



NEVADA LEGISLATURE LEGISLATIVE COMMISSION

(Nevada Revised Statutes [NRS] [218E.150](#))

DRAFT MINUTES

October 28, 2025

The third meeting of the Legislative Commission for Calendar Year 2025 was held on Tuesday, October 28, 2025, at 2 p.m. in Room 165, Nevada Legislature Office Building, 7230 Amigo Street, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100, 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 Commission'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).

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Assemblymember Sandra Jauregui, Chair
Assemblymember Steve Yeager, Vice Chair
Senator Dina Neal (Alternate for Senator Nicole J. Cannizzaro)
Senator Rochelle T. Nguyen
Senator Melanie Scheible
Assemblymember Shea M. Backus
Assemblymember Howard Watts

COMMISSION MEMBERS PRESENT IN CARSON CITY:

Senator Skip Daly
Senator Ira Hansen
Senator Robin L. Titus
Assemblymember Alexis M. Hansen

COMMISSION MEMBER ATTENDING REMOTELY:

Assemblymember Gregory T. Hafen II

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division

Tarron L. Collins, Office Services Coordinator, Director's Office

John Drew, Chief, Legislative Police, Administrative Division

Dan Rushin, Chief Financial Officer, Administrative Division

Tyler Saylor, Chief Information Officer, Information Technology Services, Administrative Division

Todd C. Peterson, Chief Deputy Legislative Auditor, Audit Division

Asher A. Killian, Legislative Counsel, Legal Division

Kevin C. Powers, General Counsel, Legal Division

Jaime K. Black, Chief Deputy General Counsel, Employment Law Unit (ELU), Legal Division

Tara C. Zimmerman, Chief Employment Counsel, ELU, Legal Division

Jennifer Ruedy, Research Director, Research Division

Christina Harper, Manager of Research Policy Assistants, Research Division

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

AGENDA ITEM I—CALL TO ORDER, ROLL CALL, AND OPENING REMARKS

Chair Jauregui:

Good afternoon, everyone, and welcome to the Legislative Commission's third meeting of the 2025 Calendar Year. Madam Secretary, will you please call the roll?

[Roll call was taken.]

Chair Jauregui:

We have Senator Neal attending today for Senate Majority Leader Cannizzaro. All members are present, and we have a quorum. Before we begin, just some quick housekeeping. If anyone here would like copies of the Commission's agendas, minutes, or reports, you may be added to our mailing list by following the links on the Legislature's website. Contact information for staff is also listed on the Legislature's website. In addition, we accept written comments that may be emailed or mailed before, during, or after the meeting. The information regarding where to send written comments is also located on the agenda for today's meeting.

AGENDA ITEM II—PUBLIC COMMENT

Chair Jauregui:

Agenda Item II, let us go ahead and move to public comment. There will be two periods for public comment. We will take one at the beginning of the meeting, and we will take one at the end of the meeting as well. Public comment can be made in person or by telephone. We ask that anybody who wishes to give public comment identifies themselves and please spell their name for our secretary. We ask that everyone in person sign in by the clipboard at the door. We will start with public comment in Las Vegas, and then move to public comment in Carson City, and then take public comment on the phone. Is there anyone here in Las Vegas wishing to give public comment? Please approach the witness table. Thank you for joining us. Please hit your mic button, state your name, spell it for our secretary, and begin giving your public comment.

Estee Padgett, Member of the Public:

I am here to speak on behalf of the Nevada families affected by the GTL [Global Tel*Link] prison phone and video call system and the lack of a chaplain at High Desert State Prison. For months, families have struggled with dropped calls, failed video visits, and charges for connections that only last a few seconds. These are not small inconveniences. They are our lifeline for our families to stay connected with our loved ones on the inside. Yet, Nevada continues to allow GTL to profit from unreliable services. Only one prison in Nevada offers free calls, while the charges are high and at inconsistent rates. Meanwhile, California has passed [Senate Bill 1008](#) [2022] making all inmate calls free statewide because they recognize that communication supports rehabilitation, not profit. Nevada families deserve the same fairness and transparency.

At the same time, High Desert State Prison continues to deny marriages and requests, not for disciplinary reasons, but simply because there is no chaplain on site. This has been going

on for months, and it violates our basic constitutional rights under *Turner v. Safley*, which guarantees inmates the right to marry.

I am just asking that these issues are please reviewed. This affects real families, real lives, and the integrity of our correctional system. Thank you.

Chair Jauregui:

Thank you for your testimony. If you are both going to give public comment, please feel free to fill in the chairs. Thank you so much for joining us. When you are ready, just hit your mic button, state and spell your name, and then you can begin your public comment.

Jazzett Everfield, Member of the Public:

I want to thank you for your time, and please try to understand our frustration. The tablets were supposed to alleviate some stress. Instead, they came with mounting issues, static phone calls, dropped calls, fragile earphones, and high prices only to leave some of us with the ability to not hear from our loved ones at all. I had to purchase another phone with another company just to be able to speak with my loved one, to be able to encourage him through these constant lockdowns, four to five days at a time. During this time, we found out there were classes on the tablet to be taken. He has taken these classes with the hope that these are counted towards something, only to find out that they are not. I do not understand what the state is doing about the rehabilitation. It is like stuff is given to them and then it is taken away. What are they supposed to do? They are caged like animals all the time and expected to act normal. What is it that you want them to do? Things can only change if you guys change the system; the system is flawed, ridiculously. They cannot be different if they are caged down like this all day with nothing to do. Thank you.

Chair Jauregui:

Thank you for your testimony. We can take the next public comment.

Kalae Griffith, Member of the Public:

I am here today to also speak in reference to the GTL Viapath's recent rate increases that are not only unfair, they are exploitative. When phone calls were 90 cents for 15 minutes, I already had to budget carefully to stay in contact with my husband, but now, at \$1.50 per call, that is a 66.67 percent increase overnight for the exact same service. No added benefit, no improvement in connectivity or call quality. Just more money out of my pocket. Additionally, we pay 60 cents to send our loved ones 30-second videos and only 9 seconds of those are delivered to our loved ones. So, should we expect a 42-cent refund for videos that are cut short? Of course not, because it is not about doing the right thing. In the first month that the tablets were introduced, I paid nearly \$400 in calls alone, \$400 just to talk to my husband. That is a car payment, that is groceries, that is rent money. But I did it because communication keeps him grounded and it keeps hope alive. Now I am being forced to cut those calls down because the cost has become unbearable, and it does not stop there. Offenders are charged 5 cents per minute just to search for a movie, not watch it, just to scroll and look. That is not innovative. That is price gouging, plain and simple.

Viapath claims these services are about rehabilitation and connection, but their prices tell a different story. That tells me their priority is profit, not people. They are capitalizing on isolation, desperation, and on the love that families like mine refuse to give up on. This is not just a few extra dollars. It is about basic human decency. Families should not have to choose between staying connected and keeping the lights on. Communication is not a

luxury. It is a lifeline. Every dollar I spend on these inflated call rates and fees is a dollar I can put towards rent, food, or other basic necessities. Yet I continue to do everything I can to maintain communication because staying connected reduces recidivism, strengthens family bonds, and promotes hope and stability.

I am asking you to regulate these prices and fees so that Viapath must stop taking advantage of Nevada's impacted families who are already carrying more than their share of pain and burden. Please encourage them to reconsider lowering rates, ending hidden fees, and start honoring the humanity of the people you claim to serve. Thank you.

Chair Jauregui:

Thank you. Next.

Jodi Hocking, Executive Director, Return Strong:

Good afternoon. I am here as the Executive Director of Return Strong, an organization who represents incarcerated people, formerly incarcerated people, and their families in Nevada. I did submit a letter (Agenda Item II), which hopefully you saw this morning, that goes into depth about the issues with the Viapath contract.

But today, for my comments, I would like to speak about the overwhelming need for you to hear the other side of the story when making decisions about what happens inside Nevada prisons. Every session, issues like the Viapath contract and tablets, carceral nutrition, homicides, drugs in the mail, correctional abuse, programming and parole all come before you, and every session, those decisions are made with information that only comes from the system itself, from NDOC [Nevada's Department of Corrections]. We know that your intentions are good, and we believe that. But once laws are passed and implementation begins, the problems start: families cannot receive calls, tablets fail, costs skyrocket, and oversight disappears. Those most affected, the people living inside and their families, are left to deal with the fallout of choices made without their voices at the table. Only one person in a legislative body has lived inside of Nevada prisons. That matters. Prisons are not the same as jail or law enforcement. They are closed worlds with complex dynamics that few truly understand. Without hearing from people who know those realities firsthand, even well-intended reforms can go wrong.

Return Strong specializes in Nevada prisons. We collect data; we document lived experience; and we bring forward solutions that can prevent these unintended consequences. We are not here to criticize. We are here to help you ask the right questions before decisions are made and to build real accountability afterward. So please, meet with us. We will meet with you individually. We will bring your constituents. We want to meet and talk with you before decisions are made. We ask you to listen before you legislate, because when you hear the full story, we can work together to make Nevada prisons safer, more humane, and more accountable for everybody.

Chair Jauregui:

Thank you for your testimony. Is there anyone else in Las Vegas? Please come up and fill the seats if you would like to give public comment.

Theresa Yancy-Benson, Executive Director, The Clemency Project of Nevada:

Good afternoon. I am the Executive Director of The Clemency Project of Nevada, a new participatory defense organization that assists with sentence commutation applications.

I am here to express my deep concern over the recent increases in fees by GTL for phone calls, tablet use, and video visits. These hikes represent an undue financial burden on families who are already facing the emotional and economic hardships of having loved ones incarcerated. For many families, maintaining contact with their incarcerated individuals and our loved ones is essential for preserving relationships, supporting rehabilitation, and promoting successful reentry. Yet, the exorbitant fees imposed by GTL make even basic communication nearly impossible, especially for those who cannot afford to pay. What was already a challenging and painful situation is now further compounded by what can only be described as predatory pricing and highway robbery at the expense of the most vulnerable. I urge this Commission to take immediate action to investigate these fees, protect families from financial exploitation, and ensure that communication with incarcerated loved ones remains accessible and affordable. The well-being of our families, communities, and the prospects for successful reentry definitely depend on it. Thank you.

Chair Jauregui:

Thank you for your testimony. Is there anyone else in Las Vegas wishing to give public comment? OK. We will go to Carson City. Is there anyone in Carson City wishing to give public comment? Seeing none, AVH, can we check the telephone lines?

***Audio Visual Hearings Unit (AVH), Information Technology Services,
Administrative Division, LCB:***

Thank you, Chair. If you would like to participate in public comment today, please press *9 to take your place in the queue. Caller with the last three digits 009, please press *6 to unmute yourself and you may begin.

Eric Smith, Member of the Public:

Good afternoon, Chair, and members of the Legislative Commission. I am a journalism student at Northwestern University and resident with the Fines and Fees Justice Center. We have submitted a letter (Agenda Item XI B) for your review pertaining to the implementation of the tablet program with the Nevada Department of Corrections [emailed by Nick Shepack]. I am going to share with you some key points of concern.

The regulation, which was passed in 2024, stipulated a variety of options for how incarcerated individuals will be able to use the tablets, notably including the purchase of bulk entertainment minutes at 1 cent a minute and the availability of subscription services for \$19.99. Nevada is one of the last few states in the nation to roll out a tablet program within its prisons, and many, including those that use Viapath like us, provide this option. The current rate of phone calls just increased last week, and the going price per minute of entertainment feature usage is 5 cents per minute. This is egregiously high. The cost for a premium subscription to Spotify is \$12 a month. Netflix is a little higher, \$18 a month, which comes out to \$216 a year. The cost to watch one two-hour movie a day in Nevada correctional facilities is \$6 a day or \$2,190 a year. This is more than ten times the rate of the Netflix subscription. That \$216 would be gone in 36 days. We have been talking to people who are [inaudible] the implementation of tablets in other states. While the ability to connect with loved ones to the tablets has been life-changing for many people and families, the affirmation concerns are part of our larger apprehension about the tablet program becoming a method of constant financial extraction that both Viapath and the NDOC can wield over those who are incarcerated in Nevada.

Our contact information is on the letter that we have submitted, and we are happy to meet and discuss this further. We hope that you will all review the document and the tablet program itself, with scrutiny. Thank you for your time and attention.

Chair Jauregui:

Thank you for your testimony. AVH?

AVH:

There are no further callers wishing to provide public comment at this time.

Chair Jauregui:

Thank you so much. I will remind everyone that there is a period for second public comment at the end of our meeting.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON AUGUST 19, 2025

Chair Jauregui:

We will move on to our third agenda item, which is approval of the minutes from the August 19, 2025, meeting. Commission members, you have in your packet the draft minutes (Agenda Item III) for our meeting. These draft minutes are also available on the Legislature's website. Is there any discussion regarding the minutes that you have in front of you?

VICE CHAIR YEAGER MOVED TO APPROVE THE MINUTES FOR THE MEETING ON AUGUST 19, 2025.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—ADMINISTRATIVE REGULATIONS

Chair Jauregui:

And now we will go to Agenda Item IV, which has two parts today. There is a regulation for early review relating to the practice of optometry followed by the review of administrative regulations. Our Legislative Counsel, Asher Killian, is with us today to assist us with these items. But before I hand it over to our Counsel, I want to let everyone know that we are going to take the regulations in two portions today. We are going to start with the early review of the administrative regulation, and then we will go into the review of our regular administrative regulations.

A. EARLY REVIEW OF ADMINISTRATIVE REGULATIONS (NRS 233B.0681)

R049-25—Revises fees relating to the practice of optometry.

Access text of regulation electronically at:

<https://www.leg.state.nv.us/Register/2025Register/R049-25RP1.pdf>.

Chair Jauregui:

We will move into Agenda Item IV A. This is the one regulation that is submitted for an early review pursuant to [NRS 233B.0681](#) that provides for the early review of a proposed, permanent regulation after the agency has given notice of a hearing on that regulation but before the hearing is held. If the Legislative Commission approves the regulation under this early review section and the permanent regulation adopted after the agency's hearing is identical to the regulation submitted for early review, the Legislative Counsel is required to promptly file the regulation with the Secretary of State and notify the agency of the filing. If the regulation adopted by the agency is not identical to the one submitted for early review, the regulation must come back to the Legislative Commission for approval in the same manner as if the early review had not occurred.

A copy of R049-25 (Agenda Item IV A), the regulation submitted for early review, is posted on the Nevada Legislature's website under the tab for this morning, which you will find by hitting the button in the upper right-hand corner of the home page that says Scheduled Events. I believe we have someone from the Nevada State Board of Optometry here to answer any questions we might have. AVH, do we have someone on the telephone line or on Zoom from the State Board of Optometry?

Adam Schneider, Esq., Executive Director, Nevada State Board of Optometry:

Yes, this is Adam Schneider, Executive Director.

Chair Jauregui:

Thank you for being here. Commission members, does anyone have any questions regarding the early review regulation? Does anyone in Carson City have any questions?

Senator Daly:

No questions up here.

Chair Jauregui:

OK. Seeing no questions for Carson City, seeing no questions here in Las Vegas, Assemblymember Hafen, do you have any questions?

Assemblymember Hafen:

No, Chair.

Chair Jauregui:

OK. Do I have a motion move to approve?

VICE CHAIR YEAGER MOVED TO APPROVE R049-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION WAS APPROVED UNANIMOUSLY.

B. REVIEW OF ADMINISTRATIVE REGULATIONS (NRS 233B.067 AND NRS 233B.0675)

The list of regulations to be considered can be accessed electronically at:
https://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2025_Oct28.pdf.

Chair Jauregui:

Next, we will move to the second portion of Agenda Item IV. Members, there are 21 regulations (Agenda Item IV B) that were submitted for approval pursuant to [NRS 233B.067](#) and [NRS 233B.0675](#). These regulations are all contained in the binder provided to the members and also posted on the Legislature's website under the tab for this meeting. There is also a public copy of the notebook on the sign-in table at each meeting location. At this time, I will ask Commission members if there are any regulations to be held for further discussion. Once we identify those regulations, we will take a motion to approve the remaining regulations, and then we will come back to the held regulations for discussion. I know that we have some Commission members who have regulations to be pulled. I am going to start in Carson City and ask Senator Daly to go over the regulations that he would like pulled.

Senator Daly:

Thank you, Madam Chair. I have: R016-24, R149-24, R003-25, R008-25, R022-25, R025 -25, and finally R057-24.

Chair Jauregui:

Commission members, is there anyone else who would like regulations pulled? We can stay in Carson City. Senator Daly, do you see anyone with regulations to be pulled?

Senator Daly:

Yes, we have Senator Hansen, and I believe Senator Titus has regulations.

Chair Jauregui:

OK, Senator Hansen.

Senator Hansen:

Thank you, Madam Chair. R013-25 and R024-25 will be mine.

Senator Titus:

Madam Chair if you are ready. Senator Titus here.

Chair Jauregui:

Senator Titus, we are ready.

Senator Titus:

Thank you. I had five but I think three of them have already been mentioned. I am going to go over my list just to make sure we do not miss anything. R016-24, I believe it has already

been requested. R149-24 has been requested. I think the one that has not been is R180-24, and then R057-24, and I believe R024-25 has already been requested. Thank you.

Chair Jauregui:

Commission members, is there anyone else in Carson City wishing to pull regulations? OK. Assembly member Hafen, I see your hand raised. Let us go to you next.

Assemblymember Hafen:

Thank you, Chair. I do not know if R025-25 needs to be pulled, but I would like to make a disclosure. If it is okay with you, I will make the disclosure here.

Chair Jauregui:

It was pulled.

Assemblymember Hafen:

I will make the disclosure then.

Chair Jauregui:

OK, thank you, Assemblymember Hafen. Members, does anyone in Las Vegas have regulations to be pulled? It does not look like anyone has further regulations to be pulled. Just to go over the list, I have: R016-24, R149-24, R180-24, R003-25, R008-25, R013-25, R022-25, R024-25, R025-25, and R057-24.

I am looking for a motion to approve the remaining regulations.

VICE CHAIR YEAGER MOVED TO APPROVE: R027-24, R058-24, R103-24, R107-24, R190-24, R198-24, R200-24, R007-25, R012-25, R016-25, AND R019-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Thank you so much for those of you who came to answer questions on your regulation. If your regulation was just approved, now is the time you can sneak out. We will give you all a few seconds.

Let us get back to our regulations that have been pulled for further discussion. I will take them in order. We can start with [R016-24](#). I believe we had a couple of members who requested to pull that regulation. If someone from the Comstock Historic District Commission could please approach the table to help answer questions from the Commission members. I believe both of our members who requested this item pulled are in the north, so we will turn it over to our Commission members to ask their questions.

Senator Daly:

Thank you, Madam Chair. Senator Titus said I can go first.

Maybe you can answer some of my concerns, which I have with at least two other regulations. In Section 10, you reference the "Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in 36 C.F.R.," et cetera, and just before that, you say, in addition to what is in NRS that needs to be considered by the district. I understand you are changing the lines, and I do not have any issues with that, but my concern is, and I am going to ask this question every time we are going to reference federal regulations is, are theirs different than ours? Does it add criteria that you have to consider if there is a conflict between state and federal? Which one are you going to follow?

Here is my concern, and I will just spell it out a little bit. What we have seen with other federal guidelines and various things on this stuff is they seem to have changed quite a bit recently under the current administration for a variety of reasons, some justified in my mind, some that are not. So, I would not want a federal regulation standard that you are supposed to consider that gets changed or lowers the standard or threshold or lowers the criteria and says we do not have to follow this and then have somebody in Nevada say you have to consider this federal regulation and this federal regulation says I do it even though it is clearly in violation or would be outside the standards in the state. I just have a problem going with that federal regulation without saying, "as it exists today," so if they change it later, we are still stuck with the standards now. If they are appropriate and they are reasonable and they add to what we are doing, I am fine, but we have just seen too many things. I do not want the standard to be how the East Wing [of the White House] was treated—the demolition of that—argue back and forth on whether it was historic or not and all the rest of that stuff—no permits, no permission. Sue me if you do not like it and it is too late. Now it is gone, too late now. I just do not know how that is going to mesh out with what we have seen, and then, how can we rely or should we rely on the federal regulation?

Arthur Krupicz, State Historic Preservation Officer, Office of Historic Preservation, State Department of Conservation and Natural Resources (SDCNR):

Thank you, Senator. I serve as the State Historic Preservation Officer in Nevada, and we have two of our Comstock Commission members with us today. I will let both of you or either of you speak to this. You raise a good point. Generally, across the country, local regulations do follow federal regs. And there is certainly, as you say, a concern about those regs changing. But I will just establish that at the outset, locals tend to follow the feds. They have been around since 1966, and that is always something locals are having to grapple with for sure. I may defer to either of our Commission members in terms of the degree to which these specific regulations are aligned with federal regulations, but at the Comstock, generally it is fairly close. We stay close to the federal regs. Do either of you have anything to add to that?

Joseph Curtis, Chair, Comstock Historic District Commission, Office of Historic Preservation, SDCNR:

I am the Chairman of the Comstock Historic District Commission and have served in that position for, I do not know how many years, a whole bunch. We have always treated these regulations as guidelines. As we have different historic districts within the state, the vast majority of them are controlled or overseen by those Department of Interior regulations, guidelines. Those historic districts have unique aspects to each one of them, depending upon where they are, and the geographical setting of what they are in, and the period of

time that they were developed or built in. We have to be able to move, for lack of a better word, bob and weave with some of the stuff sometimes. So, they are not hardcore regulations. We have significant guidelines. The way we try to do it is that the buildings and the constructions are in such a fashion that we try to match those buildings and structures that are within our particular historic district. We also have to go by building codes; we have to go by federal regulations that might be out there. But we look and see how we can accomplish what we need to do in terms of visual aspects of the building that is involved, or whatever it is that we are dealing with, from the historical standpoint and how we can do that and still meet the regulations. A lot of it is making sure that the applicant is able to understand the needs of the historic district as well as the needs that they have with wanting to build a facility, a building, a home, or what have you. We work well with the guidelines that we receive from the Department of Interior, and we work well with the local building departments and the formal building codes that are within our district. Does that, to some degree, answer your question, or was I way off?

Senator Daly:

Thank you. I mean, it does, yes, but I do not think it gets to the core of what I was trying to look for.

I understand the federal regulations may overlap with what the state has, but the federal rules or guidelines then become the minimum. The state can have higher standards or have additional thresholds; they cannot be less than what the "feds" have. For instance, with OSHA [Occupational Safety and Health Administration, United States Department of Labor] or water quality, et cetera, the feds will set a standard. The state can have a higher standard. The feds say you are going to have this much mercury in the water, and the state can say no, you have to have even less than that. But if the feds say this is the minimum, the state cannot have a higher level. Same thing with OSHA. Fall protection starts at six feet. We cannot say that you have full protection at ten because that would be in violation of the federal regulation. But we could say it starts at four feet.

So, what I am trying to get to is, if we are referencing these regulations, and in light of some other issues we have had—look at COVID or vaccination standards and various things where the feds have changed the rules—if the Department of Interior, however, relaxes the standard and says it is much easier now to tear down whatever building it might be, and these considerations that were in place are no longer there, whether they match up with state law or not, which one would prevail? I think the higher standard, if the state's standard is higher. I think it creates an argument for a person to come in and say you have to consider these federal regulations, and these federal regulations say I can do this, and if they do not match, then we are screwed. You are going to end up in litigation, and some judge is going to decide some issue because they are going to say you have to consider the federal regulation and it is different than what the state is. It is less restrictive, so I want to be able to do it. And if you tell them no, then you are going to get sued, unless we have our rules that say this is what it is going to be in the state. Either we are going to adopt these regulations as they exist today, or if there is a conflict, the state law, if it is more restrictive, would prevail because you can have a higher standard than the feds go.

There are better issues when we come up on different regulations that illustrate the same issue, but if you follow what I am saying, I understand you are working well today, but what happens when it does not. We have seen some of these issues creep up in other areas across the country and they are causing issues in the state. It is a concern for me, and I am not too keen on adopting any federal regulation by standard unless we can say it works for us, it is a reasonable standard, and we are going to adopt them as they exist today, if we

believe they are reasonable today. Then that way, if it changes, you have got to come back to the Legislative Commission, you have got to change your regulation. If the federal standard changes negatively and you want to go to that lower standard, you would have to pass it here. So, the way it is now, I just do not think you have safeguards in there, and I do not think I can support it without addressing that issue.

Julie Workman, Commissioner for Lyon County, Comstock Historic District Commission, Office of Historic Preservation, SDCNR:

I have been on the Comstock Historic District Commission as a Commissioner for Lyon County since 2004. We began trying to update these regulations about 20 years ago, and it has come before it got into a committee, and then I am not sure what happens after that, but we had many open meeting laws with the meetings to change these regulations with the people who lived in the Dayton, Silver City, Gold Hill, Virginia City area, Storey County, and Lyon working together. The reason why we wanted to do an update 20 years ago was that they included things like people had to be notified by telegraph. There was old, old wording in there. Just setting it up, the Commission had treasurers and different parts were just not applicable to how this Commission runs.

The idea of having this regulation change was not to deal with the concerns that you have—which are very real, Senator Daly—but the whole point of this, even 20 years ago, was to make the map correspond with the words that were described. Our maps and the words describing the area were different. So, at that time, we were concerned with the people's right. Here in the wording, it says I am not in the district; here in the map, it says I am in the district. So, the whole point of redoing these regulations was not to get into anything more than just making clarity, and it has worked well the way Joe has said. We work on a person-by-person basis, building-by-building basis, or whatever, if it is going to be renovated, if it is a new building, and trying to keep up those high, high standards that we have in our historic districts around the state. And the reason why is that these are important historical areas that we have in the Comstock District. We do not want anything to make it less, but because of the way it is written, we wanted to get an updated version.

The idea of the regulation changing was not to change what is good and bad; that is pretty well written out in our guidelines. But the intent of our district is to keep up historical information available to people who live there or who are moving there so that they understand this is what is required, and then, also important, mostly, was to get our maps and the written word descriptions so they correlate. We have two counties, so it is important that both counties are on the same page with this. And for years, decades actually, we have worked well together with Storey and Lyon County and in the Comstock District. We just wanted to update the language and make it relevant for today. Are there any more questions for that?

Senator Daly:

Thank you. Did you want to go ahead?

Mr. Krupicz:

I did not mean to interrupt you, Senator, but thank you, Julie, and Joe. And we appreciate your concern about making this regulation flexible, if I can frame your words that way, building in a flexibility for the future. Point taken. Absolutely. Thank you.

Senator Daly:

In addition to the flexibility, we want it to be not less than the standards we have until now, not less than the standards that we have been able to rely on and with the federal partners in the past. And from what I have seen, at least, I do not know that we have that reliable, stable partnership because things change for a variety of reasons that are not really justified sometimes. For instance, you could have some gold mine facility, or whatever, come in and say we want to do this, and they make a big contribution or compliment our commander in chief, so we are going to make a contribution to your presidential palace or ballroom, whatever it is. Then they say we will get rid of these regulations for you that are stopping you from developing something. And it is necessary to preserve the Comstock as it is. If we cannot, and I understand you have to change the maps, you can amend this regulation, go back, like we have done several times before, but I am uncomfortable having any open-ended set of standards that we are referencing that can be changed.

I will give another example. Until recently, the NVIDIA microchip was considered a national security risk to sell it to China. That recently changed. It is not a national security risk anymore now that the government . . . Our President's got a deal where we are getting part of the money, so now it is okay to sell those chips to China. It was a national concern for decades, not anymore. I am just saying those are the type of deals and justifications to make these changes that I am just not comfortable with. So, change your maps, but you got a part in here that is, in my view, too much of a risk.

Mr. Krupicz:

Thank you, Senator. The preservation community is certainly concerned about shifting law and guidance for sure. Thank you.

Senator Titus:

If I might, Madam Chair?

Chair Jauregui:

Senator Titus, we are ready for you.

Senator Titus:

First and foremost, Mr. Curtis and Miss Workman, I want to thank you for your decades of dedication to preserving the history of Nevada. I, too, am very passionate about that, having founded the Smith Valley Historical Society. I get all the hours that go into this.

I have a number of questions, if I might, Madam Chair. First, how many Commissioners are there on this Commission for the Historic District?

Mr. Curtis:

There are nine members, and all the members are appointed by the Governor's Office.

Senator Titus:

Nine members. And so, what the specific regulations that are in front of us change is you had a board of executive directors or the officers, and you are eliminating, in the very first section, the secretary and treasurer, and you are assigning the secretary duties to

somebody that you are appointing who is not a member of the Commission. You do not collect any money, so there is no need for a treasurer, right? You do not have an account, right? And then the secretarial duties are going to be done by somebody you have hired. Correct? So that is the first thing that changes.

The next thing I want to clarify is that what you are trying to straighten out is the difference in the maps versus what the wording is in the actual sections. On page 11, number three [Section 8, subsection 3] says if there is a conflict, which you have already mentioned, "between the map included in subsection 1 and the description of the boundaries," the boundaries of the Historic District on the map are the ones that prevail. I do have some concerns about that. As a history person I collect old books, I collect old maps. I have an old map from the early 1600s that has California as an island. It is not accurate, but it is a very wonderful map. I worry when you go based off the map and not a legal description, GPS section, those kind of things on the markings. Can you clarify for me how you came up with a map? If you look at these things, you have the old map on page 9, which is hard to tell what that is, and then the maps on page 10. I worry that you are going to base all decisions based on those two maps. I hope you have a better map that has very distinct GPS coordinates so that it is very clear because the overlay of the drawings, in my mind, would not be what I would go off of.

Mr. Curtis:

Thank you, Senator Titus. Excellent question. Yes, we go by the metes and bounds of where the description says . . . If you are building a house and the northeast corner of your house happens to be over that metes and bounds into the district, that would create a problem that would have to be worked out. We go by the specific metes and bounds of the description, not by a visual map on a piece of paper.

Senator Titus:

If I might follow up, Madam Chair, just for clarity.

It says that if a conflict occurs between the map included in subsection 1 and the description, the boundaries of the District set forth by the map should prevail. So that is different than what you were saying.

Mr. Curtis:

I think that is one of the things that we have wanted to clear up because it does conflict. We have run into a number of conflicts within the old regulations of how it actually works. As an example, we just had that exact problem come up with a housing complex in Lyon County that is near the Sutro Tunnel, and we have worked with the building contractor to get that clarified. It was not a matter of the map; it was a matter of what is metes and bounds. But to further answer your question or your comment about having GPS markings for each one, that has not been done, to my knowledge. We go by the legal description of the section.

Senator Titus:

Having said that, what you are proposing is going to remove that and go back to the map, and that is where I am worried about that wording. Again, it is [subsection] 3 on page 11. That specific wording removes the description, and it says the prevailing thing would be the map. That has me a little anxious.

Mr. Curtis:

Yes, I understand that. And you are correct; it does say that. However, here again, we have enough ability to move about and say what we really mean here is not a map on a piece of paper, necessarily, but we mean the map as is described within the legal description.

Senator Titus:

I would be more comfortable, frankly, if that specific wording was in the regulations you are proposing. It is not clear.

Mr. Curtis:

That is right. That is one, I would have to admit, that was missed as we attempted to do this. And we did this with the assistance of our representative from the Attorney General's Office, but it looks like this is one we might have missed.

Senator Titus:

I understand the intent, but again, sometime down the road you could end up with some issues with leaving this description.

Mr. Curtis:

Possibly. Yes.

Senator Titus:

Thank you, Madam Chair.

Ms. Workman:

Historically, the reason why we wanted to work more on the map was for years and years, the wording and the descriptions were completely different than the map. So that is why we went forward to: let us look at the map, let us see what section you live in, let us see what street you are on, the maps show your street, there is your house, where is your house number. That is why we wanted to also include these are the maps to look at when you are doing it. There was a lot written that we got rid of. That was 20 years ago, so it has never been passed and approved yet. For 20 years, we have been working on getting these wordings just right so that we do not have to worry about the telegraph.

Senator Titus:

I appreciate that, but again, what we are looking at . . . If you have updated maps, what we have here are old maps and some streets did not even exist 20 years ago. These are the old maps. Anyway, I have concerns about the way the wording is, specifically [subsection] 3 about that clarity. I understand what you are trying to do, but again, I just have concerns. Thank you.

Ms. Workman:

Those old maps were to show you what we are getting away from, and our new map that is clear is the one we have included in the regulation. So those old maps are not what we want; those are being taken out. The new clear map has smaller districts. This is what

we have worked on for 20 years, to get it where people are living. I hope that helps. Thank you.

Chair Jauregui:

Are there any other questions in Carson City? OK. I do not see any other questions. Senator Daly?

Senator Daly:

I do not see any.

Chair Jauregui:

Thank you. Then it would be my recommendation at this time to ask the Commission to work with our Legal Counsel to fix the language in the regulations and come back during our December meeting with updated regulations.

Mr. Krupicz:

Thank you.

Chair Jauregui:

I am going to defer R016-24 until the December meeting.

That will take us to our next regulation, which is [R149-24](#). I believe we have somebody from the State Environmental Commission to answer any questions our Commission members might have. Senator Daly, when they approach the witness table, please feel free to begin your questions. I believe you pulled this regulation.

Senator Daly:

Yes, myself and Senator Titus. I will go first again.

In light of what you just heard, you can imagine where I am going. There is a reference in subsections j and k to USEPA [United States Environmental Protection Agency] standards, various things. Does the state have standards for the toxins that we are talking about in this regulation? Do we already have a standard?

Jason Kuchnicki, Chief, Bureau of Water Quality Planning, Division of Environmental Protection (DEP), SDCNR:

The State of Nevada currently does not have standards for algal toxins.

Senator Daly:

So, we are going to adopt what the federal standards are now? You believe that those are appropriate levels? It is federal law, so we have to follow it anyway. But, if we were to set a standard more stringent than what the feds have now, we would be able to do that, same as OSHA and the other things I mentioned?

Mr. Kuchnicki:

That is correct, sir. Our standard that we are proposing to adopt is very close to the federal guidelines. It is not exact. There is one small difference. The federal criteria references a recreation season, and we have chosen that recreation season to encompass a full year because people are recreating in southern Nevada across a full year. That is the only difference. Yes, we can adopt a more stringent standard, but we would not be able to adopt a less stringent standard.

Senator Daly:

We can adopt a more stringent standard but not less. I understand that. Similar to what we had before, we reference those federal standards under the EPA. I think this is a better example than the historic one, but those things can and do change. You have constant fights—the EPA is blocking this, or they are the stumbling block for this and various things. I suppose if you are trying to do some pipeline or something, it is a horrible thing to have to go through the process to protect the public, which is why it is all there. It is not there to damage anybody; it is there to have some standards on what we can all rely on. And having the discussion we just had on how some of those regulations get changed and why and what the justifications that are in the realm of possibilities currently that were not always there in the past, you can see my reluctance to reference those standards. We can reference things as they exist today if we think they are appropriate. If the federal government makes it more stringent in the future, we have to follow it. I understand and do not necessarily have a problem with that. If the federal government—if we just have the reference to their standards—relaxes it, and we do not have some other rule or backstop in our reg, then that becomes a new standard. And then if we say that it may not be appropriate for us, then you have to come back to the drawing board. Do you think our standard is more stringent, is going to be? Have you adopted that yet?

Mr. Kuchnicki:

The State Environmental Commission did adopt that in early September.

Senator Daly:

So currently, our standard will be more stringent than what the feds are requiring?

Mr. Kuchnicki:

No, it is in line with the federal criteria.

Senator Daly:

Except for that season issue.

Mr. Kuchnicki:

Except for the season. Correct.

Senator Daly:

If they changed the level of toxicity and relaxed it, we would automatically follow that if the regulations are adopted by reference, like they are in this provision?

Jeffrey Kinder, P.E., Deputy Administrator, DEP, SDNCR:

That is a good question. We are adopting the standard as it exists today. We do that through our delegation. As you have noted, we have to be as stringent when we accept delegation from the EPA to implement a program. If we choose to be more stringent or choose to be less stringent, that would come back through a rulemaking process. So, we would start the process all over. We would consider what the EPA is proposing. We would participate in that rulemaking process. Then when the EPA decides on a standard, we would go back, and we would draft new regulations. We would meet with our stakeholders, our regulated industry, and we would work with those people to come up with what makes the most sense for Nevada. And then we would propose that to the State Environmental Commission and the Legislative Commission.

Senator Daly:

That is kind of what I am looking for—"as it is today." So, if they change it and it is less stringent, if we want to adopt the less stringent rule because there is justification, then we would have to come back to the regulation to do that. Otherwise, we can say no, good luck with that, I do not care what you do in Missouri or North Dakota. We are keeping this here in Nevada and you would still be . . . Where does it say that in the regulation—"as it is today"? I did not see that, or is it just by fiat? Where does it say that?

Seth Alm, Environmental Scientist IV, Bureau of Water Quality Planning, DEP, SDNCR:

In the footnote, we have referenced the document on the date it was published. We are also adding the numeric value into the criteria itself, so that value will be in the regulation.

Senator Daly:

Thank you for that. If it is "as it is today" and it would take additional regulations to change that federal level as it exists today, I can live with that. I just do not want to see some things change. I know we had the issue with some of the vaccination stuff that is affecting people in the state, what is covered and what is not, creating a great deal of confusion. So, any time we have these federal regulations referenced, I am going to be asking that question. We have one more after you guys today but thank you.

That is it for me, Madam Chair. I know Senator Titus has other questions. This one, based on my questions and their answers, I would be okay with it when it comes up.

Chair Jauregui:

Thank you, Senator Daly. Senator Titus, we will go to you next.

Senator Titus:

Thank you, Madam Chair. Thank you for being here. I was happy to see this regulation today. I am the County Health Officer for Lyon County. This has been a big issue in my county in Lake Lahontan with these algae blooms and potential health effects. In my mind, it was not addressed enough, so thank you.

In this regulation it looks like a couple of things are happening. I see you are adding a new category under your water regulation, and I think that needs to be noted. At least it is in blue, like we did not have it before. You have the fifth column, "Recreation Involving

Contact With the Water.” This is a whole new line item of what we are regulating. Is that correct?

Mr. Kuchnicki:

Thank you for the question. Yes. What you are referring to is our toxic table. It is [*Nevada Administrative Code* (NAC)] [445A.1236](#). Previous to this regulation, it did not have a beneficial use, which is a component of a water quality standard. All our water quality standards are put in place to protect beneficial uses. This algal toxin standard is specific to water bodies with that designated beneficial use of recreation involving contact with the water. And because it is an algal toxin, we decided to put it in the toxic table. Other tables specific to water bodies have other constituents.

Senator Titus:

So, this is actually a new concept of where you are putting this regulation and contact with humans, not just beneficial use, et cetera. I do absolutely get that, and I appreciate that. I also appreciate that it is a water year as people access this now all year long and not specific. I want to congratulate you and appreciate that you are actually putting this in. I just worry that there is not enough . . . And this regulation will not address that, some of the . . . I was worried this summer when we had the algae boom that there was not enough reaction from the state. There was a lot of back and forth I had with the health districts, the state about . . . Okay fine, you have acknowledged us. Now what do we do? How do we warn people about this? So at least this is a step in the right direction. I want to thank you.

Madam Chair, I do not have any issues with the regulation. I just wanted to have some clarification. Thank you.

Chair Jauregui:

Thank you, Senator Titus. Is there anyone else in Carson City who would like to ask questions?

Assemblymember Hansen:

Yes, Madam Chair. If I could, please.

Chair Jauregui:

Yes, Assemblymember.

Assemblymember Hansen:

Thank you, Madam Chair. Thank you for being here. We have had a little discussion offline, and I appreciate you trying to do a quick little primer with me. As we discussed offline, if we get to a designation of a body with this, I think the word you used was we kind of “list” it. I can understand getting to the point of . . . Right now, we just have advisories, and this would make it more to adopting those recommendations from that May 2019 scientific study. But once you get to that point, what does it look like? What kind of controls, what kind of restrictions does that community have to deal with? And for lack of a better word, is it remediation? Is it just time? Because is it alga? I think that is how you pronounce it. It naturally occurs; it is not from discharge, correct?

Mr. Kuchnicki:

Thank you for the question. Yes, harmful algal blooms are a type of cyanobacteria that do not always produce toxins, but typically as they die off later in the season, they have the capability of producing toxins.

I think what you are referring to is if a water body is monitored and is consistently showing that it is violating this standard, should it be approved, then it would be listed on our 303(d) list of impaired water bodies. And what that triggers then is the need to develop what is called a "total maximum daily load" (TMDL). It is just a fancy term for a water quality restoration plan, and that triggers a scientific investigation of what sources and influences are contributing to the formation of these cyanobacteria, harmful algal blooms. It is a little bit difficult to say because it could vary depending on what is contributing in that particular watershed, water body to the formation and persistence of those harmful algal blooms. But that listing on the 303(d) list triggers a more in-depth investigation at which point we would evaluate at that time what water quality improvements and what measures could be implemented. And that involves a whole stakeholder input process, what is acceptable to any community that might be affected, any businesses, industry, et cetera. And then once we go through that process of identifying what measures could be implemented, we would try to work with the industry or those partners to put those measures in place.

Assemblymember Hansen:

Madam Chair? If I could do a follow-up?

Chair Jauregui:

Assemblymember, go ahead.

Assemblymember Hansen:

Thank you. I am assuming we are not reinventing the wheel here. Are there other states that are doing this? Because we have not done this before, it sounds like a pretty heavy load for your agency, maybe, if we get into this situation. Do you have a blueprint from other states that do this? What that looks like if it is naturally occurring? How do you mitigate it if it is just nature doing its thing, other than close the waters off, that sort of thing?

Mr. Alm:

There are many factors that go into the development of what causes a harmful algal bloom. And to date, we are not aware of any states that have written a TMDL, specifically controlling a discharge of these listed cyanotoxins. It likely would be addressing the nutrient inputs to the water body itself.

Assemblymember Hansen:

Thank you, Chair. That is sufficient for me.

Chair Jauregui:

We do have another regulation, so before we make a motion, I would just like to invite our State Environmental Commission to stay at the table. We are going to take R025-25 after we make a motion on R149-24. Senator Daly, would you like to make a motion?

Senator Daly:

On the one we just heard? 149?

Chair Jauregui:

Yes.

SENATOR DALY MOVED TO APPROVE R149-24.

VICE CHAIR YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Members, I am going to skip to [R025-25](#) since we have the State Environmental Commission with us.

Senator Daly:

It is the same question on adopting federal regulations. I am not sure what section that is in, but do we have the same answers before that as they stand now, those are the ones you are adopting?

Andrea Seifert, Chief, Bureau of Safe Drinking Water, DEP, SDNCR:

Thank you for the question. Yes, the proposed revisions are going to be adopted by reference as of July 1, 2025. And if any future regulations at the federal level were to be issued, we would go through a proper rulemaking process as well as working with USEPA and our local stakeholders in providing public comment related to any of those revisions.

Senator Daly:

I think it is in Section 3, subsection 2(a)(12) on page 4, and you say, "Exceeding the action level for lead set forth in 40 C.F.R.," et cetera. Is there a footnote in there that says "as it exists today" somewhere or something that says you have to come back to the rulemaking if the federal government changes that rule to a less stringent standard?

Ms. Seifert:

In Section 1 of the regulation revision, we are adopting the provisions as they exist on July 1, 2025. In Section 3 where you are referencing, it would be as 40 C.F.R. [§] 141.80(c) exists as of July 1, 2025. So, a future modification to that section would have to go through a regulatory revision.

Senator Daly:

I did see that part on there, "as it existed" on that date, which is good. And that subsection 12 is included in that original reference, "as it existed" on July 1.

Ms. Seifert:

Yes, that is correct.

Senator Daly:

I just want to be clear. Like I said, there are three of them that had that same issue. I know I have talked with some other people on other things that have not been cleared up, that have caused some problems, and I just do not want to compound it, so I am asking the question. I think that is a satisfactory answer for me, Madam Chair, when you are ready.

Chair Jauregui:

Are there any other questions in Carson City? Seeing none, are there any questions in Las Vegas? OK. We are ready for the motion, Senator Daly.

SENATOR DALY MOVED TO APPROVE R025-25.

VICE CHAIR YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

We will now move on to [R180-24](#). I believe we have someone from the Nevada Tax Commission here to help answer questions. I do not see anyone approaching in Carson City, and I do not see anyone here in Las Vegas. AVH, do we have anyone on the telephone line or on Zoom?

AVH:

Yes, Chair. One moment, please.

Chair Jauregui:

It looks like we have them on Zoom. Senator, when you are ready, I believe you pulled this regulation.

Senator Titus:

I just need some clarification. Companies, when they sell alcohol or alcohol is brought into Nevada, are already obligated, according to the digest, to furnish the Department [of Taxation] monthly reports and the type of alcohol beverages and those things that are shipped. What this is doing, I believe, is based on a law that we passed last session that allows alcohol to then be stored in warehouses here in this state. Is that what started this regulation change?

Shellie Hughes, Executive Director, Department of Taxation:

Yes, this does stem from the ability to be able to store liquor in out-of-state bonded warehouses.

Senator Titus:

All right. So, this is going to be a new fee for them to do that? They are going to be required to have a certificate, and will there be a cost to that? I am just looking at if they are just storing that, if they sell it then and they move it from the warehouse, then they would certainly be obligated to pay fees and taxes, and I get all that. But does this add, then, a new fee or a permit that they are going to be required to pay? So, is it actually a new cost?

Ms. Hughes:

Senator Titus, statute requires that liquor that is imported into Nevada has to be imported by a certificate of compliance holder. These bonded warehouses are shipping this product into Nevada, and in order for them to do so, by statute, they need to have a certificate of compliance. There is a fee to have a certificate of compliance. I believe it is \$50, and they would apply with our liquor division.

Senator Titus:

These warehouses, prior to, would not have had any kind of bonding certificate that you just mentioned. So, this is a new requirement, and based on the bill that was passed last session, this is allowing them to store alcohol here?

Ms. Hughes:

It is not just to store the liquor; it is to ship it into Nevada. They are required as a designated agent of a supplier to have the certificate of compliance to allow them to ship it into the State of Nevada.

Senator Titus:

And so that law already exists though. If you ship alcohol into Nevada, you have to have a license to do that, and whether they store that or not should not make a difference, right? Would they not already have to have a license, or is this a totally new license?

Ms. Hughes:

These bonded warehouses do not have a license. A third-party supplier will ship their product to these bonded warehouses for storage, and then these bonded warehouses are shipping into Nevada. They are acting as a designated agent of the supplier, so they typically do not hold a certificate of compliance currently. Now, if the supplier was to ship directly to us without having to store it in one of these bonded warehouses or if they had a warehouse themselves that already had a certificate of compliance, this regulation would not apply to them.

Senator Titus:

We have a lot of warehouses in Nevada; we have Amazon, Walmart, et cetera, that ship goods here and store them. Are they charged? I know this is liquor, but basically these are warehouses storing goods. Does this apply to all our warehouses where you store anything

or is it unique to alcohol? And somehow, we are going to charge alcohol a little bit more? I just have concerns about the process here.

Ms. Hughes:

This is strictly for alcohol, but I also have Damon Hernandez, who is our tax program supervisor. He is the supervisor of our liquor division. He can provide further clarification. He is also on Zoom.

Senator Titus:

All right. Because again, if this is just stored here, say in wine barrels, and it ages for ten years, and it is never sold in the state of Nevada, and then it gets processed and bottled, it just seems like a new tax to me.

Damon R. Hernandez, Tax Program Supervisor III, Department of Taxation:

I am a Tax Program Supervisor III; I oversee liquor compliance and also liquor licensing. I just wanted to add some additional information that may be helpful. The previous conversation is absolutely correct. In order for anybody to ship liquor into the state, they require a certificate of compliance, and the importer wholesaler, per statute, can only import into the state from somebody that holds a certificate of compliance. One of the things that is a little different about this regulation is, as Director Hughes mentioned previously, when you have a situation where the actual supplier or manufacturer wants to import liquor into the state, they can obtain a certificate of compliance, identify an importer wholesaler in Nevada, and go ahead and ship in that way.

The thing that is slightly different here is due to the influx and the common situation where out-of-state suppliers will use a bonded warehouse/fulfillment center to import product even though that product is coming from the bonded warehouse, if you will, because the product is leaving that location and coming into Nevada, that bonded warehouse needs a certificate of compliance. And the way for that to occur is our statute allows for the supplier and/or their designated agent to obtain a certificate of compliance. So, per statute, the supplier will have a certificate of compliance. They would appoint the bonded warehouse as a designated agent, who will also obtain a certificate of compliance, and then the liquor will be on a compliant path into the State of Nevada to the importer wholesaler. The other part, obviously, is that the reporting responsibility for reporting only the liquor that is imported into Nevada will be borne by the actual supplier.

To touch on the question regarding the warehousing, the typical path would be the product would come from either the supplier or their designated agent to a Nevada importer wholesaler. Obviously, these shipments come in daily for the retailers, large and small. The importer wholesalers have the warehouses; they receive the product received compliantly from a certificate of compliance holder. They have their own internal logistics system and then those orders are eventually delivered to the retailer who ordered them through that supply chain, whether it is Walmart or another retailer. I hope that helps to answer the question.

Senator Titus:

I appreciate all of that, but where I need some more clarification is if you import . . . I was under the impression in that bill during the session that they could bring in alcohol and store it here or age it here and it may never be consumed in Nevada. There is no pathway that all that stuff that is imported here and stored in these warehouses would ultimately then be

consumed in Nevada? I was looking at that they are stored here and we had to pass a bill for that, allowing them to age things in Nevada and maybe never be consumed here. I get the pathway that if it was consumed here, we are going to tax it, but it seems like we are taxing things that we may never consume. So that is where my concern is, that the storage may just be storing to age, not storing to sell here on the Nevada market.

Mr. Hernandez:

[Inaudible] in-state manufacturers who can import product as part of their manufacturing process, and I believe one of them is allowed to import for the purpose of storage. However, that is a slightly different process. The process that we are talking about here is, I believe, for the out-of-state manufacturer who would like to have their products sold in Nevada. In other words, finished product, not manufactured product. They would do so following the certificate of compliance method. And again, the addition this regulation provides a compliant way through the bonded warehouse whereby both the supplier and the bonded warehouses have a certificate of compliance allowing that product to be imported, compliantly to the importer wholesaler and again through the remainder of the supply chain.

Senator Titus:

All right, thank you, Madam Chair. I still have concerns.

Chair Jauregui:

Is there anyone else in Carson City who has questions? Does anyone in Las Vegas have questions? Assemblymember Hafen? Seeing none, I am looking for a motion for R180-24.

ASSEMBLYMEMBER WATTS MOVED TO APPROVE R180-24.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND TITUS VOTED NO.)

Chair Jauregui:

Thank you for being here. We are going to move on to our next regulation. There are three regulations for the NIAA [Nevada Interscholastic Activities Association]. I plan to take those altogether. They are R003-25, R022-25, and R057-24. Do we have someone from the NIAA in Carson City? I do not see anyone in Las Vegas. AVH, can you check to see if we have someone on Zoom or on the telephone line?

AVH:

Chair, we have no one on Zoom.

Chair Jauregui:

AVH, is there anyone on the telephone line?

AVH:

Chair, we have no callers on the line.

Chair Jauregui:

Seeing no one here from the NIAA, I am going to wait to defer the regulations to the December meeting until the end of the meeting to see if anyone from the NIAA shows up. If you are hearing this or watching this Commission meeting, please note that we need you present to answer questions on three of your regulations. If you do not join us via Zoom or in either of our locations, we will be deferring your regulations until the December meeting.

We can move forward with regulation [R008-25](#), the Nevada State Board of Optometry. Do we have anyone in Las Vegas or Carson City?

Mr. Schneider:

Yes, Assemblymember. Adam Schneider, Executive Director, Nevada State Board of Optometry.

Chair Jauregui:

Thank you for joining us. Senator Daly, I believe I had you as the initial requester of this regulation. Do you want to lead us with questions?

Senator Daly:

Thank you, Madam Chair. That was correct. It is a bit of a technical issue. I do not know if it is the end of the world, but I do know in your statement of the need for the regulation, you wanted to make things clearer, so I was hoping that we would be able to do that. But, when I read it, and then I go back and look at what the statute says, when you delete the language, which I think adds meaning, I think it is in Section 1, subsection 2 where it says, "An optometrist shall not employ or be employed by a physician," that is impaired with NRS. I think it was [NRS] [636.373](#), and if we are trying to make it clearer, the regulation language was very clear—cannot do it. The law is less clear because that is now the only reference that I could see, which is that this statute does not authorize an optometrist to employ or be employed by a physician, which logically leads, to me, if words have the meaning, is that they are not authorized by the statute, but they could be authorized, but it does not say by whom or how. In my view, that makes this much less clear. Some of my colleagues have heard me say this before. The English language is the most precise language in the world, so it always bugs me when we are not precise. Like I said, I do not know if that is the end of the world or not, but I do not think you hit your mark if you wanted to make it clearer. It seems less clear that there is a prohibition against an optometrist being employed or employing a physician.

Mr. Schneider:

Thank you for the question. The version that is in front of the Commission is in concert with the legislative drafting, lawyers that we work with. And, in that dialogue, was the original proposal that an optometrist shall not employ or be employed by a physician for the sake of clarity and any kind of nonconfusion. In that dialogue, the lawyers at the committee have said it is already stated within NRS, thus, it is unnecessary to be placed into NAC. And so, by virtue of that, that was the sequence in which that particular subsection was eliminated.

In speaking to the actual regulation, the purpose of the regulation is to balance the ability of the optometrist to engage in business relationships. For example, when it says "other than a physician," while you still have the ability to utilize those corporations or those persons for your business, there is still a prohibition on the ability of the corporation or the physician to "own" the business and then therefore, kind of de facto, violate any sort of corporate practice of medicine doctrine. That is the underlying intent of this particular regulation and then augmented by what you have in front of the Commission today.

Senator Daly:

Thank you for that. The rest of it seemed okay and clear to me, and we are probably moving the ball forward a little bit on what is allowed and what is not allowed. But when I read that, and then I went back and checked the NRS, and yes, it is covered. I just wanted to see if we were eliminating that prohibition just in regulation and we are not. There is a statute that addresses it, but it is less clear. It says that it does not authorize them to, as I said, which then leads to a plain language person to say, who can I get authorization from then and how do I do that, rather than a strict prohibition. I know you cannot change NRS, but you can augment, explain, and enhance some of the stuff by regulation. I am not faulting anybody, just me and my nature. I would have argued with them until we got a little closer to having what we want, which is the clarity.

No other questions, Madam Chair. I do not think it is going to happen. I do not think the Board would authorize it because that is their intent, but the language is not clear.

Chair Jauregui:

Are there any other questions in Carson City? Members down here? Seeing no other questions, if you would like to make a motion, Senator Daly?

Senator Daly:

Despite my misgivings here, I move to adopt R008-25, and maybe we can fix some of that stuff later.

SENATOR DALY MOVED TO APPROVE R008-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Thank you for being here, Mr. Schneider.

We are going to move on to our last two regulations, which I will take together. They are [R013-25](#) (Agenda Item IV B-1) and R024-25. I believe we have the Board of Wildlife Commissioners here to help answer questions. We are going to begin with R013-25, and we will again go to Carson City to begin our line of questioning.

Senator Hansen:

Thank you, Madam Chair. The first one is actually a pretty good regulation. I like the whole overall concept here. In your clear and concise explanation, you said:

The regulation is necessary to provide additional convenience to the Department's customers, resolve uncertainty generated by existing regulatory language and existing or proposed hunt application structures, This regulation will improve customer service and satisfaction, particularly for junior hunters and their parents or guardians.

All laudable, and I agree completely with that. The reason I held it though, is two and one-half years ago, the Legislature passed [SB 311](#), which allowed transfers. The concept, for all the people listening on the Commission, there is a shrinking pool of younger people entering hunting, and we have been trying to correct that by making all sorts of opportunities available for younger people. There are so many different competing things. One of the things that we did, and this was on the advice of a longtime Washoe County resident, Rex Flowers, was to create a program in which we allow a transfer of tags from adult and senior hunters to junior hunters. That was approved unanimously in 2023. We did leave it up to the Commission [Board of Wildlife Commissioners] to adopt a regulation to get that program implemented. Two and one-half years have gone by, and it is still not implemented. They just had a meeting on it, and the original fiscal note was \$38,000; now it is supposedly up to \$400,000. And in my mind, this regulation could have included something like that. So, while I approve this legislation, I am wondering why you guys . . . And of course, is there anybody here actually from the Commission or is this all NDOW [Nevada's Department of Wildlife] people?

Alan Jenne, Director, NDOW:

Thank you. We have Commissioner Tommy Caviglia in Las Vegas, who is also here to speak. Absolutely, very familiar with your bill, SB 311 from the 2023 Session. There were many things going on, and as you can imagine, we are trying to meet many needs with our constituents. One of those, as I have described before, is our E-tag system. That is probably one of the biggest things that we are trying to get stood up, and that was one of the reasons that complicated the timelines associated with your bill, but also, adjusted the expenses with that. I will hold for your question; I see you pushing your mic.

Senator Hansen:

Actually, it was several people's bill, including Dr. Titus, so it was not just mine.

My bigger point is we just went through an entire legislative session, and you did not come in and say boo to us about it. I did have a meeting with Commissioner Young, who indicated you were very, very close to adopting it, and we did not need to make any changes at the legislative level. I just want to get on the record, though, that while I approve this, and I completely support the idea of increasing the number of youth hunters, I am very frustrated after two and one-half years and a full additional legislative session that that has not been adopted and nothing was done at the legislative level to make whatever corrections you feel is flawed in the bill. So, I just want to get that on the record and to say you need to work on that. It was unanimously passed by the Legislature, yet to this day, two and one-half years later, it is still waiting for regulations to be done.

Mr. Jenne:

Thank you, sir, and if I may, I will give you some good news. Last year the Commission made substantial gains in providing opportunity to our junior hunters with the establishment of a horn shorter than ears antelope junior hunt. And with that, plus some modifications to the mule deer junior hunt, they created a primitive junior tag that allowed for more tags to be issued. And so, in those collective responses, there were junior tags remaining at the end of the junior tag season this year. There was a lot of opportunity for junior hunters without going through the system of creating the process that you spelled out for a junior tag program. Despite the fact that the intent of the bill has not been met in creating that junior tag program, there have been many other substantial steps to try to create opportunities for Nevada's youth.

Senator Hansen:

And I salute you for that and I want to see that continue, but the Legislature did unanimously pass a bill giving you guys that responsibility and it has not been done. Madam Chair, I do not want to beat this one too much. I would gladly support this existing regulation, but I want to get on the record that I think while the Department has moved in the right direction, for two and one-half years they have sat on this regulation, and they sat through an entire legislative session and did not say boo about it. And now they just had a meeting on it, and again, postponed it from what I can tell indefinitely. They keep postponing it and postponing it in spite of the fact that the Legislature did give them a very specific direction on this one. So anyway, I will gladly, unless somebody else has questions, move to adopt this regulation.

Chair Jauregui:

Are there any questions in Carson City, Senator?

Senator Hansen:

No additional questions in Carson on this regulation.

Chair Jauregui:

And it does not appear we have additional questions in Las Vegas. I will take your remarks as a motion to adopt, and I would be looking for a second.

SENATOR HANSEN MOVED TO APPROVE R013-25.

VICE CHAIR YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

And while we still have the Board of Wildlife Commissioners, let us go ahead and roll into [R024-25](#). We will go back to Carson City for questions.

Senator Hansen:

Thank you, Madam Chair. This has to do with increasing demerit points for certain specific things. Just a real quick background. The demerit bill was passed; it was [Assembly Bill 537](#) in the 1995 Legislative Session. It was introduced by Assemblymember Dave Humke. It was my bill; I wrote the demerit system, so I am very familiar with it. The original concept was it was going to be a 3, 6, 9, 12 system. In other words, minor violations would be 3, maximum penalty would be 12. At 12 violations, currently, you will lose your hunting, fishing, and trapping privileges for 3 years. That is the most draconian penalty you get administratively. Keep in mind that this is in addition to what would be judicially imposed on a citation.

If we jump to the regulation itself on page 3 where it says, "Unlawfully using or possessing thermal imaging, infrared or electronic night-vision, or electronically enhanced light-gathering or comparable night-vision devices or equipment," which would be, as I understand it, a 12-demerit penalty, first-time offense. I have a real problem with that. Again, that is the most severe penalty you can give and that would be for simply possessing a light-gathering device or any of these things. I am aware of, especially certain predator hunters that have used these things, probably will continue to do it. And even if they are not found guilty of using it, they simply have it in their backpack or whatever, without any evidence they committed the crime, they would be liable for a three-year suspension in addition to whatever potential penalties a judge would impose. Is my understanding of that correct?

Mr. Jenne:

I just want to point to the NAC that actually is associated with this, [503.1455](#). It says, "A person shall not possess or use any of the following equipment or devices while hunting or taking any game mammal or game bird or while locating game mammals or game birds for the purpose of hunting or taking, including without limitation: . . .," and then it goes through the devices. It is in relation to hunting. It is not merely possession; it is merely the possession during hunting. I can pass this to Commissioner Tommy Caviglia, and he can give you a little bit of background as to why this came out this way.

Tommy Caviglia, Commissioner, Board of Wildlife Commissioners:

As Director Jenne mentioned, the Commission approved the thermal imaging regulation. I think it was a few years ago. Subsequently, just within the last year, the Commission generated an Emerging Technology Committee. That Committee was just for the emerging technologies, the new equipment for hunting. That Emerging Technology Committee, within the last year, defined the criteria for what items we would take on as a Committee. One of the main items of discussion on that Committee level was thermal imaging and then the trail cams item that will come up as well. Those are the two items that are with public comment, county advisory board (CAB) comment, then obviously Committee member comment. Those were the two main items that we wanted to address. We had substantial discussion on that.

At the end of those Committee meetings, we just thought that increasing the demerits on the thermals for the purpose of hunting was warranted. The Committee recommended that we make a recommendation to the Commission. The Commission had a meeting. At that Commission meeting, we directed the Department to draft the language to increase the demerits. That was workshopped and then the increased demerits were approved in September. I would like to note that during the whole process, we had a lot of public

comment; we had a lot of comment from the CABs. Even the Nevada Predators Hunters Association in the September meeting also gave approval on increasing the demerits to 12 for the thermals. I am only one of the nine commissioners, but basically, where it falls back on is nobody considers the use of thermals "fair chase." You can utilize the thermals day or night, so that is what creates the perception of fairness in hunting, and that is why the Commission wanted to increase the demerits to 12.

Senator Hansen:

OK. I get the reasoning behind it, and I am not in favor of using thermal devices in hunting, and I very much am a supporter of fair chase. However, in your statement to this legislative body, you wrote—and you did not mention this in your testimony, Commissioner—"The issue this regulation aims to address is the absence of meaningful penalties for violations, which results in insufficient deterrence against the use of trail cameras and thermal imaging devices during closed seasons." Now, I asked the Department for evidence that there are, in fact, people that have either been cited and then did it a second time. To date, I have not received anything except a claim that they cannot give me any of that because it is too difficult to pull it out of their system. In fairness, that was asked yesterday, so I do not want to hold them accountable for that. However, what you just said did not indicate that there is a problem with repeated use of trail cameras and thermal imaging devices during closed seasons. You indicated that you guys think the penalties on the demerit side are insufficient. Can somebody here tell me how many citations have been issued for misuse of thermal devices or trail cameras to date?

Jake Kreamer, Game Warden Captain, NDOW:

Thank you for the question. Senator Hansen, while I cannot give you the actual citation numbers for problems that we tried to discuss with you the other day, I was able to get into our system and pull some of the data of evident seizures. I can give you the breakdown. We have had, to my knowledge, and this again is not based on cases, not based on citation numbers, so this could vary mostly up on the thermals. But we have had, to my best knowledge, three cases so far in thermal use for big game hunting. Concerning the trail cameras: in 2020, we seized 8 cameras; 2021, 14 cameras; in 2022, 5; in 2023, we had 8 cameras seized; 2024, we had 9; and so far this year, 5 trail cameras. We are not seeing a significant change in behavior based on the current penalties, if you will.

Senator Hansen:

Well, the problem with the stats you just gave me, how many of those are repeat? Are you telling me that there are people that had their thermal stuff confiscated by you guys and then you found them in the field again after having these sorts of things taken away from them? Because the whole purpose of this, according to your own explanation, is that there is an absence of meaningful penalties and there is an insufficient deterrence. How many people that you have cited or taken cameras away were caught a second time doing the same offense?

Captain Kreamer:

Thank you for the question. Based on the information that I was able to get in a short amount of time, I do not have an answer for you on that.

Senator Hansen:

OK. I can take a wild guess. It is none, because if somebody had all these expensive things taken away, they would not go out and do it again. The reason I bring that up and why I believe that is because the whole argument here is that the current penalty structure is insufficient to deter. But unless you can show some evidence that these penalties, that these individuals who have been caught, which frankly sounds like a handful over the last few years, then go out and repeat it, then you would need to bump the penalties up. Now, the penalties you are proposing are the most draconian that you have under the demerit system. And I think it is important for the Legislative Commission to understand that this is an administrative punishment. It is not done through a judicial thing. If in fact, I was cited for a trail camera and I did not know the law and I go before a justice of the peace and I explained the situation and I get fined \$100, if this passes, I will not only get fined \$100, but then I will lose my right to hunt, fish, and trap for up to three full years, even though the judge basically recognized that it was an honest mistake. And that is the problem with using the maximum penalties in an administrative way. There is no flexibility like there is under a judicial system. That has been an issue with this. And that is why when we designed the demerit system, we made sure that it was to be moderate, it was not to be maximum on anything. Just so everybody knows, when we first proposed it, NDOW folks, the law enforcement in particular, wanted maximum penalties for everything. I have the old book from 1995 because I was on that committee, and we ended up coming up with a very good system that is very moderate in its application of the administratively imposed penalties. Because you have, in addition to the administratively imposed demerits, the normal punishment done by a judge or a jury in really severe cases. So anyway, I have some issues with that.

The last question, Madam Chair, if I could. Right now, Warden, when you issue a citation, normally there is a bail written on it. Is there also, on those citations currently, a category where you write down the actual demerits that the individual will receive if they just pay the bail and admit their guilt and move away?

Captain Kreamer:

Thank you for the question. There is a section on the citation. On a citation, a warden can sign up to two statutes, if you will, on that citation or two penalties violations. Each one of those line items has sections for the warden to write in the demerit for that specific violation. That is not intended to go to the court, although the court does see it. That is intended for internal processes.

Senator Hansen:

But does the individual who received the citation know that if they plead guilty, they are going to be cited? For example, in this case, if the individual gets caught with a trail camera and you list the bail at \$500 and there is also a 12-demerit penalty associated with it, does the individual realize that if he pays the \$500 that he is now also going to give up his right to participate in all the normal activities for three years?

Captain Kreamer:

Yes, thank you for the question. Yes, it is listed on that citation, plain as day for them to read.

Senator Hansen:

And has that changed recently? The reason I bring it up is I have a close friend who got a citation years and years ago, was embarrassed about it, just paid his fine. And to his horror, he got a notice from the Wildlife Commission that he had lost his hunting, fishing, and trapping privileges for, at that time I think it was five years, three years, or whatever. I think it was before. It had to be three years at the time. Have you guys done that? Every citation that is issued, they do have the demerit points listed so there is no blank, there is no confusion on that?

Captain Kreamer:

That is correct. In my 21 years with this agency, as an officer, we have always had that line item on there, to my knowledge.

Senator Hansen:

Good. I needed that clarification. That is a good thing because I am really concerned about when people do things where they may have a relatively minor fine but then they end up with these draconian administratively applied penalties. That is the number one reason I oppose this regulation. I support the concept of fair chase. I do not think they should be using thermal imaging. I think there are some horrible abuses with the trail camera stuff, so I am all in favor of stopping that. I am not in favor, though, of taking away people's privileges for three years without having very substantial evidence that through a judicial process before that penalty is applied because it will apply to every single individual that receives these citations and pleads guilty or goes through a judicial process. And even if the judge reduces the penalty, if he is found guilty, he is going to lose his privileges for three years. That is my real issue with this. The basic concept behind it, I am fine. As the author of the demerit system, I can tell you right now, the legislative intent of that was not this. This is a violation of the concept of the demerit system. It is supposed to be moderate in its application. This is draconian in its application. With that, Madam Chair, thank you very much for giving me a free hand to ask these questions.

Chair Jauregui:

You are welcome, Senator Hansen. Is there anyone else in Carson City interested in asking questions? Seeing none, is there anyone in Las Vegas? Do we have Assemblymember Hafen on Zoom? I just want to check with him to see if he has any questions.

Assemblymember Hafen:

No questions here.

Chair Jauregui:

OK. I am looking for a motion.

VICE CHAIR YEAGER MOVED TO APPROVE R024-25.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND TITUS AND ASSEMBLYMEMBERS HAFEN AND HANSEN VOTED NO.)

Chair Jauregui:

Thank you for being here. Members, it looks like we do have the NIAA with us now on Zoom, so we are going to go back to the regulations that we skipped: R003-25, R022-25, and R057-24. We are going to start with [R003-25](#). We are going to go to Carson City. I know you had originally listed this as one of the regulations you would like to have pulled, Senator Daly, so I am going to let you lead us on questions.

Senator Daly:

Thank you, Madam Chair. The question on this regulation is impaired with R057-24. Maybe it can be answered; I am not sure. But in Section 3, subsection 1, and this is existing language, it uses the word *misconduct* when you are going to be having a penalty. I think it is [Section 3, subsection 1] (b). It says, "The issuance of a sanction indicating the occurrence of misconduct and the imposition of a fine." I could not find it. I looked and maybe I just missed it. Is *misconduct* defined somewhere?

Paul Anderson, Esq., Legal Counsel, NIAA:

Misconduct, defined anywhere within [NAC] [385B.960](#) or just the chapter in general?

Senator Daly:

I looked in the chapter that this amendment is in. I looked in the regulation to see if it is defined in this regulation. I also looked in the NRS to see if it was defined in that. I could not find it under definitions, so I did not know if *misconduct* was defined.

Mr. Anderson:

I do not believe *misconduct* is defined. I apologize. I did not have notice of this meeting. I am just looking at these regs for the first time in quite some time, so I am doing my best to answer your questions, but I do not believe that *misconduct* is defined within the definition portions of [Chapter 385B](#) of the NAC. And it is not defined in the statutes dealing with [Chapter 385B](#) [of NRS]. But with respect to this regulation, this is the general sanctioning regulation for violations of all the various regulations within [Chapter] 385B of NAC. I do not know if that helps.

Senator Daly:

I understand and that is existing language, so I am not saying you are doing anything wrong there. I do not really have an issue with adjusting the violation, penalties, or fines. I just was looking for *misconduct* to be defined because I have other questions under 057-24, where we are talking about, and I will wait till we get there, unsportsmanlike conduct. There are several issues with that. I know you guys tried revising it, but I still think we are not there yet. When I read this one and I looked at the misconduct, in conjunction with some of the stuff that is coming under 057, I just had some concerns and wanted to know if it was defined. But if it is not, I would defer to the rest of the people on the Commission if they are okay with that because it is existing, and no questions on the

rest of it. But in conjunction with the other regulation, I was just looking for some explanation.

Mr. Anderson:

Is that a question for me?

Senator Daly:

I think you have answered the question that it is not defined. If you find it later, let me know. Go ahead, Madam Chair.

Chair Jauregui:

Thank you, Senator Daly. Are there any other questions in Carson City? I have some questions in Las Vegas, but I want to make sure I give everyone in Carson City the opportunity to engage.

Senator Daly:

We are welcome to hear some questions from southern Nevada.

Chair Jauregui:

Assemblymember Watts, do you want to lead us in questions?

Assemblymember Watts:

Certainly. Thank you, Chair. I have some questions about the adjustments to the amounts. Generally, they are being revised upward. Although in Section 3, sub[section] 1(a), it is being clarified and basically being moved down. I looked through the statement about the justification for the regulations and did not see anything that explains the justification for these adjustments. I was wondering if you could provide some additional context on that.

Mr. Anderson:

The penalty amounts that are set forth in the regulations that are being revised here have not been revised for years, and what we have found is, with respect to several member schools throughout the state, there will be violations of requirements by them and imposing the existing amounts as penalties really does not cause the problem to not happen in the future. So, one of the bases for raising the amounts is to make it sting so that corrections occur and violations do not occur repeatedly from the same member schools. That is one reason. The other reason was just basically the times and the fact that the prior amounts just simply are not really keeping up with economic times.

Assemblymember Watts:

Thank you. I appreciate that. I think that would be helpful information for us to get on the front end when you are compiling some of the supplemental information for this, for us to understand when was the last time that these amounts were adjusted and if you had specific information that indicates that there are essentially these repeat offenses and that those sanction amounts are not sufficient to deter repeat offenses. I think that would be helpful for us to have when we look at approving these updated regulations. Thank you for the question, Chair.

Chair Jauregui:

Thank you, Assemblymember. I have one question for you, Mr. Anderson. Out of curiosity, is there an appeals process for someone who gets a sanction?

Mr. Anderson:

Yes, there is an appeal process. It is set forth in [NAC 385B.910](#). We have a regulation that provides that any adverse ruling with respect to a regulation is appealable under our appeal process, and the appeal process follows the provisions for contested cases under [\[Chapter\] 233B](#) of NRS.

Chair Jauregui:

Thank you. Are there any other questions? Seeing none, I would be looking for a motion.

VICE CHAIR YEAGER MOVED TO APPROVE R003-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

We will move on to the second regulation, which is [R022-25](#). Senator Daly, I am going to come back up to you to lead us in questioning.

Senator Daly:

Thank you, Madam Chair. This one I have issues because I believe it is too open-ended. I know there are plenty of examples where you can say, including this regulation, the fee is set or the cost is set by regulation, but in order to increase it—you do not have to go to the Legislature, wait two years, and do all of that stuff—you can increase it by regulation. I told other boards and commissions, I think the Court Reporters' Board recently got some legislation passed that allows them to adjust their fees by regulation, but they have to get a regulation to increase, it has to come to the Legislative Commission, so there is some oversight by the Legislature. It says, ". . . an amount determined by the Board." The way I read that is instead of having an amount set that you would then have to come back to the Legislative Commission or some oversight to say what is the fee that we can charge is removed, and the Board has autonomy to do what they want. So, if I am doing a budget process and I am the Board and I have an increased cost or I have something I just want, whether it is justified or you can afford it, you have an open-ended process that allows you to charge whatever you think the market will bear. And we have seen what happens with that in the housing industry. It has bad outcomes—market rate, market rate. I think it lacks budgetary discipline. I think it is overreaching on any type of discipline that would be applied to a budget process. Way too open-ended and goes against having some oversight by the Legislature. So, as is, I just cannot support it. And I think you need to rethink it all the way around.

Mr. Anderson:

Madam Chair, may I address that?

Chair Jauregui:

Please go ahead, Mr. Anderson.

Mr. Anderson:

Thank you. I believe if you look at subsection 2 of Section 1, which talks about the factors that have to be reviewed and determined by the Board in determining what the amounts of membership dues will be, that controls the Board so it cannot be just charging on a whim. It has to be based on these things: the costs associated with organizing supervisors and certifying officials, obtaining and retaining facilities for regional and state tournaments, and other factors that are relevant to the cost of running the Association. That is where we provided language that would prevent what you are referencing, Senator Daly.

Senator Daly:

I did read that language. Of course, I respectfully disagree. I understand at least—because I used to do it for a living in a previous life—negotiations and the balance of power in those negotiations. It would be fine if you did all those considerations, got the input, changed the number, then came to the Legislative Commission and said this is the outcome and we are justifying it. We did all this input from the schools, and this is what we think it should be. You had some agreement, some disagreement, et cetera. You have 17 school districts in the state, and all have different budgets. Not all of them are participating in every sport. I am not exactly sure how this works or if you are competing in any one . . . Is there one fee or is it per sport? I do not know, but nevertheless, the negotiating power is one-sided. You can get all that information and still make a decision based on what the Board wants. You have to have a balance. If the one side really has no power to stop you, the Board can make the decision regardless. If the increase is maybe not agreed to or felt justified by the school districts, the Board can still make the decision. There is an imbalance in that negotiation.

Mr. Anderson:

OK.

Chair Jauregui:

Senator Daly, is there anyone else in Carson City who has questions?

Senator Daly:

I believe Senator Titus and Assemblymember Hansen.

Chair Jauregui:

Thank you. Let us go to Senator Titus and then we will go to Assemblymember Hansen.

Senator Titus:

Thank you, Madam Chair. Just a clarification for me, please, sir. On just the very first page of this 022-25 regulation, you separated out the school must pay annual dues, and then you define less than 600 pupils during the school year. Senator Daly alluded to this, but is this based on school districts or is it based by schools? Can you clarify that for me?

Mr. Anderson:

It is based on the size of each school. We have a certain number of member schools. I think it is 125 member schools. Schools that are smaller with 600 pupils or less pay a certain amount, and schools that are larger pay a different amount.

Senator Titus:

Right. So, just to be clear then, it was not based on the 17 school districts. It is really based on all the schools in the State of Nevada who would choose to belong to the Interscholastic Activities Association. Correct?

Mr. Anderson:

Correct. Each school has a separate membership.

Senator Titus:

That was my understanding. Everybody knows I am a rural Nevada kid. My school had less than the entire kindergarten through 12 at one point, less than 100 kids. And so, I am wondering, when we are talking about each individual school, high school, intermediate school, elementary school, they all have to sign up separately. When you lump a fee for 600 pupils in your school, then everybody pays that same fee? Do even the very rural schools that only have less than 100 kids for all the grades have to pay this same amount? Or do you have graduated charges for that participation?

Mr. Anderson:

The fee is based on those set amounts. Smaller rural schools with 600 or less—even the situation that you are mentioning there, if it is a school with 100 students or whatever—would pay the same fee that schools a little bit larger, but less than the larger schools in the state, would pay. It would be the same amount.

Senator Titus:

Thank you for that clarification. I understand what you are saying, but I am just frustrated by that.

Chair Jauregui:

Assemblymember Hansen?

Assemblymember Hansen:

Thank you, Madam Chair. I just want to ditto Senator Daly's comments and concerns—too broad of authority, not a lot of checks and balances. And in regard to your comment on Section 1, [subsection 1](b) that there is a formula that is to be calculated, as was said by my colleague, the Board is determining what that amount is as part of that formula. I have some problems with this just to be transparent and would have a hard time advancing it as it is. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Assemblymember. I am going to come down to Las Vegas and hand it over to Assemblymember Watts.

Assemblymember Watts:

Thank you very much, Chair. I just want to note that I agree with all my colleagues. I appreciate what Senator Titus mentioned and think it is probably worth considering that a school with 100 pupils pays the same as a school with 599 pupils, and then as soon as they get to 600, the amount jumps up a bit from \$850 to \$900. So just consider how you might update this to make sure that there is some equity. And again, as Senator Daly said, I certainly support efforts to move things so that they are not constantly stuck, having to wait for the Legislature to adjust things in statute, but I believe that we definitely need to have oversight over some of these things as they are being updated in regulation. I am concerned with the removal of that. So, if there is going to be a change to any of these dues, I would like to see a specific amount that is proposed. And again, as I noted on the previous regulation, I would like to see a detailed justification for that proposed change submitted in the accompanying backup materials to come before this Commission. I do not support this regulation as it is proposed. Thank you.

Chair Jauregui:

Any other questions in Las Vegas?

Mr. Anderson, I think what you are hearing from the Commission is that they are looking for equity and transparency in this regulation, and I do not believe the regulation provides that as drafted. I am going to defer regulation R022-25 until the December meeting. Please reach out to the Commission members if you have questions and get details on what exactly they are looking for. I know Assemblymember Watts requested a detailed description of why the dues being requested are being requested. We look forward to seeing you back here with this regulation in December.

Mr. Anderson:

Thank you.

Chair Jauregui:

We have you for one more regulation. Our last regulation for the day is [R057-24](#). I am going to go to Carson City. Senator Daly, I believe you were the first to reach out to me to pull this reg. So, I am going to come to you to lead us with questions.

Senator Daly:

Thank you, Madam Chair, and I want to thank the [Nevada] Interscholastic Activities Association for attempting to make some adjustments from the previous version of this. I think you did make some improvements, but some things still are a little too broad, maybe undefined, and just subjective, if you will. When I look at Section 6, subsection 12, you define *act of violence* as "verbal abuse." That is my first issue because words are not violence. "Assault, battery or any other conduct that threatens the safety of a participant, coach, administrator, spectator" I am just curious, if you have assault and battery, what would be the other conduct that threatens the safety of the participant? Because I think you probably have it covered. And before we get too much further, you define *assault*, you define *battery*. And then *verbal abuse* in paragraph (d) means "aggressive, offensive or profane language that is directed at a person." And I believe with my next question, you could make history here if you can definitively answer it in a universal way that could be uniformly applied on what *offensive* means.

Mr. Anderson:

Senator, could you direct me to what you are looking at? As I said, I just got notice of this.

Senator Daly:

Section 6, subsection 12(a) for the first question, and [Section 6, subsection] 12(d) for the second part.

Mr. Anderson:

I do not know if I am missing something, but all I see there is that the provisions of NAC [385B.802](#) to [385B.812](#), inclusive, apply to each pupil, coach, administrator, faculty member, and sports official who participates in and is assigned to a sanction sport. I am obviously missing something.

Senator Daly:

Are you on R057-24, the one that we looked at previously?

Mr. Anderson:

I am.

Senator Daly:

Then you have a different one than I have.

Mr. Anderson:

I am looking at Section 6 of our revised regulation. That is what I have. I do not know.

Chair Jauregui:

Mr. Anderson, you can also visit our legislative website. We have copies of all the materials including the regs that we are seeing on the Legislature's website.

Mr. Anderson:

OK.

Senator Daly:

It is Section 6, subsection 12.

Chair Jauregui:

Which is on page 7 of the regulation that we are looking at.

Mr. Anderson:

I am sorry. I see subsection 12, so I apologize for that. And the question again? I am sorry.

Senator Daly:

I have an issue with including *verbal abuse* under violence because words are not violent. You say, “. . . assault, battery,” which is added, “or any other conduct” What might be included in any other conduct, now that you have assault and battery? Then you define *assault* and *battery* and then define *verbal abuse* to mean “aggressive, offensive or profane language.” My question was, define *offensive*, and if you can do it, you will make history.

Mr. Anderson:

I agree that it is difficult to define. We are talking about high school athletics and trying to keep control with respect to spectators, coaches, players, and everybody else. I believe that is a matter of some interpretation. You see it in sports all the time where there are ejections and actions taken against various participants or individuals who are out of line with respect to the decorum of the event.

Senator Daly:

Thank you for that, and you understand my problem. Speech, in the first place, is not violence. But then, if I heard you correctly, and let me paraphrase a little bit, is that, yes, it is hard to define, subject to interpretation. So, let me go to the next step on the famous quote from some judge in a case on what is *obscene*. And he said, “Well, I cannot really tell you, but I know when I see it.” That is just not a standard that is going to fly, in my view. So, thanks for trying again, but it still has a lot of problems and open-ended issues. I mean, what would be considered offensive? Somebody flips someone off; they did not even say a word. She made a gesture, and yeah, it might be offensive to some other people, and it might just be the way people communicate in other areas.

Mr. Anderson:

But Senator Daly, if I can add, is that what we want to be seeing at our high school athletic events?

Senator Daly:

People have the right to engage in free speech and in those types of activities. I just do not think we can get there.

Chair Jauregui:

Are there any other questions in Carson City?

Assemblymember Hansen:

Madam Chair? I do. Real quick.

Chair Jauregui:

Yes, Assemblymember Hansen, please.

Assemblymember Hansen:

Thank you. I do not think there is comfort with me for sure, and I think some of my colleagues, with the way it is returning to us again. Just maybe a suggestion if we are going to deal with *act of violence* means, drop *verbal abuse* and maybe we could get there and

the definition of *verbal abuse*. I am not comfortable with this and so hopefully we can get it right the next time.

Mr. Anderson:

Madam Chair? You indicated dropping *act of violence* and *verbal abuse*. Is that what you stated?

Assemblymember Hansen:

No. I am saying, I think we are having a problem with, or at least I will speak just for myself, putting *verbal* in there, speech, certainly *battery*, and the other one, *assault*—that is violence. It has been mentioned that words are not violence, so I think that is the problem where we are throwing verbal or language or speech into this same pool as assault and battery, which certainly is not appropriate. And we could even argue that verbal . . . I have raised eight kids and been to many, many games and have seen people that are really offensive in their language, but we have a right to be obnoxious. I just think there is too much in this section that hangs it up. This is not a body where we can just amend; it has to go back. But just a suggestion that what I am having trouble with, I think, has been reflected here today. You are mixing verbal or language or free speech in there with true violence, which is assault and battery.

Mr. Anderson:

Thank you. I appreciate that clarification, and we will certainly look at that again.

Chair Jauregui:

Is there anyone else in Carson City? Is there anyone here in Las Vegas? Let us go to Assemblymember Watts.

Assemblymember Watts:

Thank you, Chair. I do not want to reiterate what my colleagues said, but I just wanted to note that I agree with them, and I am particularly concerned about the inclusion of the *verbal abuse* language as infringing on people's First Amendment rights. I certainly understand where folks are coming from in terms of wanting to prevent hostile environments, harassment, intimidation, but I think this wording is overly broad. And when you look at it, I think the justified penalties for committing acts of violence against some of the officials and others of being unable to participate for 180 days in the sport. Again, I think that applying that to anybody who says profane language directed at another person is overly broad. I think the proper place for that is under unsportsmanlike conduct and things like that, which I believe are handled elsewhere. And dealing with violent activities should be really focused more on the physical force and the threats thereof. Thank you.

Chair Jauregui:

Thank you, Assemblymember Watts. Anyone else in Las Vegas before we go to Assemblymember Hafen on Zoom? Assemblymember Hafen, I saw you had your hand raised.

Assemblymember Hafen:

Thank you, Chair, and Mr. Anderson, thank you for presenting today. Since it seems like it is going to be coming back, if you could, just bring back information on the current policies and procedures where students, coaches, et cetera, can already be removed just so we can have a side-by-side comparison. Or, during the interim between the meetings, you can email us the information so we can see what the changes are in comparison to what the current policies and procedures are for removing students, coaches, individuals, et cetera. It would help me get a better understanding of what we are trying to get accomplished here. Thank you, Chair.

Chair Jauregui:

Thank you, Assemblymember Hafen. Senator Daly, go ahead.

Senator Daly:

Just to follow up on that. If you recall from the last time we heard this, I think there is a distinction here that we are in a line we are crossing. Students that are participating, I think you can hold them to a higher standard. It is a privilege for them to be able to compete, et cetera, et cetera. And that conduct, misconduct, and unsportsmanlike conduct is within the purview. Same thing with coaches, same thing with school district staff. They have an employer; they have rules. When you transfer that over and say is this what we want to see at high school sports and various things? No, we do not want to see it. Do people have the right to engage in that activity if they are not harming anybody else? They certainly do. And that is where I think that if this was just on students participating, engaged in a privilege that can be taken away, if it was employed school staff, which have a different code of conduct, coaches, et cetera, et cetera. But when you try to get over to the general public, I think you are crossing the line, and you cannot cross those two sets of rules, if that helps. I do not know if it does, but I think you are talking apples and oranges.

Mr. Anderson:

Madam Chair, if I could just comment. The last time we heard this, I understood the concerns of the Commission were that the spectators were included with respect to this regulation. So, we specifically removed the reference to spectators. This regulation only includes, I believe, the participants in our events: players, athletes, coaches, administrators, officials, those sorts of things. Am I incorrect in your understanding of that?

Chair Jauregui:

Mr. Anderson, I think what I am hearing from the Commission members is that as the reg is written, the support for it is not there. We are just going to defer this regulation and ask you to try again and come back with this for a third time. But please reach out to the Commission members who have expressed concerns. I think everyone on the Commission is sharing the same concerns. In addition, I had questions about how enforcement would work and how we stay consistent across the state with this. So, I am going to defer this regulation again until the December meeting. I want to thank you for jumping on last minute. I know you proceeded to Zoom once you found out we were having this meeting, so thank you for acting quickly and jumping on to answer our questions.

Commission members, Agenda Item IV is complete.

AGENDA ITEM V—DESIGNATION OF MEMBERSHIP OF LEGISLATIVE INTERIM COMMITTEES

Chair Jauregui:

We can now move on to Agenda Item V, which is the designation of membership of the legislative interim committees. Here with us today is Roger Wilkerson, Deputy Director, to lead us through this next agenda item. Thank you so much for being here, Mr. Wilkerson.

Roger Wilkerson, previously identified:

Thank you, Madam Chair. In your packet you will see two recommended revised appointments (Agenda Item V) for one body this afternoon, the Committee on Public Lands ([NRS 218E.510](#) and [SB 226 \[2025\]](#)). In both cases, there was a request from the relevant caucuses to swap members serving on the Committee. While that can be done directly by leadership for all other interim committees, that requires approval of the Legislative Commission for the Committee on Public Lands. The two members to be swapped are Senator [Michelee] Cruz-Crawford to replace Senator [Julie] Pazina and Senator [Ira] Hansen to replace Senator [Robin L.] Titus.

As an additional note, there remains one vacant seat on this committee for a tribal representative. Staff have been in communication with the Inter-Tribal Council (ITC) for their recommendations, and the ITC intends to have their recommendations ready in time for the next Legislative Commission meeting.

If you wish to proceed, the appropriate motion would be to approve these appointments. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Mr. Wilkerson.

VICE CHAIR YEAGER MOVED TO APPROVE SENATOR MICHELEE CRUZ-CRAWFORD REPLACING SENATOR JULIE PAZINA AND SENATOR IRA HANSEN REPLACING SENATOR ROBIN L. TITUS ON THE COMMITTEE ON PUBLIC LANDS.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM VI—APPOINTMENT OF MEMBERS TO COMMITTEES AND SIMILAR ENTITIES

Chair Jauregui:

Members, let us move on to Agenda Item VI, appointment of members to committees and similar entities. Mr. Wilkerson, thank you for being here. This agenda item is yours as well.

Roger Wilkerson, previously identified:

Thank you, Madam Chair. In your packet you will see recommended appointments for three bodies this afternoon: the Nevada Silver Haired Legislative Forum ([NRS 427A.320](#)),

the Nevada Commission on Minority Affairs ([NRS 232.852](#)), and the Board of Directors for the Nevada Youth Legislature ([NRS 219A.300](#)) (Agenda Item VI). I am happy to provide further information if you wish, but in the interest of time, I will leave that to your discretion. Thank you, Madam Chair.

Chair Jauregui:

Members, any questions for Mr. Wilkerson regarding Agenda Item VI? Seeing none, I have a motion.

VICE CHAIR YEAGER MOVED TO APPROVE THE FOLLOWING APPOINTMENTS FOR:

- THE NEVADA SILVER HAired LEGISLATIVE FORUM FOR THE REMAINDER OF THE TERMS THAT STARTED ON JANUARY 1, 2025, AND WILL EXPIRE ON DECEMBER 31, 2026:
 - PATRICK THORNE, SENATE DISTRICT 12;
 - GREG SMITH, SENATE DISTRICT 13;
 - GWEN SHONKWILER, SENATE DISTRICT 15;
 - KATHLEEN DOYLE, SENATE DISTRICT 16;
 - AND CATHERINE MCADOO, SENATE DISTRICT 19, AND
 - MICHELE JOHNSON, SENATE DISTRICT 6, FOR THE REMINDER OF THE TERMS THAT STARTED ON JANUARY 1, 2024, AND WILL EXPIRE ON DECEMBER 31, 2025;
- THE NEVADA COMMISSION ON MINORITY AFFAIRS: JON STEVENSON; AND
- THE BOARD OF DIRECTORS FOR THE CORPORATION FOR PUBLIC BENEFIT THAT ADMINISTERS THE NEVADA YOUTH LEGISLATURE:
 - SENATOR VALERIE WIENER (RET.);
 - FORMER SENATOR JOYCE WOODHOUSE;
 - SENATOR MELANIE SCHEIBLE;
 - SENATOR JOHN STEINBECK;
 - ASSEMBLYMEMBER SELENA TORRES-FOSSETT;
 - FORMER YOUTH LEGISLATOR ZHAN OKUDA-LIM; AND
 - MEMBER OF THE PUBLIC GAIL ANDERSON.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM VII—APPROVAL OF INTERIM COMMITTEE BUDGETS AND WORK PROGRAMS

Chair Jauregui:

We are going to move on to the budgets.

Roger Wilkerson, previously identified:

Thank you, Madam Chair. In your packet, you will see the exhibit listing proposed budgets by fiscal year and a number of approved meetings for each of the various interim legislative committees (Agenda Item VII). These budgets and numbers of meetings are consistent with last biennium's approved budget and work programs, with the following exceptions: (1) each budget was increased by about \$2,500 in each year to cover the potential increased cost for airfare; (2) the Committee on Public Lands was given an additional meeting to reflect its graduation from subcommittee to full committee; and (3) the Sunset Committee ([NRS 232B.210](#)), which is no longer a subcommittee of the Legislative Commission ([SB 226 \[2025\]](#)), is now budgeted for meetings in its own right per [NRS 218E.330](#). The Legislative Commission may approve additional meetings for interim legislative committees upon request if further meetings are required.

As a note, per [NRS 218E.325](#), interim legislative committees are authorized by law to begin meeting on November 1 of the odd-numbered year and must complete their work by August 31 of the even-numbered year. By approving the budget and work programs today, all interim committees will be able to begin meeting by November 1 for the first time since the Legislature created the joint interim standing committee structure.

I am happy to answer any questions you may have or possibly phone a friend if necessary. And if you wish to proceed with these budgets and work programs, the appropriate motion would be to move to approve these budgets and work programs. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Mr. Wilkerson. Just for clarification, members, we are on Agenda Item VII, and you have a printout of all the budgets recommended for the interim committees. Does anyone have any questions for Mr. Wilkerson? Senator Titus.

Senator Titus:

Thank you, Madam Chair. I appreciate it.

Deputy Director Wilkerson, I just need some clarification. Looking at these budgets, they seem reasonable in amount because it does take staffing, timing, buildings, et cetera, airfare. Most of these meetings are held during the interim year, let us say 2026, which is what is listed. I am curious about the cost of these meetings when we are in session, and so the budget for 2027. Can you clarify where those costs are because those are the years we are in session typically, and even including January, say it is Interim Finance, et cetera? Maybe that would be the exception that they would need some funding? I am curious about the other committees needing money when we are in session.

Mr. Wilkerson:

Thank you, Senator Titus, for the question.

Chair Jauregui:

Senator Titus, I am going to hand it over to our Legal Counsel to answer your question.

Mr. Killian:

Thank you, Madam Chair. Senator Titus, in response to your question, I would just note that the amounts are for fiscal year rather than calendar year. And as the Deputy Director mentioned, these committees are authorized to meet beginning on November 1 of the odd-numbered year running through August 31 of the even-numbered year. So typically, the last two or three meetings of these committees would actually occur in the second fiscal year, so Fiscal Year 2027, which would begin on July 1, 2026. The amount is higher in the first year because the majority of the meetings will happen in the first fiscal year, but there will usually be two or three meetings still happening in the second fiscal year.

Senator Titus:

Perfect. Thank you for the explanation. That is all I had. Thank you, Madam, Chair.

Chair Jauregui:

Commission members, any other questions?

Senator Daly:

I have one real quick if I can.

Chair Jauregui:

Senator Daly.

Senator Daly:

Thank you, Madam Chair. I know that the Sunset Committee has graduated to its own standing committee. I was looking at the amount, and it is similar for many of the other standing committees, Natural Resources, Leg Ops, et cetera, et cetera. The dollars seem to be in line, and all those committees have six meetings scheduled. It seems to me there is budget there. I know there is a lot of work. Assemblymember Backus is going to be the Chair. There is a lot to get done. I know you have served on that Committee yourself. Four meetings seem a little compact to me, and it sounds like the numbers are already in line with the other committees that have six. I am curious why we are at only four? Can we adjust if we need to have another one? Would we have to get permission from the Legislative Commission? Obviously, if we are going to spend more money, we would have to get that authorization as well.

Mr. Wilkerson:

Chair, is that for me?

Chair Jauregui:

If you would like to answer it, Mr. Wilkerson, please.

Mr. Wilkerson:

I was going to phone a friend and have our Legal Counsel, Asher Killian, take a stab at that. Thank you.

Chair Jauregui:

Thank you. Mr. Killian.

Mr. Killian:

Thank you, Madam Chair. That budget, in dollar amount, was taken from some of the other committees that have more meetings. This is the first time the Sunset Committee is a committee in its own right, so we may have over budgeted slightly for that Committee just in case it does need to ask for additional meetings and to make sure it has the resources it needs to get through the biennium. We will have better information going into the next biennium once the Sunset Committee has existed in its own right for a full biennium to further adjust that amount in the future.

Senator Daly:

Thank you, Madam Chair. I just asked because I know in the past when I was the Chair of the last interim, we went more than four. Some of the questions and bringing some of the boards in, getting that scheduled is difficult, and I was concerned about a compact schedule. But if we can ask for more meetings, I will defer to the Chair. She would have to make that decision.

Chair Jauregui:

Thank you, Senator, and I believe I chaired that Committee the interim before you and we also had more meetings. I think we will see this before us very soon. Seeing no other questions, I have a motion.

VICE CHAIR YEAGER MOVED TO APPROVE THE INTERIM COMMITTEE BUDGETS AND WORK PROGRAMS.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**AGENDA ITEM VIII—AMENDMENTS TO THE REGULATION OF THE
LEGISLATIVE COMMISSION CONCERNING USE OF LEGISLATIVE GROUNDS
AND PARKING AREAS**

Chair Jauregui:

Next, we are going to move on to Agenda Item VIII. We have the Chief of the Legislative Police here, Chief John Drew. I believe he is in Carson City to explain the proposed amendment to the regulation of the Legislative Commission concerning the use of grounds and parking areas (Agenda Item VIII). This item is one where, unlike administrative regulations, we can make changes before we approve the revised regulation. Chief Drew, when you are ready, please proceed with the summary of the proposed changes. Thank you for joining us.

John Drew, previously identified:

Thank you, Chair. The goal and purpose of this is simply to try to make the legislative grounds a safer place for people to assemble, demonstrate, rally, whatever it is, without fear of certain items that could be used as a weapon. That is it. And even though it is rather lengthy, the explanation as to the reason behind it is really very short.

Chair Jauregui:

Thank you, Chief Drew. I am going to ask if our Commission members have any questions. I am going to start here in Las Vegas. Assemblymember Hafen, I am going to go to you before I head up north to see if you have any questions.

Assemblymember Hafen:

Not at this time.

Chair Jauregui:

OK. Are there any questions in Carson City?

Assemblymember Hansen:

Thank you, Madam Chair. I think there are at least two of us for sure.

Thank you for being here, Mr. Drew, and I appreciate the wonderful protection and services that we get being here as Legislators. I have a question first and then a comment. In how many instances are we seeing a real increase in concerns that have brought this about? Have people been injured at some of these rallies and protests with objects?

Chief Drew:

We have not seen a huge increase in this. We probably had more instances of violence, if you will, assault, et cetera, when we started about four or five years ago. We started with those demonstrations here. But recently, in the last two years, there has probably only been three cases and that was basically an assault. One was brandishing a firearm. That occurred in front of the demonstration and not on legislative grounds, so Carson City Sheriff's Office handled that particular one. So, like I said, we are not really seeing an increase. This is almost, in my mind, like preventative medicine to make sure that if we do start seeing that increase, that we have some tools already available to help us with it.

Assemblymember Hansen:

Madam Chair, if I could just follow up?

Chair Jauregui:

Yes, go ahead.

Assemblymember Hansen:

Thank you. This is difficult because I do not want to express displeasure with this ask, but I just feel it is very broad. I appreciate that the intent is there to keep everyone safe, not just the Legislators, not just the staff, but also the public. But I do not know if this is how we are going to accomplish that. I think some existing provisions, you know the law better

than I . . . Deadly weapons could be this computer; as I walk through a crowd, I could throw my computer. My purse is a lethal weapon at times. I just think it is hard, as I look at the laundry list of items, to prohibit. I think we create more criminals than we satisfy the need for it because we do not have, fortunately, as many circumstances that would maybe warrant this. I get it is preventative, so that I do appreciate. At this point, I have some real concerns about the broadness and if it will create some unintended consequences. But thank you for your intent.

Chair Jauregui:

I believe we had another question in the north?

Senator Titus:

Thank you, Madam Chair. First and foremost, thank you. I understand the intent is to keep everybody safe, whether it is our constituents visiting us and us ourselves as elected officials. So absolutely appreciate the intent. My concern, however, is the broadness of scope of the unintentional consequences of this, the enforcement of it, and the folks who literally are just walking by. It is such a broad brush of things as opposed to any physical threatening thing. Some of the stuff is already illegal, but you are listing any toy replica, fake, or prop firearms unless it is a fluorescent color or transparent. The Nevada Day parade is coming, and people will have some of these things, unintentionally. I know that it is your job to keep us safe, but I am concerned about the broadness of this. If somebody is carrying or using a cane, walker, or device in assisting, maybe they brandish their cane or something. I just think you have gone over the top of what is reasonable consideration. I know you are trying to keep us protected, believe me. As written, I think it is too broad and I just cannot support it the way it is presented. Thank you.

Chair Jauregui:

Is there anyone else in Carson City before I come back to Las Vegas? OK, I am going to Speaker Yeager next.

Vice Chair Yeager:

Thank you so much, Madam Chair, and thank you for being here. I just had a clarifying question. I am looking at subsection 7 [of Section 1] about a warning being given before enforcement of the provisions in subsection 5 [of Section 1]. I know there are a few different options in that section: there is oral communication, there is amplified announcement, there are signs posted. I guess the question would be, if you are anticipating a demonstration or protest on the legislative grounds, how do you think you would go about notifying members? And then, would there be some discretion given, because I imagine folks might not know because this is a new policy? So, if you can, talk a little bit about that. I think I understand the concerns of my colleagues, but I want some assurances that there is going to be some discretion there and we are not going to be creating criminals of people who "unknowingly" bring something onto the legislative grounds.

Chief Drew:

Absolutely, Mr. Speaker. A lot of what we do is going to be based off observation, and a lot of it is how that individual is behaving in the first place. But even our normal protocol is going to be what we call "voluntary compliance" to go to that person and explain to them there is an assembly going on here. We are not sure you really want to bring that baseball

bat to this assembly. It is not necessary. You are more than welcome to participate, but could you kindly put the bat back in your car? That is going to be our first approach to doing that. And if the individual is absolutely adamant, and again, based off their behavior and, like you said, using some discretion, it is a misdemeanor citation at that point. And it is not necessarily making them a criminal; it is just a misdemeanor citation. Hopefully that answers your question, Mr. Speaker.

Vice Chair Yeager:

Thank you. It does answer my question, and I certainly understand what you are trying to do here. I think this is as much about the protection of other people who happen to be on the legislative grounds. Unfortunately, today, as Legislators, we sign up for the risk that comes with being in public office and being in the public eye, but certainly individuals who want to show up on the legislative grounds and either protest something or be there in support of a policy, it is important that we keep them safe. In my mind, I am supportive of this because it is as much about protecting other members of the public from risks as it is about protecting us. Thanks for bringing this forward, and thank you for the time, Madam Chair.

Chair Jauregui:

Thank you, Speaker Yeager. It was mentioned about protecting members of the public, constituents, ourselves, but let us not forget the staff that works at the LCB, protecting them as well. I am looking for a motion to approve the regulations concerning the use of legislative grounds and parking.

VICE CHAIR YEAGER MOVED TO APPROVE THE REGULATION OF THE LEGISLATIVE COMMISSION CONCERNING THE USE OF LEGISLATIVE GROUNDS AND PARKING AREAS.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND TITUS AND ASSEMBLYMEMBERS HAFEN AND HANSEN VOTED NO.)

AGENDA ITEM IX—AMENDMENTS TO THE RULES AND POLICIES OF THE LEGISLATIVE COUNSEL BUREAU

Chair Jauregui:

Members, that brings us to our next agenda item, which I plan to roll to the December meeting because we are still working on some language.

AGENDA ITEM X—LITIGATION REPORT

Chair Jauregui:

We are jumping to Agenda Item X, which is our last agenda item before public comment. We have our General Counsel, Kevin Powers, who will provide us with a report regarding litigation. Mr. Powers, please begin when you are ready.

Kevin C. Powers, previously identified:

Thank you, Madam Chair. I have only one case to report on today where there are new developments. The case is *Lombardo v. Nevada Commission on Ethics*, which is currently pending in the Carson City District Court. In that case, Governor Lombardo was found to have violated the ethics law when he was a local public officer before he was elected to office as Governor. During his campaign for Governor, the Commission on Ethics found several willful violations and imposed \$20,000 worth of civil penalties. Governor Lombardo then petitioned for judicial review in the First Judicial District Court. As part of that petition, Governor Lombardo's attorneys challenged the constitutionality of the power of the Legislative Commission to appoint four members of the Commission on Ethics. And so, because that constitutional challenge was raised, LCB Legal was authorized to intervene in the case on behalf of the Legislature to defend the constitutionality of the legislative enactments and appointments under the ethics law.

The most recent development was on September 23, 2025. The Commission on Ethics approved a stipulated agreement to resolve the ethics complaint and the litigation. Under the stipulated agreement, Governor Lombardo will stipulate to one nonwillful violation of the ethics law and make a \$5,000 payment to the State General Fund. The pending litigation in the Carson City District Court will be dismissed and then the matter will be concluded. That is the extent of the ethics report. That case will now be considered closed, and I am certainly open for any questions.

Chair Jauregui:

Members, any questions for Mr. Powers? Seeing none in Las Vegas, Mr. Hafen, members in Carson City, are there any questions for Mr. Powers? Seeing none, thank you so much, Mr. Powers, for being here and for giving us that update.

AGENDA ITEM XI—PUBLIC COMMENT

Chair Jauregui:

Commission members, we are on Agenda Item XI, which is our second public comment. If there are any members of the public here in Las Vegas wishing to give public comment, please approach the witness table. We will then move to Carson City and wrap it up with the telephone lines. I would like to remind everyone that before beginning your testimony, please identify yourself and please spell your name for our record. And you can begin.

Jean Coquilla, Member of the Public:

Thank you, Chair, and honorable members. I am a homeowner, small business owner, and daughter of an 88-year-old disabled Air Force veteran.

Nevada's homeowner association (HOA) laws under [Chapter 116](#) [of NRS] are outdated and allow overreach that harms seniors, veterans, and families. Texas, Florida, and California have already enacted reforms, and Nevada deserves the same fairness. My proposal, the Nevada Homeowner Fairness and Communication Act, costs the state \$0. A full draft bill has been written, and I will submit it to the Commission immediately after my remarks.

It requires every HOA to: have a written internal dispute resolution policy, provide ten business days before any lien or foreclosure, pause collections during disputes, and acknowledge all homeowner payments and correspondence. It also requires HOAs to post foreclosure sale notices 90, 60, and 30 days prior to and the day of the sale on the subject

property. This proposal modernizes [Chapter] 116 of NRS communication standards and can be implemented through existing Real Estate Division [Department of Business and Industry] authority with no fiscal impact. By requiring written internal dispute resolution, we reduce unnecessary complaints and litigation, freeing Division resources and restoring public trust. These are simple no-cost guardrails that strengthen transparency and accountability for the thousands of Nevadans, including 55,000 living with Alzheimer's, within 3,700 HOA communities in Nevada. This protection means stability, fairness, and dignity.

I respectfully request that the Legislative Commission refer this measure to the Joint Interim Standing Committee on Government Affairs [[NRS 218E.320](#)] for the study and prefilming in the 2027 Session. This falls squarely within the Commission's duty to ensure regulatory clarity and fairness under Chapter 116 [of NRS]. Thank you for your time and for protecting the citizens who built and defended the state.

Chair Jauregui:

Thank you for being here and for your testimony. Is there anyone in Carson City wishing to give public comment?

Senator Daly:

There is not.

Chair Jauregui:

Thank you, Senator. AVH, is there anyone on the telephone line?

AVH:

Thank you, Chair. The public lines are open and working, but there are no callers to provide public comment at this time.

Chair Jauregui:

Thank you. Our last agenda item is adjournment. Seeing no further business, our next Legislative Commission meeting is scheduled for December. This meeting is adjourned.

[The following public comment was submitted for the record:

- Lanae Morris (Agenda Item XI A);
- Nick Shepak and Eric Smith (Agenda Item XI B);
- Yvonne Efverlund (Agenda Item XI C);
- Amy Vazquez (Agenda Item XI D);
- Denise Bolaños on Behalf of Multiple Constituents (Agenda Item XI E);
- Lori and Rick Wrobel (Agenda Item XI F);
- Cary Lyn Honstein (Agenda Item XI G);
- Susan Nicholas (Agenda Item XI H);

- Amanda Wynne (Agenda Item XI I);
- Nichole Jackson (Agenda Item XI J);
- Shundean Emm (Agenda Item XI K);
- Nicole Williams (Agenda Item XI L);
- Regina Rios (Agenda Item XI M);
- Heather S. Jensen (Agenda Item XI N); and
- Jean Coquilla (Agenda Item XI O).]

draft

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 5:04 p.m.

Respectfully submitted,

Janet Coons
Research Policy Assistant
Research Division, LCB

APPROVED BY:

Assemblymember Sandra Jauregui, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II	Jodi Hocking, Executive Director, Return Strong	Letter
Agenda Item III	Tarron L. Collins, Office Services Coordinator, Director's Office, Legislative Counsel Bureau (LCB)	Draft Minutes of the Meeting Held on August 19, 2025
Agenda Item IV A	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Early Proposed Regulation of the Nevada State Board of Optometry, LCB File R049-25
Agenda Item IV B	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Administrative Regulations for Review
Agenda Item IV B-1	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Revised Adopted Regulation of the Board of Wildlife Commissioners, LCB File R013-25
Agenda Item V	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	Designation of Membership of Legislative Interim Committees
Agenda Item VI	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	Appointment of Members to Committees and Similar Entities
Agenda Item VII	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	Interim Committee Budgets and Work Programs
Agenda Item VIII	John Drew, Chief, Legislative Police, LCB	Amendments to the Regulation of the Legislative Commission Concerning the Use of Legislative Grounds and Parking Areas

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item XI A	Lanae Morris	Public Comment
Agenda Item XI B	Nick Shepak and Eric Smith, Fines and Fees Justice Center	Public Comment
Agenda Item XI C	Yvonne Efverlund	Public Comment
Agenda Item XI D	Amy Vazquez	Public Comment
Agenda Item XI E	Denise Bolaños on Behalf of Multiple Constituents	Public Comment
Agenda Item XI F	Lori and Rick Wrobel	Public Comment
Agenda Item XI G	Cary Lyn Honstein	Public Comment
Agenda Item XI H	Susan Nicholas	Public Comment
Agenda Item XI I	Amanda Wynne	Public Comment
Agenda Item XI J	Nichole Jackson	Public Comment
Agenda Item XI K	Shundean Emm	Public Comment
Agenda Item XI L	Nicole Williams	Public Comment
Agenda Item XI M	Regina Rios	Public Comment
Agenda Item XI N	Heather S. Jensen	Public Comment
Agenda Item XI O	Jean Coquilla	Public Comment

The minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.