here in southern Nevada where we can find beds for these clients with serious mental illness. My goal over this next year, once we get this open, is to track the hospitalizations over the past few years and show that with this intensive case management, the mandated caregiver training that we can reduce the amount of hospitalizations and hopefully the cost savings are going to outweigh how much we are paying. These intensive case management homes are expensive, but I feel that the cost savings we are going to be able to show that it is not only in emergency room visits and the subsequent psychiatric care in psychiatric hospitals, but there are extended hospital stays of months and months where people sit in the hospital because nobody will accept them. It is also the police call outs, the paramedics, the ambulance costs, and sometimes these individuals unfortunately end up in the criminal justice system with the costs for the jail time, the court time, and the prosecutors. For some of these cases, we could be looking at these eight or nine times a year, just cycling every few months. I am hoping that with this county funded home, over the next year, we can bring back to you and show you growth or some way for us to get these types of homes.

The other part to mention is that it is not just the financial cost, it is the human cost that is not quantifiable. Of these individuals spending so much time in a hospital or a jail setting and not getting to experience life at all because of inadequate placement opportunities. These extended hospital stays that we are seeing, they are two-fold. They start from when we get involved as the Guardian, we have no information on them, we get this case, and start investigating. It takes us a long time to get to Social Security, to access the banks, and there is a lot of red tape even as a Guardian now to get access to a bank account, especially now that you have got these cards where everybody had the Direct Express and PNC Banks were there is no brick and mortar building to go to. Everything is done by snail mail because they want raised seals, and everything takes a long time. This is one reason we see extended hospital stays when trying to get onto Medicaid. It is not Medicaid that is not working the cases, it is trying to get the information to them so that they can decide on the types of Medicaid. Again, regarding our individuals who are challenging to place, they often sit in the hospitals for long periods. Historically when I first started with the CCPG's Office back in 2008, facilities around the Valley would accept what we consider "pending Medicaid" clients, where we are working on getting it, but that has stopped completely here in southern Nevada.

I have a couple of policy recommendations. As you heard other people talk about the less restrictive alternatives to guardianship are so important and while we have the language to

have these things, sometimes I think we do not specifically ask the petitioner, who is trying to get the guardianship, what they have done. I think the petition has a few boxes that say have you considered or tried these less restrictive alternatives. But we do not really ask them, what have you done for those less restrictive alternatives? Or why do you think they will not work in this situation? I think having the petitioner document the reasons why these less restrictive options have not or could not work, is going to be important because we have the tools for the less restrictive. We need to ensure the petitioners are using them beforehand. I will say, sometimes it seems the easiest option for the petitions is a guardianship so they can discharge an individual from their facility. However, we keep educating that guardianship really should be the last resort. Another thing to consider is when we are looking at the powers of attorney, and all of those different things is having them available in other languages so that people with language barriers still have the opportunity to put these less restrictive alternatives to guardianship in place before a petition is filed.

I do feel that reviewing the private professional guardianship guidelines is something I will be bring up with the Commission. Private professional guardians are really an integral part of a healthy guardianship community. It allows choices for individuals, and it can take the strain off families and ultimately the Public Guardian. As previously discussed, we only have one private professional guardian currently practicing down here in southern Nevada.

Finally, briefly, I want to talk about the 1915i Waiver Programs. While I realize these are Medicaid, and I am not a Medicaid expert, as a customer of these programs, I feel like they are such great programs if they could be expanded. A 1915i Waiver Program is a home- and community-based service waiver that is designed to allow states to provide home and community-based service to people who need long-term care, but they can stay in their homes or their community setting—their supported living, assisted living, group home—instead of ending up in a nursing facility. The 1915i Program that I know about down here in southern Nevada is fantastic. It is a Medicaid program that has been around for a few years that is a great resource for our brain injury clients. It is very specific for a brain injury client. The providers are wonderful, and we have had so much success with this relatively new program, but it would be great if this could be expanded just a little bit. I do not mean expanding the definition of what a brain injury is, but there are Medicaid issues within it where the codes are too narrow, and I am hoping we can expand that definition. I had a lady who was flourishing in the 1915i Program because we got her additional benefits through Social Security and then her Medicare kicked in, and she was no longer eligible for this Program. I had to move her out of that home, and she actually decompensated to the point she is back in the hospital, because the type of Medicaid she has flipped, and it was not available for this Program.

Finally, if we could expand all the waiver programs for mental health group homes. It allows Medicaid to pay for these mental health group homes, because when you are on the Supplemental Security Income (SSI) of \$943 a month, finding a group home that is going to do your medications, cook for you, do all the things you might need, it is incredibly difficult. Thank you for your time.

Chair Miller:

Thank you. Members, do we have any questions?

Vice Chair Scheible:

I have a question for both Public Guardians about private professional guardians because you both mentioned that there is one in southern Nevada but none in northern Nevada. Can you describe a little bit about what that role looks like and whether it is common in other places?

Ms. Thomas:

The changes in law in 2017, made it extremely difficult for private professional guardians to stay in business and that has been the reason why they have gone away. In the north, we have had them in and out of the system, but if you are going to care for more than two protected persons in the State of Nevada you need to be licensed; and it is very difficult to go through the court mechanisms to pay for that care. That is the reason why in northern Nevada we are struggling with some difficulty. The private professional guardian steps in when a client has extensive funds and can pay for a private guardian it gives them options other than the Public Guardian. When I first started in 2016, as the Public Guardian, we maintained only clients who had very limited funds, which makes it easier to do our job because the decisions are less complicated for placement. Now we manage millions of dollars in funds which makes our job more difficult.

Vice Chair Scheible:

To follow up and clarify, I guess I am lucky I have never had to hire a private professional guardian or work with a private professional guardian. Is that something that somebody would do as their sole professional function? Or is it something that is offered by a law firm? Or by a social worker who can serve as a professional private guardian? Or do you go to school for it?

Ms. Thomas:

There is not really a program for it where you would go to school. Typically, financial institutions have created guardianship, but private professional guardians are no different than your public guardian or family guardian. We are making the same decision; the difference is that they do not typically handle indigent cases and they are referred separately. I do not know how the referral system would even work these days. In our County, what we would do is if we find a client who does not have a family member to serve and a private professional guardian was appropriate for the situation, we will then refer them over to the private professional guardian so they could spend down the resources and eventually come back to the public guardian. As far as I know, there is not a course curriculum for that.

Ms. Kelly:

I know down here that one person that does it, it is her own business, and the sole business is her guardianship business. There were at least two or three others that had it as their sole business. I think, yes, that is how they would do it. I know here, some of the hospitals will refer to the private guardian for some of their cases if there are certain things that they need on it. I have had people that have had a negative feeling about being under the State, some of our clients do not want to be a client of the State and would rather have someone else help them. It is about choice, I think. The other area that people have seen as family members have been more comfortable with a private profession in some instances.

Chair Miller:

Any other questions? I am not seeing any, I will go ahead and close this agenda item. Thank you for your presentation.

We are going to switch Agenda Items VIII with XIII; we will hear Item XIII next.

[Item taken out of order.]

AGENDA ITEM VIII—PRESENTATION ON THE ACTIVITIES OF NEVADA GOVERNOR’S COUNCIL ON DEVELOPMENTAL DISABILITIES, INCLUDING POLICY PRIORITIES FOR THE 2025 LEGISLATIVE SESSION

Chair Miller:

Our next agenda item is a presentation on the activities of the Nevada Governor’s Council on Developmental Disabilities including policy priorities for the 2025 Legislative Session. When you are ready, please proceed.

Catherine Nielson, Executive Director, Nevada Governor’s Council on Developmental Disabilities:

Thank you Chair Miller and Vice Chair Scheible for allowing me to be moved in the schedule today to the last presentation. I was with Congresswoman Titus and her staff in Washington, D.C., advocating for Nevada. I appreciate the opportunity to be here and speak with you. I am going to be talking to you about guardianships in Nevada today, and I know that a couple of presentations went over some of the information that I have in my slides, so I am going to do my best to skip over those pieces to give you back some of your time today ([Agenda Item VIII](#)).

There are four types of guardianship and those were briefly discussed. The biggest piece that we will be talking about is the guardianship that involves individuals with intellectual and developmental disabilities, whether they are a minor or an adult. There are a couple of primary pipelines for guardianship that we have discovered through a lot of different conversation that we have been having, primarily nursing homes and students that are transitioning out of high school. That seems to be the majority of guardianship cases that we currently have in our State, but those are not the only pipelines, but those are just two of the primary.

There are alternatives to guardianships that several of you worked to pass a couple of legislative sessions ago and that is obviously the Supported Decision-Making Agreements (SDMA). Throughout the last couple of years, those have been becoming increasingly popular in our State. They have again gained in popularity, but it also increased a lot of questions within the community that we hope to provide a little bit of clarification on in our presentation. We did talk with a couple different community members, and we sent out a brief survey to talk to them about what their thoughts were on guardianships from the community. Many people felt it was really supportive when it was used appropriately and that unfortunately, it can very often be used inappropriately. There is not a large amount of information on what guardians can and cannot do once they have been granted guardianship and there is also not enough information of what the protected person can and cannot do. I mentioned specifically, voting because there is a lot of misconceptions that individuals who are in guardianships cannot vote. They can retain the right to vote and are able to do so in Nevada. There is not a whole lot of information about transitioning off

guardianships as well, but that is something that we are working on with a lot of different agencies. We have a website that I will mention as well for that too. Again, guardianships have been reducing in numbers over the years because we have found good alternatives like SDMA. I heard somebody mention that if somebody can choose where they want to live, they should be given the right to choose and that is in pretty much every instance. I think more individuals are becoming much more knowledgeable on what that looks like and how they can guide and help provide support for those that maybe need a little bit of somebody to bounce ideas off or somebody to help support their decision. Again, the number of guardianships in Nevada have been going down over the years.

We also asked about the community's thoughts on Supported Decision-Making (SDM), as well. Not enough people know what it is and what it is not. Primarily, not a whole lot of people, outside of the disability community, doctor's offices, banks, and I mentioned institutions, not knowing what it is, but we are talking about hospitals and any kind of outside business. A lot of them do not honor the document, and I think it is more about fear. They do not want to do the wrong thing. They do not know how valid the SDMA is, and there is concern that because it does not need to be notarized or there is not a standardized form, they do not know if the form they are being provided is correct. I think that has a lot to do with us continuing to provide education and resources in the community. We have also heard there is a lot of benefit to creating standardized forms for these types of agreements, but there is also the other side of the argument that this agreement should be whatever the individual wants. There is a caveat of creating standardized forms makes it so they must follow this form and negates that ability. A lot of other individuals feel that SDMA are only appropriate for those labeled as "higher functioning" and that is not true. Many individuals can benefit from SDM. If they can decide what they want to wear, what they want to eat, where they want to live, then SDM can absolutely be utilized. Some people feel that SDM should be in place for all adults with intellectual and developmental disability (I/DD), including those that are currently in guardianships. Even if somebody is in a guardianship, we encourage the use of SDM as often as possible. There are instances where guardianship comes into place for some individuals when it comes to their health or financials, but even in those instances, we encourage the use of SDM.

Some considerations for change—I am sure this is what you guys are looking for here—education to the community on least-restrictive options. That is something that we will be working on to help provide as many opportunities for education and resources as possible. When it comes to current laws for guardianships, there is not a whole lot of conversation about SDM in the laws. There are really no Transition Plans into adulthood—Transitions Plans for Minors, or the minor protected person transitioning into adulthood—including any conversation about SDM. We want to make sure that, while guardianship is appropriate for some individuals, SDMA being built into the laws so that more people feel confident in utilizing SDM as their option. We also encourage Transition Plans for Adults in guardianships to transition to SDMA. There are many parents that have come to us saying they used to be a guardian because SDM was not a thing when they took guardianship, and they have worked to transition from being their guardian to no longer being their guardian and utilizing SDM. The law that was passed really helped to benefit people feeling more successful in their SDMA as well.

Current laws do not provide information on alternative specific SDMA in a way that helps other entities feel confident in the agreements as well. Then, we would also like to see the addition of SDM education into various settings, including law schools where they talk a lot about guardianship and the rights of individuals. Individualized Education Program (IEP) meetings—we would like to ensure that IEP meetings because that is one of the pipelines to

guardianship they are exploring SDM. Many parents have stated that when their child was transitioning into adulthood and they were getting ready to leave high school, they were presented with the conversation of guardianship. We are hopeful that continuing to provide the education they might be presented the opportunity for SDM instead of that. We really want to see that take place. Then annual medical exams as well—when it comes to working with pediatricians and those that are primary care providers for either adults with disabilities or maybe even children that are getting ready to become adults as well. We want to continue to provide education. That is something that we wanted to let you know that we are continuing to do. We have a website at <https://SDMNevada.Org> that is the SDM website that we put together with the University of Nevada, Reno's Center for Excellence and Disabilities. We are extremely excited that you all are considering any sort of change to guardianship to allow for as many opportunities for these individuals to make their own decision.

I believe that is the end of my presentation, so I am going to stop sharing my screen. I hope I did not repeat anything, but I am ready for any questions you may have.

Chair Miller:

Thank you for your presentation. Member, Vice Chair Scheible has a question.

Vice Chair Scheible:

Thank you for this presentation and for reviewing this information with us. I do remember having a couple discussions about SDM at the Legislature over the last few years. Something that came to me while you were speaking that I do not think we have discussed before—especially when you were talking about providing more guidance in the law for people who are interested in developing SDMA instead of guardianship relationships. Do we have or could we create or does something like this already exist, and I do not want to say a standardization but maybe a template form for SDMA's?

Director Nielson:

We do not currently have a standardized form. I think that was kind of law as a way to say, "You can make this agreement be whatever it is that you want it to be." That has also created the concern on the other side that when you come to the bank or whatever, with this form, they are not quite sure whether or not this is something that is legal or if it was done appropriately. The way that those agreements work right now, is the individual will make all the decision with their identified supporters and then they need two witnesses but does not currently need to be notarized. It does not need to file with any court system and there is not a current standardized form. Our suggestion would be that we create the standardized form so there is more trust within the community that this is a legitimate and this is something that they can trust to utilize with the appropriate measures.

Vice Chair Scheible:

If I can follow up. Is that something the Department would administratively be able to handle if they were tasked with being the repository for those agreements. Maybe not requiring them to approve them, but having a standardized form that you will fill out, you put your agreement in there, you sign it, and you send it back to the Department. Would that be helpful?

Director Nielson:

I am not sure if that is something that the DHHS would be able to take on. The biggest thing is that current guardianship, where they hold those records and file them in the court system, really allows there to be some sort of legal document that shows it is valid. If we were to make the requirement be something along the lines of needing it to be notarized or if we create an example form that provides the guidance and we start to utilize that; that would be much more beneficial. The premise behind it is that if you decide you want to support her, you have had that conversation. I think we have all talked about where that might live, and it is still up for discussion on that.

Vice Chair Scheible:

I appreciate that. Thank you.

Chair Miller:

Any additional questions, Members? I am not seeing any. Thank you for your presentation, and I will go ahead and close this agenda item.

AGENDA ITEM IX—PRESENTATION BY NEVADA GAMING CONTROL BOARD, INCLUDING LEGISLATIVE PRIORITIES FOR THE 2025 LEGISLATIVE SESSION

Chair Miller:

We are going to continue with our agenda. Our next item is a presentation by the Nevada Gaming Control Board, which includes legislative priorities for the 2025 Legislative Session.

Sebastian Ross, Esquire, Senior Policy Counsel, Nevada Gaming Control Board (NGCB):

Good afternoon, Chair Miller, and Members of the Committee. Joining me today is Kirk Hendrick, he is the Executive Director and Chairman. Thank you for today's opportunity to present ([Agenda Item IX](#)) and update you on what the Board has been working on since our last interaction with the Legislature. The NGCB regulates the gaming industry and collects the industry's tax. As you know, collections totaled over \$1 billion for FY 2022–2023. The piece of the pie chart near the bottom corner represents the taxes that contributed to the State's General Fund. These gaming taxes contributed more than 18 percent to the State's General Fund, according to the Governor's Finance Office, ranking second behind sales tax. We expect financial numbers for FY 2023–2024 to be released in the near future. In order to accomplish its function, the NGCB has 6 divisions currently staffing 363 employees. For comparison purposes, in 2008 the Board had 461 personnel positions representing a considerable reduction compared to present numbers.

During the 82nd Legislative Session, the NGCB proposed, and the Legislature passed SB 14 (2023) that resulted in revisions to Chapter 463 "Licensing and Control of Gaming" of the NRS and the need for several required new Nevada Gaming Commission (NGC) regulations. The first revision addresses administrative approval of transfers of interest to specified individuals associated with an NGC issued licensee in the event of the licensee dying or being judicially declared as disabled to temporarily engage in activities or receive proceeds without waiting for the full process of obtaining a State Gaming License.

The second provision with an impact on gaming regulations addresses the parameters for the NGCB access to data-hosting centers, which are facilities such as "Switch" that may house licensee data. Additionally, the definition of "employee" was amended to recognize evolving changes within gaming employment and the industry generally. The Legislature also authorized continued funding for replacement of the Board's technology operating system, which handles all essential functions for the NGCB. The contracted developer is making progress on replacing the Board's antiquated system. Accelerated workflow is anticipated and necessary for the next several months. As the Committee may recall, the Board committed to using an incremental delivery-based model where the vendor invoices and is paid based on the percentage of work completed.

The NGCB has also addressed non-legislative regulations during the interim pursuant to the Governor's Executive Orders 2023-003 and 2023-008. The Board identified 13 regulations for repeal, 8 regulations amended for effectiveness, and 3 amendments to update surveillance standards for non-restricted licensees. These amendments were done to eliminate and reform unnecessary and burdensome regulations. Some highlights include eliminating redundant reporting such as the Amendment and Regulation 20.070.1, which requires one copy of a financial statement report instead of two copies; eliminating reports requiring licensees to submit a monthly report on each new gaming employee hired for the preceding month; and eliminating requirements of licensees to monitor and record the activities occurring in slot change booths, as most of those are now gone from casino floors. So far this year, the Board has placed 22 regulations for consideration on a public meeting agenda and recommended 16 of them to the Commission. The Board has conducted three public workshops during the past year, and we anticipate at least a couple more by the year's end.

Some highlights from this past year include simplifying the collection of live entertainment tax for gaming licensees offering live entertainment by implementing a gross revenue collection similar to the process followed by the Nevada Department of Taxation. Chapter 368A "Tax on Live Entertainment" of the *Nevada Administrative Code* (NAC), which provides guidance to the Board on the Live Entertainment Tax was referred to the LCB for approval. Additionally, the Board modernized regulations relating to the list of excluded persons. Many of the regulations pertaining to the list had not been updated since the 1980s.

The Board's Technology Division made multiple implements to streamlining the approval process. For example, the Division implemented new gaming technology approval guidelines. The new approval guidelines are designed to expedite the evaluation of gaming technology. These guidelines will impact the approvals of new gaming devices, new associated equipment, modifications to gaming devices and associated equipment, and the field-testing of gaming devices and associated equipment. The Technology Division also implemented the "Nevada One Day Evaluation" Initiative (NODE). Under NODE, the Division will complete its evaluation of a slot machine modification within one business day of the receipt of a complete application for approval. The Division's ability to complete the review is contingent on receiving a complete application that complies with Commission Regulation 14.110. Additionally, the Technology Division implemented the "Ante Up" Initiative for gaming technology field-test procedures. The Initiative expedites approvals by enabling NGCB agents to perform a significant portion of procedures normally conducted by a licensee which lessens the burden on operators. "Ante Up" also allows the Board to identify potential issues more quickly during the field-test period, reducing time for corrective action by the manufacturer.

As stated NRS 463.0129, gaming when properly regulated is a vital component to the State's economy. The next slide highlights gaming's financial impact. Nevada continued to record gaming win amounts in excess of pre-pandemic levels. Nevada's May 2024 total gaming win of \$1.320 billion increased 2.5 percent or \$31.6 million versus May 2023. The total set a new all-time record for the month of May and became the eighth highest monthly total ever recorded. Total statewide gaming win was 34.5 percent or \$338.7 million over May 2019. May 2024 also represented the 39 consecutive months that the State has recorded \$1 billion in monthly gaming win. Fiscal Year-to-Date through June 2024, the Board has collected a total of \$1.176 billion and total General Fund collections are up 4.5 percent or \$50.1 million over FY 2022–2023. Fiscal Year-to-Date through June 2024, the Board's total General Fund collections are 4.4 percent or \$49.6 million over the May 2023 Economic Forum forecast. We anticipate full financial numbers from FY 2023–2024. The numbers presented today are still subject to change.

As we prepare for the 83rd Session of the Nevada Legislature, the Board is positioned to submit its biennial bill draft request (BDR) to the LCB in the coming days. In line with recent legislative bill allotments, the Board is finalizing two BDRs with the goals of modernizing technology considerations to meet evolving industry demands, and to streamline procedures to allow the NGCB to function even more efficiently. These proposals are intended to deliver reliable services to Nevada citizens and visitors. In the event that you would like to discuss our legislative proposal when the BDRs are finalized, I encourage you to contact me at your convenience. Chair Miller, we appreciate you allowing us to present today, and that concludes the Board's presentation. We are happy to answer any questions that you or Committee Members may have.

Chair Miller:

Thank you for that. Members, do we have any questions? I do not see any questions. Thank you. I will close this item, and we will move on to our next agenda item.

AGENDA ITEM X—PRESENTATION BY NEVADA'S CANNABIS COMPLIANCE BOARD, INCLUDING UPDATE ON THE IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION AND LEGISLATIVE PRIORITIES FOR THE 2025 LEGISLATIVE SESSION

Chair Miller:

Next is a presentation by Nevada's Cannabis Compliance Board (CCB) including an update on the implementation of legislation enacted during the 2023 Legislative Session and legislative priorities for the 2025 Legislative Session.

James Humm, Executive Director, Nevada CCB:

Thank you Chair, Vice Chair, and Members of the Committee. I am pleased to be here today representing the CCB to present an overview and our implementation of SB 277 (2023). Assisting me today in Las Vegas is our Communications Director Tyler Harrison, up north we have our Chief of Investigations, Dave Staley, and our Chief of Administration, Steve Gilbert. I want to let the Committee know that whatever measure of success I will have in this appointment, will be because of them and their incredible teams who serve the State with dedication and unrivaled efficiency ([Agenda Item X](#)).

A quick background on myself and the Agency; Governor Lombardo named me to lead the CCB in December of 2023. Whereas in the prior six years, I had the pleasure of serving

the State in various roles both at the Attorney General's Office and the Governor's Office of Economic Development. I must say because of the effective and dedicated team that was in place at the time of my appointment, I found the transition to be smooth. It has been an absolute joy to be in this role and to serve the State and constituents of Nevada at the pleasure of the Governor. We have already, and I know we will continue to accomplish many more great things.

Now, if you will, please let me walk you through our presentation. This initial slide is relatively straightforward and outlines the core functionality of the CCB. The Nevada Legislature set forth the public policy through NRS 678A.005, which guides the CCB's daily operations, regulatory decisions, and ultimately its core purpose and mission. "The continued growth and success of the cannabis industry is dependent on public confidence and trust," which is in NRS 687A.005(3). Furthermore, "that public confidence and trust can only be maintained by strict but fair and equitable regulation of all persons, locations, practices, associations and activities related to the operation of cannabis establishments," from NRS 678.005(4). Continuing with the quick overview, the Mission Statement is "The Nevada Cannabis Compliance Board governs Nevada's cannabis industry through strict regulation of all areas of its licensing and operation, protecting the public health and safety of our citizens and visitors while holding cannabis licensees to the highest ethical standard." We have four main divisions at the CCB: Administration and Licensing; Inspections and Audit; Investigations; and Enforcement. Agency operations and regulatory responsibilities oversee and regulate Nevada's 450 plus operation licenses and enforce statutes and regulations set forth in NRS 678A through D and the Nevada Cannabis Compliance Regulations (NCCR) 1 through 15. Additionally, one of the core missions is to protect public health and safety for consumers, medical patients, and visitors to the State. We also maintain the industry's economic benefit of the State. We have 101 full-time employees; 5 Board Members; and 8 Cannabis Advisory Commission Members. I must also note that there are four that are in statute, myself; the Attorney General; the Director of Public Safety; as well as the Director of Taxation. Our current vacancy rate sits at 11 percent, but we have some additional offers out.

Now an overview of SB 277 (2023), a study on federal rescheduling/descheduling, which is coming out at the federal level. It required the Cannabis Advisory Commission (CAC) to study and recommendation concerning the potential effects on the Nevada Cannabis Industry if cannabis were to be removed from Schedule I of the Uniform Controlled Substance Act, Chapter 453 "Controlled Substances" of the NRS, or the federal Controlled Substance Act (CSA), 21 U.S. Code § 812. The Chair of the CAC created a five-person subcommittee on rescheduling/descheduling comprised of CAC members and outside experts to study and prepare this report. The Subcommittee held seven public meetings which included discussion with the bill sponsor, Senator Harris—thank you, Senator Harris, for participating—as well as subject matter experts in the field of cannabis regulation. Using subject matter expertise as well as independent research, the Subcommittee produced the requested report and recommendations during the February 23, 2024, CAC meeting members unanimously approved this report. On February 29, 2024, the final report was submitted to the LCB and the JISCJ. Again, of note, we held seven public meetings—again, thank you Senator Harris and thank you to former Senior District Attorney who is now at the county, Ashley Balducci, for her tireless work putting this report together and then thusly presenting it to the larger CAC for unanimous approval.

The next slide, dealing with SB 227 (2023) environmental effects. It requires the Board, before adopting, amending, or repealing any regulation to consider whether the proposed action is likely to have an adverse effect on the environment. The repeal of NRS 678A.460

placed the CCB under the Administrative Procedures Act (APA) of 1946, Pub. L. 79-404, 60 Stat. 237, and then the CCB collaborates with licensees to make environmentally conscious choices that fall within statutes/regulations. As to the environmental effects, Nevada's desert landscape primarily dictates that most work happens in warehouses with internal grows. Licensees have strived to use water and energy efficiently. While conversations are open within the industry, there is not a lot of push behind this as it is a market-driven matter, and licensees are constantly looking for efficiencies.

The next slide is dual licensing. The CCB language comes across a little negatively, but it was a positive. The CCB was prohibited from issuing or renewing a medical established license unless facilities are in a jurisdiction with an adult-use moratorium, thus the audit team has assisted facilities in merging medical and adult-use inventory and seed-to-sale tracking systems. The transition of this project is still ongoing as the renewals are happening and then licensing beginning January 1, 2020, for CCB staff began issuing combined licenses for both medical and adult-use, creating one fee for renewal of that license. Dual licensing has functioned as intended and the Agency is in the process of combing these licenses as they come through.

The next slide, individual sale amount increases, also per SB 227 (2023). What I did here was pull our list serves and our notifications to industry as well as the public. As detailed in the bill, on January 1, 2024, the sale and possession limits increased from one ounce to 2.5 ounces of usable cannabis and from 1/8 to 1/4 ounce of concentrated cannabis. Again, these are official releases that we sent out. As you can see from the slides, we notified the public as well as the licensees of these changes. Additionally, we work proactively with the industry to notify them of the changes, and how this would work on the back end in their point-of-sale and tracking systems as well as their signage in the facilities.

Excluding felonies, this requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from those prohibition. On January 18, 2024, the CCB issued written guidance on the petition process as codified in Nevada Cannabis Compliance Regulation (NCCR) 4.150. The petitions submit the email documentation related to their conviction, probation, and their perceived impact on public health and safety in the Nevada Cannabis Industry. As of July 19, 2024, seven petitions have been received by the Board. Five have been heard by the Board and approved to receive agent cards. Two petitions are yet to be determined pending additional document submission. As this is the Judiciary Committee and given the intent of the Legislature to allow people into the industry, it is our belief that this is working as intended. Of note, once a petition has been received, it has not taken longer than 60 days to get a petition before the Board. Given my previous role, job opportunities are extremely important to me and that is at the forefront of our policy to allow those that want, in the industry, that chance on an expedited timeline. We have a few more slides, but I am happy to answer any questions on the excluded felonies as well.

Insurance and renewal fees, this decreases the maximum amount of the fees that the CCB is authorized to charge for the issuance or renewal of an adult-use cannabis establishment license. June 30 is a popular time for renewal, and we are still calculating the numbers and the impact of the reduction of the fees will have on our budget. As intended though it should have a positive impact reducing costs for the licensees.

Next, was about the secure entrances which authorizes any cannabis establishment to have more than one entrance so long as each entrance is secure. Prior to SB 227 (2023), establishments could require a separate secure employee entrance if desired. Since the passing of SB 277 (2023), less than five facilities have requested a second secure entrance.

This has been implemented and as seen by the numbers was not a particularly large number of licensees that asked for this, but the ones that have requested them, we have worked with them to allow for this.

The next slide is an industry snapshot. I think many of you know the facility types include cultivation, production, independent testing labs, distribution, retail/dispensary, and consumption lounges. I had the team actually dedupe the cards because in some cases, you can have multiple cards to work at different verticals within the industry. The number is about 14,961, so we have about 15,000 people working in the industry. The highest concentration of active licenses, as you would guess, is in southern Nevada with 300 plus active licenses in Clark County including unincorporated Clark, Las Vegas, North Las Vegas, Henderson, and Mesquite. Then 65 plus active licenses in Washoe County including unincorporated Washoe, Reno, and Sparks. Again, this slide shows the breakdown as well, nothing specific there.

This next one is an industry health slide. I am sure you heard from the industry as well as constituents, the market is in fact down. This is due to a multitude of factors, economic indicators, inflation, et cetera. However, it is my belief that the industry in itself is stabilizing, and this could potentially demonstrate a better representation of what can be expected moving forward. Several factors contributed to the higher numbers when the CCB was first established given COVID-19 and the industry newness. Although the numbers are down, several items from the last legislative session like reduced fees from SB 227 (2023), were done in an effort to reduce the burdens on the industry. This as well as regulatory stabilization, I believe will ultimately be beneficial.

Current and trending challenges, we covered that on the tax revenue being down, this is also consistent with sales trends in other states with more mature cannabis markets and can be attributed in part to the after-effects of COVID-19. The illicit market, we have had a couple of round tables since I have been there working with our partners at the OAG, Department of Public Safety (DPS), Nevada Cannabis Association, and the Cannabis Policy Institute. Federal concerns, in general, those are addressed more directly through the study.

A general look ahead, the CCB commissioned a study reviewing the economics of the regulated Nevada industry and the scope and effects of the illicit market, which will be released soon; ideally in the next week or so. The CAC Subcommittee on Market Participation is working on establishing criteria for a pilot program for identifying opportunities for emerging small cannabis businesses to participate in the cannabis industry, with the goal of increasing the participation of women, minority, veterans, LCBTQ+ owned businesses and local agriculture. White Pine—after the Board approved regulations in February, the CCB opened their second licensing round which closes today at 5 p.m. for one cultivation and one production establishment in White Pine County. Cannabis Consumption Lounges are open and expected to open on a rolling basis and two are currently open. In general, the focus of the Agency will be economic growth, public safety, and governmental support services. As mentioned prior, economic growth is extremely important to me given my background, and I believe that we will accomplish this through facilitating business-friendly regulatory environment, streamlining any license process, in this case, working with licensees on specific issues, and making it simple for renewals. Making culture shift the Agency has been known to industry, that we would like to create partnerships and collaborate with the industry, encouraging small business growth, which you can see through our CAC. Also, the last statement, government support services were collaborating with other agencies, as I mentioned, DPS and also a nod toward Taxation and Health and Human Services, too, to ensure delivery of governmental services and

operations to Nevada. Internally, it certainly is a tenor of knowledge sharing and problem solving across those agencies.

In closing, to encapsulate everything, businesses have spent much of the last few years adapting to this relatively new regulatory structure. As noted, prior, our goal is to provide certainty in a fair-playing field for the industry to know what is expected of them and to provide for them to thrive. Given my newness in the role, it has certainly been and will be a year of transition where individuals and businesses can start to look forward to shaping the future of the industry rather than just grinding through the present. I was born and raised in this incredible State and during my career, over the last several years, I know this, Nevada has been, and we will continue to be agile and capable of moving with urgency. Because of that, there is an opportunity for us to continue to be the gold-standard in cannabis and to foster a stable, sustainably regulated industry, that is capable of withstanding whatever comes. As policymakers, we must continue to pursue these ideals and maximize our advantages and remediate our deficiencies. We must keep looking forward and work together as partners. I came from an Agency that always advocated hope and opportunity, and my goal is to continue in that vein during my time at the CCB, the industry continued to be that and will continue to be that. My team and I would be happy to take questions. Thank you again for the opportunity to be here today.

Chair Miller:

Thank you for your presentation. Members, do we have any questions? No, I am not seeing any questions. Assemblywoman Gallant, please go on.

Assemblywoman Gallant:

I am excited to hear what you have in store for the cannabis industry. I do have a question, is there any discussions or plans tackling the intoxicating hemp that is being sold, I guess, illegally?

Director Humm:

Yes, we have actually been in talks on that policy issue with the Governor's Office, as well as the industry somewhat. As noted, before, on the federal side we need to continue to look at that as we go and as that develops and see if there is any more clarity on the federal end. Yes, that is front-of-mind for the Agency.

Assemblywoman Gallant:

To piggyback on that, the illegal sales of cannabis, I mean the black market is booming. Is there any discussion on how you can address that issue? Maybe even partner with LVMPD or various agencies?

Director Humm:

Yes, that is ongoing and to that end, again, just a function of my newness, I have taken a pragmatic approach to that. It was almost on my first day, industry came and noted to me that that had been an issue. Yes, we are talking to everyone from the Governor's Office to industry, as well as licensees on how, when, and what that actually looks like moving forward, and how we can actually tackle that issue. Again, like the intoxicating hemp, we have this on the front of mind.

Chair Miller:

Thank you. I am not seeing any other questions. I will go ahead and close this agenda item.

AGENDA ITEM XI—PRESENTATION BY THE NEVADA CANNABIS ASSOCIATION, INCLUDING AN OVERVIEW OF ITS ACTIVITIES, AN UPDATE ON THE IMPLEMENTATION OF LEGISLATION FROM THE 2023 LEGISLATIVE SESSION, AND POLICY RECOMMENDATIONS FOR THE 2025 LEGISLATIVE SESSION

Chair Miller:

Our next agenda item is a presentation by the Nevada Cannabis Association (NCA), including an overview of its activities, and update on the implementation of legislation from the 2023 Legislative Session, and policy recommendations for the 2025 Legislative Session.

Layke Martin, Executive Director, NCA:

Good afternoon, Chair Miller, Vice Chair Scheible, and Members of the JISCJ. It is my honor to be here today to provide you with updates about the status of industry implementation of the bills passed during the last session and the outlook for cannabis related bills in the 83rd Legislative Session ([Agenda Item XI](#)).

The NCA is the oldest and largest trade association for licensed cannabis businesses in Nevada. Our members include the majority of Nevada's dispensaries as well as cultivation, production, distribution, and lounge licensees and affiliated businesses. Our mission is to promote a safe, compliant, and successful cannabis industry in Nevada. We are led by a Board of experienced professionals from across the industry with backgrounds in cultivation, production, and retail compliance and law.

Before I dive into the current status update, I want to give a brief overview of the short history of cannabis here in Nevada, basically highlighting the first medical sales began in 2015 and recreational sales began in 2017. The industry here in Nevada is not even ten years old. In the seven years since adult-use legalization, the industry has brought in between \$100 to \$150 million a year in excise tax revenue. Additionally, cannabis consumers pay sales tax on their purchases, which last year brought in an estimated \$68 million. As you can see on this slide, Nevada cannabis taxation is set up to tax at two points in the supply chain, once the cannabis grower makes the first transfer of product, either another cannabis establishment or to a dispensary for sale to consumers. That first transfer [Wholesale Excise Tax] is taxed at 15 percent of either the actual sale price, if the seller and the buyer are not affiliated, or 15 percent of "Fair Market Value," if the buyer and seller are affiliated. Then when we get to the dispensary, consumers pay an additional 10 percent called the Retail Excise Tax on adult-use purchases, medical customers with valid medical card do not pay this tax. All consumers, medical and recreation, pay Sales Tax. The last full year of data we have available is FY 2023. In that year, the Wholesale Excise Tax brought in \$53 million in revenue, the retail tax brought in \$80 million in revenue, and the sales tax estimated \$68 million. When voters approved legalizing recreational cannabis in 2016, one of the promises of that campaign was that legalization would bring much needed funding to education. It is estimated during that legalizing cannabis would bring in \$20 million in excise tax annually to kindergarten through 12th grade education. That number has been exceeded each year by as much as 700 percent. Since legalization of recreational cannabis, an estimated \$606 million has gone to kindergarten through 12th grade education from cannabis excise taxes. That includes

FY 2018–2023. I wanted to give an idea of the full picture of cannabis taxes before we moved into the current industry snapshot. In addition to State taxes, cannabis businesses pay federal taxes, but their effective tax rate is significantly different from traditional cannabis businesses due to Section 280E of the Internal Revenue Service (IRS) Code, state-legal businesses cannot deduct ordinary and necessary business expenses on their federal returns. Things like rent, salaries, marketing expenses cannot be deducted by legal cannabis businesses. They can only be deducted costs of goods sold, so that results in an effective tax rate as high as 70 to 80 percent. It is obviously a tremendous burden on state-legal cannabis businesses and that is one of the key reasons why the industry is supporting, through scheduling at the federal level, which I will discuss in additional detail later. At the local level, licensed businesses pay up to 3 percent of gross revenue on each establishment in the local jurisdiction in which they operate. For Clark County, along, that totaled an estimated \$11 million in revenue in FY 2023–2024.

As Director Humm notes, taxable cannabis sales for 2023 were \$848 million. We do not have the full data for 2024, but sales are on track to be flat or declining further. Last year's sales were down \$113 million from the previous year, and tax revenue in 2023 was \$133 million. The continuing decline in sales year over year is obviously a primary concern for the industry. Consumers are price sensitive, and we have much competition from unlicensed cannabis and now intoxicating hemp products that are relatively available at lower costs with no taxes and no identification checks.

As Director Humm noted, as of June 2024, there were 462 licenses issued, not every license is a separate establishment. Since the passage of SB 227 (2023), medical and recreational licenses are merging. We have 101 dispensaries, about 150 cultivations, 100 productions, 50 distribution licenses, 8 laboratories, and 2 lounges. The industry directly supports almost 15,000 jobs as represented by the number of active agent cards, those are required to work in the industry. Additionally, there are thousands of jobs which are indirectly supported by the industry, those jobs which serve the license industry but for which you do not need an active agent card, like fire-tech professionals, marketing, things like that. Our economic impact report from 2023, estimated that the industry's total economic impact on the State was more than \$2 billion annually and that has to do with upstream supply chain transactions, cannabis worker household spending, et cetera.

The 2023 Legislative Session was a busy one for the cannabis industry and significant reforms made during that session have helped the industry survive during a challenging time. We are very appreciative for that. Some of the notable bills include SB 195 (2023) sponsored by Assemblywoman Rochelle Nguyen, we eliminated time and effort billing, enhanced reasonable reforms to disciplinary violations, and required the CCB to consider self-reporting by licensees as a mitigating factor. The elimination of time and effort billing alone led to an estimated reduction of \$2 million in fees annually and more communication between licensees and CCB staff.

Senate Bill 328 (2023) sponsored by Assemblywoman Rochelle Nguyen and Senator Robin Titus, put the CCB's rulemaking under the APA. It had been previously exempted from the APA, and while the rulemaking process has been slower under the APA, we have appreciated the opportunities for stakeholders to provide input and for checks and balances provided in the structure of the APA. The bill also directed the CCB to adopt regulations to enforce civil penalties against unlicensed cannabis sellers, and to allow the CCB to issue Cease and Desist Notices and to seize products. The CCB has approved Regulation 4.200 which outlines civil penalties for unlicensed cannabis sales. It is yet to come before the Legislative Commission, but we are encouraged by this step forward related to civil enforcement.

Assembly Bill 430 (2023) sponsored by Assemblywoman Shea Backus make a very important change to how wholesale tax is calculated. Taxation has been using a number called "Fair Market Value" as the estimated sales price for all categories of products. Any product sold was taxed at 15 percent of Fair Market Value regardless of the actual sales price. Thanks to Assemblywoman Backus, this was fixed so that where the transaction is at "arm's length" between unaffiliated parties, the taxes is on the actual sales price, not a fictional number. Also, the bill shortened the length of time for sales data used to calculate the Fair Market Value, and as a result, we have already seen July's Fair Market Value is much closer to reflecting actual market rates.

Senate Bill 227 (2023), sponsored by Senator Dallas Harris was covered by Director Humm, but I did want to note that I read this morning that Michigan lawmakers are considering merging medical and recreation licenses following Nevada in that.

There are significant shifts in federal cannabis policy that Director Humm alluded to that I wanted to mention because there will be some interplay between what is happening at the federal level and what is happening at the State level, and it may affect legislation as we go into 2025. Rescheduling being the biggest hot topic in response to President Biden's request that his administration review the potential for rescheduling or descheduling cannabis. The United States Department of Health and Human Services (HHS) has recommended that cannabis be rescheduled from Schedule I to Schedule III. The Drug Enforcement Administration (DEA) opened a federal comment period which closed this week and received more than 40,000 comments. The NCA submitted written comment in support of rescheduling, and in it, we highlighted this Legislator's bipartisan support for removing cannabis from Schedule I as indicated by the passage of AJR 8 (2023), which was sponsored by Chair Miller and Assemblyman Reuben D'Silva, along with over 30 bipartisan co-sponsors. The primary benefit of rescheduling to Nevada's licensed business would be removing the burden of IRS Code Section 280E and they could pay federal taxes at the same rate as other legal businesses.

On to Secure and Fair Enforcement Act (SAFE Banking Act of 2019, H.R. 1595), while most of Nevada's cannabis businesses are now banked, lack of access to lending continues to be a huge impediment to growth or even the sustainability of the current industry. The Secure and Fair Enforcement Regulation (SAFER) Banking Act, S.2860/H.R. 2891 passed by the Senate Banking Committee last fall with bipartisan support, including support from Nevada's two Senators, but it has stalled for now.

The other hot topic in cannabis right now is what is referred to as intoxicating hemp. It started with the Agriculture Improvement Act of 2018 (2018 Farm Bill), Pub. L 115-334, 132 Stat. 4490, which arguably legalized synthetic marijuana federally. In the years since, there has been a dramatic proliferation of unregulated intoxicating hemp products. You have probably heard of Delta-8 Tetrahydrocannabinol (THC) (Delta-8), and this is just one of many iterations of hemp products which are being chemically altered to have psychoactive effects. Congress is considering an amendment to close this loophole in the 2018 Farm Bill that has allowed these to proliferate. The concern with these products is they are not regulated, they are not tested, they are not age-gated, and they are available broadly. Nevada has stronger prohibitions than what it is in place in the federal level, which we will discuss in a moment, but because we are dealing with the federal loophole, there is little we can do to stop the [inaudible] of products available online. In 2021, this Legislature prohibited the sale of synthetic cannabinoids was one of the first states to address this intoxicating hemp issue and required Delta-8 to be sold only in dispensaries. It effectively stopped the flood of Delta-8 products into Nevada for some time, however, now there are

more online retailers and more variety of products that fall within various loopholes. We are seeing these products show up on smoke shop shelves.

As for the 2025 legislative outlook, broadly we are looking at three categories: streamlining operations, unlicensed sales and intoxicating hemp, and growth and sustainability of the industry. Under streamlining operations, because so many of the foundations of the licensed cannabis industry were set up by the Legislature in statute, every couple of years we have to come back and ask for little tweaks to things that we have outgrown or need to change to keep up with this ever-evolving industry. Things like streamlining agent cards, increasing packaging size, technical issues that we will likely have this year, as well as the issue of unlicensed sales and intoxicating hemp.

Unlicensed cannabis sales continue to divert revenue from legal, taxable cannabis sales, and additionally, unlicensed companies target tourists who know that cannabis is legal but do not realize that licensed companies are zoned out of the resort corridor. Unlicensed companies offer online sales and direct-to-hotel-room-delivery of illegal cannabis frequently brought in from California. We are hopeful that the CCB's recent steps towards civil penalties for unlicensed sales will lead to much-needed enforcement, but to be clear, this remains a substantial threat to a struggling industry.

Intoxicating hemp sales similarly are diverting sales away from taxable cannabis products offering the same high at cheaper costs. They are available all over the Strip, in smoke shops, off of Instagram, and without requiring customers to be 21 to purchase. Our goal is to make it easier for law enforcement and the CCB to get these products off shelves. If we cannot prohibit them because of the sheer volume, the next best is requiring State regulation. Requiring them to be sold in licensed dispensaries in the same manner with the same testing, identification verification, and taxes as cannabis products.

Under growth and sustainability, the cannabis industry is the State is declining, not thriving. We are not alone. A recent economic report came out saying that only 25 percent of cannabis companies nationwide are profitable, and that is because of the same issues that I have outlined here today that they are facing across the country as well. Access to lending, lack of investment, cannot cross state lines, IRS Code Section 280E, and the unlicensed cannabis sales are challenges that cannabis companies are facing across the country, and we see them here as well. I expect that you will hear a few concepts next session aimed at growing the opportunities for sales.

In closing, I wanted to highlight that \$600 million the industry has sent directly to kindergarten through 12th education accounts for only six years of sales. I can predict with confidence that we will send \$1 billion from cannabis to kindergarten through 12th education by the ten-year anniversary of legal cannabis sales. Thank you for allowing me to present today, and I am happy to answer any questions.

Chair Miller:

Thank you. Members, do we have any questions? I do not see any questions. With that, thank you for your presentation, and we will move on to our next agenda item. This will be a fully virtual presentation on the activities of the Cannabis Policy Institute.

AGENDA ITEM XII—PRESENTATION ON THE ACTIVITIES OF THE CANNABIS POLICY INSTITUTE

Chair Miller:

We have the Cannabis Policy Institute out of the University of Nevada, Las Vegas (UNLV). Whenever you are ready, please proceed.

Riana Durrett, LL.M., J.D., Executive Director, Cannabis Policy Institute, UNLV:

Good afternoon, thank you for allowing me to present, Chair Miller, Vice Chair Scheible, Members of the JISCJ. ([Agenda Item XII](#)). I am here to introduce the UNLV Cannabis Policy Institute. It was created almost a year ago with the mission to expand, coordinate, and promote cannabis education, policy, and research. The University of Nevada, Las Vegas is a great fit for this endeavor because it is a Research-1 (R1) designated research institution by the Carnegie Foundation. I was excited to be selected for this position given my work in the cannabis industry, as the Director of the Nevada Dispensary Association, and then my service on the CCB where I continue to serve as the Vice Chair, as well as my work developing the State's first cannabis law and policy class at the William S. Boyd School of Law. I am assisted by a very accomplished Board that provides guidance and expertise including:

- Chris L. Heavy, Ph.D.,
Executive Vice President, Provost, Professor of Psychology, UNLV
- Leah Chan Grinvald,
Dean and Richard J. Morgan Professor of Law; William S. School of Law, UNLV
- David Hatchett, Ph.D.,
Vice President for Research, Executive Director of Research Infrastructure, and
Professor of Chemistry and Radiochemistry, UNLV
- Marc J. Kahn, M.D., M.B.A., M.A.C.P., F.R.C.P.,
Dean of the Kirk Kerkorian School of Medicine at UNLV; Vice President for Health
Affairs, UNLV
- Tick Segerblom,
Clark County Commissioner, District 5
- Robert R. Ulmer, Ph.D.,
Dean, Greenspun College of Urban Affairs, UNLV
- Andrew Woods,
Director, Center for Business and Economic Research, UNLV
- Judah Zakalik
Attorney, cannabis cultivation business owner and operator

My team includes myself, Dr. Stafford who is the Director of Research and is with me today, two doctoral students, and two interns. Dr. Stafford has a Ph.D. in marketing, but she has a much broader range of research experience and academic work including responsible gaming, developing a gaming code of ethics, social issues and advertising, and health messaging, among others.

The Institute has been off to a great start over this past year. We have initiated several cannabis research and policy development projects already. Dr. Stafford and I will briefly summarize those policy and research projects, but first I would like to highlight some of our other accomplishments. We launched a speaker series, hosting panel discussions and

webinars on important and developing cannabis research and policy topics. We published articles in the Ninth Circuit Western History Law Journal, the Nevada Lawyer Magazine, published by the State Bar, and we have a law review article pending. We have received local and national news coverage for our efforts. We worked on a Planning Committee for the Institute of Cannabis Research's Annual Canvas Research Conference—this is a conference hosted in Colorado annually and attracts researchers from around the country. We participated in peer-reviews of proposed cannabis research project grant requests. As a result of this initial productivity and engagements, we were invited to join with other universities on a national Institute of Health grant request for funding to create a National Cannabis Resource Center. We were invited by these other universities to participate in that—that is currently pending with the National Institute of Health. We have begun to fill the great need for translating cannabis research into policy information to assist in informed decision making. You often hear there is no cannabis research, there is limited and delayed cannabis research given its federal prohibition, but there is cannabis research ongoing throughout the country, and there really is a need for promoting and disseminating it, et cetera. We have worked closely with the law school in order to expand their cannabis course offerings, and the Institute itself has become a center for education as I supervise two graduate students and two interns, as I previously mentioned.

I am going to touch on some of the policy projects we are working on, but of course I am always willing to provide more detail to anybody that is interested offline. First, I have teamed up with Dr. Robin Goldstein, the author of *Can Legal Weed Win?*, and Director of the University of California, Davis Cannabis Economics Group, to develop reports on Nevada's cannabis economy and also a report shedding light on Nevada's future, if and when, cannabis sales can be conducted across state lines. That would have a great impact on Nevada's cannabis market. I am working with Dr. Stafford and policy experts to devise a national code of ethics and standards for cannabis advertisements. The rules vary state-by-state, and they would benefit from research that has been conducted since the time they were originally adopted, and this is the case in Nevada as well. I am working with the former Director of the CCB and co-founder of the National Cannabis Regulator Association to publish a report on hemp beverages sweeping the nation. These can be delivered to doorsteps in many states in the United States and may potentially have a big impact on the struggling cannabis market. Finally, I am working with Dr. Stafford and cannabis policy expert, Christine Dempsey, the Founder of the Cannabis Policy Lab, on a cannabis policy report to be prepared for the upcoming legislative session.

Further areas of interest for cannabis research and policy development that I believe are important to Nevada and that could be conducted at UNLV, include State regulation; economic development; the impact of federal changes to Nevada's cannabis market; social equity and inclusion in the cannabis industry; public health impact; medical research; prevention of youth cannabis use; the relationships and intersections of cannabis with gaming; and cannabis, tourism, and hospitality.

I am going to ask Dr. Stafford to cover our research projects, but I wanted to quickly give an update on driving under the influence (DUI) and impairment laws as the Chair requested. According to a report published in the National Institute of Health Library in 2022, there is "no validated behavioral or biological marker of recent cannabis use or cannabis related impairment." Basically, the bad news is that we do not have a reliable method for DUI impairment even though we have heard that the research is ongoing, but the good news is there are well-funded research projects ongoing at University of California, San Diego (UCSD), and various Colorado research institutes. They have not established a reliable way to determine cannabis impairment, because what they are coming up against is that THC does not reliably indicate level of impairment, but they are confident they will eventually be

able to develop a system for more reliably determining impairment. Again, there is a lot of funding going into this research, and they are making progress. They are developing the data necessary to eventually be able to recommend a test for impairment. If you would like more information about the state of impairment driving laws, including Nevada, I will have a report on this prepared by a student that will be on our website very soon.

Marla Royne Stafford, Ph.D., Research Director, Cannabis Policy Institute, UNLV:

Thank you Riana, Chair Miller, and Vice Chair Scheible. We are going to move the slides forward to where we have highlights of the research projects. I am really excited to see the range of cannabis research projects that are happening here at UNLV, and I am excited to share with you these very diverse projects. Cannabis covers a lot of different areas, for example, tied to the policy report Riana mentioned earlier on advertising, I am also involved in projects related to ensuring responsible advertising in cannabis with specific emphasis on protecting children who are a vulnerable population. Right now, I am working with a researcher at the Public Health Institute (PHI) to determine those factors attracting children the most. These results will have an impact on the policy report that we are producing on advertising. We will also submit it for publication, and I will be presenting on this topic at the upcoming cannabis research conference that Riana mentioned.

Another research project examines the topics, the people, the professions, and the timing of posts on "X" (formerly known as Twitter) over a period of ten years. This particular research provides insights into who is in discussion with cannabis, when and what they are talking about, and what this means for reaching certain groups of consumers. The results offer implications and demographics into the interests of actual cannabis users, and what this means for both marketing and public policy. Dr. Landers, at UNLV, and his team are investigating cannabis and Parkinson's Disease, specifically they are exploring the effects of THC and Cannabidiol (CBD) on self-reported balance problems as well as the freezing of gait [temporary, involuntary inability to move] in Parkinson's Disease. They have existing data, and they found significant differences in self-reports of balance problems among the different types of cannabis products. To learn more, they are in the process of securing investigational new drug approval from the Food and Drug Administration to conduct further studies.

In a different area, Dr. Park and his students sought to develop a Virtual Reality Youth Drug Prevention Program to improve youth resistance skills and awareness of drug use risk. They actually used an experiment to investigate virtual reality (VR) technology and youth education regarding drug use prevention and they found that VR technology is more effective than traditional methods, and that VR has a meaningful impact on youth drug prevention. They are looking to expand this research in the future as, obviously, these results have significant impacts for policy.

Dr. Erickson, who was in the Sociology Department, he and his team are examining motives for initiation and patterns use, the perspectives of users on changes in legal policy surrounding cannabis, as well as the impact of cannabis on user's physical, mental, and social health. Results will inform the development of beneficial policy and public health practices related to cannabis. I might also add that he and his team are applying for research with the National Institutes of Health. This is a sample project that is going on—we have a project on cannabis and gaming, we have a number of different projects across the University, and we are very excited about the current work and future work as this body of research will have significant implications for cannabis policy.

I thank you for the opportunity to present the research at UNLV today, and of course, I am also available to answer any questions.

Chair Miller:

Does that conclude your presentation?

Dr. Stafford:

Yes. Thank you.

Chair Miller:

Thank you. Members, do we have any questions?

Vice Chair Scheible:

Thank you both for your presentation. I am sorry, I do not have the slideshow in front of me. Did you say there was also research into impaired driving incidents associated with cannabis use?

Director Durrett:

We do not have research on the number of incidents. What we have done is prepared a report on the status of impaired driving laws as they have been in flux including in Nevada. The research is on the research and what is happening with the research. I can provide that report to you and email you directly.

Vice Chair Scheible:

Thank you.

Chair Miller:

We look forward to a report on the report. Members, any other questions? Not seeing any, thank you for your presentation. I will go ahead and close this agenda item and move to our final agenda item.

AGENDA ITEM XIII—PRESENTATION ON THE USE OF FACILITY DOGS IN THE CRIMINAL JUSTICE PROCESS AND RECOMMENDATIONS FOR LEGISLATION

[Item taken out of order.]

Chair Miller:

[We have active-duty dogs with the presenter in Carson City, we want to accommodate them and hear a presentation on the use of facility dogs in the criminal justice process and recommendations for legislation. The dogs you have with you in Carson City are Winter and Tofi. There are chairs if they need chairs. Whenever you are ready, you may begin your presentation].

Michael Browett, Lieutenant, Facility Dog Handler, Community Services Division, Patrol Section, Reno Police Department:

Thank you, Chair Miller and the rest of the Committee. I am honored to be here today to speak on this topic and a great segway. Obviously, this morning we heard a lot about adults and children, and their vulnerabilities they face especially dealing with trauma. That is what I want to discuss today is how dogs, like these, can be used in the criminal justice system particularly in courtrooms to support vulnerable victims. ([Agenda Item XIII](#)).

A little bit of background on me, I am currently employed by the Reno Police Department, I am a Lieutenant assigned to the Patrol Division right now, but I am the fortunate handler of our facility dog, Winter. A little history on how Winter came to be. In 2020, I approached then Chief Soto about starting a program using dogs to help support not only victims of crime but also employees dealing with the stressors that we face in law enforcement. I identified an organization, that is a national organization, called Canine Companions, who trains and places service dogs nationwide. Together we spearheaded what is the first inaugural Facility Dog Program within Nevada's criminal justice system. Winter was born in 2020, she is a purpose-bred Labrador/Golden Retriever, and she is four years old now. I am the Nevada State Coordinator for the Justice Facility Dogs U.S. organization, which is a suborganization of Courthouse Dogs Foundation, which is the international leading organization on this topic.

Since Winter's arrival, she has met and engaged with thousands of citizens of all ages as well as employees in and around the City of Reno. She has provided support to hundreds of victims at various stages in the criminal justice system and significantly for me as a law enforcement officer, she has helped to elevate the image of the Reno Police Department by breaking down barriers. It is amazing how many people come up and talk to me simply because of Winter. It softens the presence of law enforcement and leads to incredible conversations and community interactions with her being the ambassador of that. Winter works in numerous areas, but one area and the reason that I am here today, is to discuss the use of facility dogs in a courtroom, in a criminal hearing to support victims, particularly vulnerable victims and child victims, while they are testifying. That is something that we have not been able to do because there are some legal complexities.

It is important to define what a criminal justice facility dog is. There is an organization called Assistance Dogs International, it is a worldwide consortium of service dogs training organizations that set international standards for service animals in all areas, whether it be seeing eye dogs, hearing dogs, post-traumatic-stress-disorder (PTSD) dogs, medical alert dogs, or in this case, facility dogs. There are hundreds of organizations across the country that are accredited, some of the bigger names you might recognize are organizations like the Canine Companions, Guide Dogs for the Blind, Assistance Dogs for the West, and DUO Dogs, Inc.; but there are literally hundreds of assistance dog organizations. They provide a definition of a courthouse facility dog and a couple of things I want to point out with that definition is that they are placed in a criminal justice setting, the dog is, and their handlers are professionals in the criminal justice system. Whether that be a victim advocate, a prosecutor, an investigator, a police officer, such as me, they are somehow a professional within the criminal justice system that has been vetted, as we all normally are. We understand the rules of the system, and we have been properly vetted to make sure that we are not any kind of security risk when dealing with individuals, particularly children and vulnerable adults. One thing that their definition points out as well, is the whole point is to have a dog that can work in a courtroom setting without creating any type of nuisance. For that reason, their dogs if they are going to be called a justice facility dog, they have to go through the same public access test that any service dog would. That is a

very important lengthy definition. You will see in a little bit, that through legislation in other states, a much more generic definition has been developed. It simply calls attention to a facility dog, being a graduate of an assistance dog organization that is a member of either Assistance Dogs International or a similarly recognized organization. Obviously, we would not want to limit it to just one organization, but it does call attention to the standards that they have. This is an exact quote out of Idaho's State laws as to how they define it. I want to preface this with, therapy dogs are amazing in my opinion, and I know I am a little biased, but there are a variety of different dogs with different trainings. It is important when we are talking about in a courtroom. The use of a dog within the criminal justice system and particularly in a criminal case, that we know exactly what we are getting. A facility dog is not a therapy dog. If you look at the different standards and the level of training, they are completely different. There are really no standards for vetting a handler of a therapy dog whereas, drawing back to the definition, there are for facility dogs. Also with therapy dogs, their work periods are typically shorter, whereas like Winter has been here since nine o'clock this morning, and I do not think anybody has known she was here, so it is a different level of standard. Then one of the most important things, especially if we are talking about in courtroom use, is that most therapy dog handlers have to maintain control of the animal's leash. Whereas with a facility dog, you do not. The dog can be away from the handler and the leash can be held by someone in the stand. That is acceptable and has to do somewhat with insurance. Obviously, it is impractical and not desirable to have a handler sitting right next to witness while they are testifying in court.

The support, research, and the use of these dogs in the criminal justice system is not new. It began as far back as 2008. In the references you will find a lot of very good scholarly articles, resolutions from different association or organizations, as well as several laws. I want to touch on a few things briefly. A very guiding document, the 2018 work done by Elizabeth Spruin, compares therapy dogs and facility dogs and why facility dogs are the choice for in-courtroom use—she highlights some stuff that I have already discussed. Another important guiding document; the 2021 American Bar Association passed Resolution 101A, which is a good document that lays out the reasoning behind the use of these dogs. For today, I would like to call attention to the fact that it challenges and urges federal, state, and local territories to adopt laws and procedures to use these dogs in courtrooms. The Association of Prosecuting Attorneys, in 2018, also had a similar statement basically supporting the use of facility dogs. The same with the National District Attorney's Association in 2018. In all of those documents, you will see they draw attention to the specific definition of a facility dog and define it.

There was a bill at the federal level that unfortunately did not get passed the House but was passed in the Senate back in 2019, it was referred to as the Courthouse Dog Act. That Act, if it would have passed the House, would effectively had laid out the same rules that I would like to see laid out in Nevada, at the federal level, and then the rest of the articles and things here that I reference are more academic support for the use of these dogs in a courtroom setting. One of the biggest things, the last one you see, concerns regarding the utilization of pet therapy dogs for support and their owners for witness support. There is an article that I included that addresses one of the biggest things that get challenged is that these dogs can bias a jury in the courtroom. There is a study in my material that talks about how the use of these dogs in a courtroom is actually less biasing than the use of a teddy bear that a witness might hold.

So why now? As I mentioned earlier, facility dogs have been in use across the United States since 2008. Right now, especially within law enforcement, but in criminal justice in general, you are seeing a big push to incorporate dogs into this type of work. What I am seeing is that a lot of people are getting a large variety of different types of dogs and bringing them

into this practice ignoring all of the best practices that have already been established through a lot of work and research since 2008. I believe the long-term effectiveness of dogs like these in a courtroom setting. The State of Nevada is highly dependent on establishing best practice and having those codified in our laws. The last thing timing wise, as I am seeing in Washoe County with the work that I do with victims is that we have had to say "No" to victims who have requested that Winter accompany them on the stand. Furthermore, we cannot get a good measure of how much a resource like this would be utilized, because it would not be fair to query a child about it and ask if that would be helpful to them and then tell them that they cannot have that resource.

A brief overview of the use in the Ninth Circuit, I limited that to these dogs that are in use in almost every state across the country; I think 41 states as of 2023. I chose to only narrow in on the states that are within the Ninth Circuit for our purposes, because that would be the case law area that we are dealing with, should it ever be appealed to a federal level beyond the State. As you can see the numbers here, I will not go into them in super detail, but a couple of things that I do want to point out that in several states, there have been appellate level challenges to the use of these dogs, in every instance the use of the dog has been upheld. There is not an instance that I am aware of in the United States where the use of one of these dogs, properly applied, and the proper dog has not been upheld by the judicial system, judges, and courts. That underscores the importance of it, you can see that Arizona has appellate law; California has a law and appellate law; Idaho has law and appellate law; and then Washington also has law and appellate law.

There is not much to what we would be seeking. First and foremost, would be to define what a facility dog is. Hopefully, the definitions I have in the beginning have given insight into what that is. Though I am not an attorney, I have scoured NRS and there seems to be quite a bit of different definitions of vulnerable adults, child witnesses, for instance, but nothing that I can find that quite hits the mark. I think a statute involving this would need to specifically define the purposes of the use of the facility dog, and what vulnerable witness or child witness consists of. I think in most states, you see that is someone under the age of 18 or someone who would be considered a vulnerable adult by our definitions in State law. Most importantly, add the authority for judges to authorize the use of dogs like this in courtrooms. I believe the State of Idaho's law provides the best road map for this. Their law basically makes it a presumption that the dog shall be allowed in the courtroom unless the court finds that the defendant's constitutional right to a fair trial would be unduly prejudiced. Essentially, what writing it that way does is puts the onus on the defense to argue why the dog should not be allowed to accompany a witness on the stand. Then lastly, in some way, shape, or form, add facility dog to our definition of "service animal" within the State of Nevada so that when the dog is acting in that capacity, when it is actually serving a client in the capacity of facility dog, whether it be in court or a pretrial meeting, they have the same public access that service dogs have under that.

That is really what I have. There is a link to the references, several lengthy articles, and all the different state laws can be found there. I hope we can move forward with something like this, and I think it will greatly benefit victims in Nevada. I think one of my coworkers, a sex crimes detective for the Reno Police Department, said it best in talking about Winter and the work he has seen her do with some of the victims is that regardless of the outcome of the criminal case, if we can make the outcome for a victim, particularly children, if we can make that long-term outcome in the lives better by reducing the trauma not only of the experience, but also certainly the trauma of the criminal justice system in and of itself, as a victim like that goes through the prosecutorial process then we have done well. The goal, regardless of criminal conviction, is to set that person on a trajectory where they are going to be able to recover from that trauma most effectively with any resources that we can offer

to make that happen, I think we should seriously consider. I certainly appreciate your time, and if there are any questions I would be more than happy to try to answer them.

Chair Miller:

Thank you. Lieutenant. Members, do we have any questions?

I actually do have one. I appreciate the distinction between facility dogs, support dogs, or therapy dogs because in my mind, I believed they were all the same. As you were talking about there is no real formalized training or procedure for either the handler or the dog, can you describe then how the dog is selected? What is it based on, and how is a handler selected? I know we are speaking of only one dog in this situation, but if you could describe what is currently happening.

Lieutenant Browett:

There are two parts to that question, let me cover first therapy dogs. There are several organizations out there such as the American Kennel Club, which I think is one of the biggest ones, that certainly has a curriculum that a dog must pass in order to be labeled with their name as a certified therapy dog. However, there are no standards as to who can become a handler. There is no standard as to what type of dog, or temperament, or anything. If there are basic standards met when it comes to obedience and disposition, then most likely that person and that dog can become a therapy dog team. There is a lot of distinctions and especially when it comes to insurance purposes and rules that limit a therapy dog's usefulness in this setting. The leash thing is one of them, but then also you will find in therapy dog literature, the dog's well-being must be on the same level as the welfare of the person that they are serving. To shift into facility dogs, the selection process first and foremost, although several organizations source their dogs from a number of places, the bigger ones such as Canine Companions where Winter came from, they are purpose-bred dogs to become service dogs. They undergo almost two-years of assessment and training before they are even considered for placement as a facility dog in this case. That placement process is very robust too. It took almost a year and a half from the time I first applied, then numerous interviews, then culminating in a two-week handler school where you are observed as a handler utilizing this dog. They will not place the dog if things are not clicking and if things are not right. Then they have also in the beginning vetted who you are and their placement; not just anybody would be able to apply and get a facility dog from them or from similar organizations. They all have their own unique vetting process, but they all have a vetting process and then there is a two-week handler school. One of the requirements when getting an assistance dog from an international accredited organization is they provide lifetime ongoing support to the handlers so at any point during the dog's service if there are issues; the organization has to stand behind their products, so to speak, and provide the handler with corrective measures up to and including taking the dog back for remedial training if necessary. That glosses over some of the differences between the two, but with that there is certainly not that vetting process and certainly not that ongoing support with most organizations that will grant a therapy dog certification versus facility dogs. Hopefully that answered the question and helps to clarify the difference.

Chair Miller:

Yes, it did. Thank you. Members, any other questions. Not seeing any, I thank you for your presentation. I will go ahead and close this agenda item, and it is a good thing we were not there because when you mentioned that anyone could have the leash, then Winter and Tofi would have ended up in our laps.

AGENDA ITEM XIV—PUBLIC COMMENT

Chair Miller:

We have concluded all of our presentations for the day, and we will move on to your last agenda item, which is public comment. Starting here in Las Vegas, is there anyone here to make public comment? Not seeing anyone. Is there anyone there in Carson City that would like to make public comment? Yes, welcome, please continue with your public comment.

[Chair Miller reviewed public comment guidelines and call-in information.]

Brook Maylath, Resident, Nevada:

Thank you, Chair Miller. I would like to call your attention to SB 153 (2023), which directs the Department of Corrections (NDOC) to draft and implement policies for appropriate standards for meeting the needs of transgender, gender nonconforming, non-binary, and intersex persons who are incarcerated. These regulations cover appropriate housing, commissary access, personal items, and access to medically necessary health care. The bill purposely gives the NDOC broad discretion to create pathways for individual assessments of those within the system, taking into account the risks and needs of the individual, the population under consideration for housing location, and the demands for the safe operation of a prison. To date, I have seen no evidence of progress on these regulations. Section 9 of the bill requires the Director to adopt and implement the revised regulations by January 1, 2024. That was over six months ago by my count. Please note, prior to the close of the 2023 Legislative Session, I personally delivered the California Department of Corrections and Rehabilitation's (CDCR) policy which protects the transgender, non-binary, and intersex people incarcerated in California to the Director. I also provided the contact information for those working with the CDCR who were eager to share their experience of what was and was not working, so that Nevada could be able to have a more efficient and practical starting point for regulation development. I suggest to Chair Miller, to add to the next meeting agenda, a report from the Director of NDOC on the development of these regulations, and to learn why there has been a delay. Thank you.

Tonja Brown, Previously Identified:

I am going to discuss something that was brought to my attention, and they asked that I bring it to your attention. This deals with the county recorder. This was brought to my attention that when a person dies and there are no heirs, none whatsoever—I was told that in Carson City there were three instances in which someone died, there were no heirs, and there was a lot of money, millions of dollars. You may have heard about the man who passed away and there was billions of dollars' worth of gold, then they found an heir, a cousin, and the county recorder wound up receiving part of the inheritance or part of the proceeds from the sale of everything. I was told there was a different county recorder whose job was to locate the heirs, there were absolutely no heirs, and they had a lot of property here in town. It was sold for millions of dollars and the money went to the recorder for her own personal use. They wanted you to look into the law about those who pass away and have no heirs. Where does that money go? We agree that the money should go back into the county to help those in need. When you were talking about guardianships, it brought to my mind about this. Can you look into that and see? I will tell you the person who told me this was a public official, so I want to take what he said to be true. I did look online, and it says the money goes to the representative. Well, they become the representative. Basically, if this person comes in, if it is a public official or whatever, they

become a representative, if there is no money at the end of everything and everything is paid, he gets to keep it. There could be millions of dollars involved. Thank you.

Chair Miller:

Thank you for that. It does not look like there is anyone else in Carson City to make public comment, correct? With that, BPS, is there anyone online that would like to make public comment?

BPS:

Thank you, Chair Miller. If you would like to participate in public comment, please press *9 now to take your place in the queue. Again, if you would like to participate in public comment, please press *9 now.

Anne Marie Grant, Advocates for the Inmates and the Innocent:

My brother Thomas Purdy was murdered by the Reno Police Department and the Washoe County Sheriff's Office in 2015 during a mental health crisis at the Peppermill Casino where he asked security for help. Instead of help, Reno Police showed up and hogtied him and dumped him at the Washoe County Jail, still hogtied and then asphyxiated him to death. There is absolutely zero oversight of county jails in Nevada, and I would like personally, as a private citizen, to see some BDRs and bills created, so there is oversight of the county jails because people are dying there from abuse, torture, and lack of medical care. I do think that you all should support a bill, like a Medical Bill of Rights Act, which you can model a bill that was presented in Massachusetts, which sadly did not pass, but it should pass in every state. In some states, police dogs have a right to medical attention but human beings interacting with law enforcement do not. People at the county jail are denied basic medical care. That is not ok. I would like you to consider using some of your bills to get oversight of the county jails, so that no other families have a loved one die or be murdered at the hands of deputies at a facility. Thank you.

Chair Miller:

Thank you for your comment. BPS, next caller?

BPS:

Chair, you have no more callers wishing to participate at this time.

Chair Miller:

Thank you for that.

We will move on to our last item which is adjournment. Our next meeting is scheduled for August 30, 2024, but it is more of a work session for us to vote on which ideas we would like to move forward into BDRs. I want to reiterate, the date that we are requiring everyone to submit their ideas and suggestions to LCB is August 7, so we have time to review them. We will meet on August 30, the website says 9 a.m., but please pay attention as we may be having a half-day starting around noon. We will have that updated for you at least a week or two in advance but know that is a possibility. Enjoy your weekend.

Subsequent to the meeting, public comment was submitted by:

- Steven Cohen, Resident, Las Vegas, Nevada ([Agenda Item XIV](#)).

AGENDA ITEM XV—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Jen Jacobsen
Research Policy Assistant

Diane C. Thornton
Deputy Research Director

APPROVED BY:

Assemblywoman Brittney Miller, Chair

Date: December 2, 2024.

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Tonja Brown, Inmates for the Innocent	Written Public Comment
Agenda Item II B	Dora Uchel Martinez, Nevada Disability Peer Action Coalition/American Council for the Blind	Written Public Comment
Agenda Item IV	Second Judicial District Court, Washoe County Eighth Judicial District Court, Clark County	PowerPoint Presentation
Agenda Item V	Kathleen McCloskey, Guardianship Program Manager, Administrative Office of the Courts, Nevada Supreme Court	PowerPoint Presentation
Agenda Item VI	Jonathan Norman, Director, Statewide Advocacy, Outreach, and Policy, Legal Aid Center of Southern Nevada (LACSN) Marina Dalia-Hunt Esquire, Children's Attorney Project, LACSN Katie Anderson, Esquire, Guardianship Advocacy Project, LACSN	PowerPoint Presentation
Agenda Item VII A	Nicole Thomas, Public Guardian, Douglas County	PowerPoint Presentation
Agenda Item VII B	Karen Kelly, Public Guardian, Clark County	PowerPoint Presentation
Agenda Item VIII	Catherine Nielson, Executive Director, Nevada Governor's Council on Developmental Disabilities	PowerPoint Presentation
Agenda Item IX	Sebastian Ross, Esquire, Senior Policy Counsel, Nevada Gaming Control Board	PowerPoint Presentation

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<u>Agenda Item X</u>	James Humm, Executive Director, Nevada Cannabis Compliance Board	PowerPoint Presentation
<u>Agenda Item XI</u>	Layke Martin, Executive Director, Nevada Cannabis Association	PowerPoint Presentation
<u>Agenda Item XII</u>	Riana Durrett, LL.M., J.D., Director, Cannabis Policy Institute, University of Nevada, Las Vegas (UNLV) Marla Royne Stafford, Ph.D., Research Director, Cannabis Policy Institute, UNLV	PowerPoint Presentation
<u>Agenda Item XIII</u>	Michael Browett, Lieutenant, Facility Dog Handler, Community Services Division, Patrol Section, Reno Police Department	PowerPoint Presentation
<u>Agenda Item XIV</u>	Steven Cohen	Written Public Comment

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