



NEVADA LEGISLATURE LEGISLATIVE COMMISSION

(Nevada Revised Statutes 218E.150)

DRAFT MINUTES

February 26, 2026

The first meeting of the Legislative Commission for Calendar Year 2026 was held on Thursday, February 26, 2026, at 1 p.m. in Room 165, Nevada Legislature Office Building, 7230 Amigo Street, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100, Northern Nevada 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 (publications@lcb.state.nv.us or 775/684-6835).

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Assemblymember Steve Yeager, Vice Chair
Senator Michele Cruz-Crawford for Senator Rochelle T. Nguyen
Senator Edgar Flores for Senator Melanie Scheible
Senator Roberta Lange for Senator Nicole J. Cannizzaro
Assemblymember Shea M. Backus
Assemblymember Venicia Considine for Assemblymember Sandra Jauregui, Chair
Assemblymember Gregory T. Hafen II
Assemblymember Howard Watts

COMMISSION MEMBERS PRESENT IN CARSON CITY:

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

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
Dan Rushin, Chief Financial Officer, Administrative Division
Daniel L. Crossman, Legislative Auditor, Audit Division
Sarah Coffman, Assembly Fiscal Analyst, Fiscal Analysis Division
Wayne Thorley, Senate Fiscal Analyst, Fiscal Analysis Division

Asher A. Killian, Legislative Counsel, Legal Division
Jennifer Ruedy, Research Director, Research Division
Maria Velazquez, Research Policy Assistant, 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

Vice Chair Yeager:

Good afternoon, everyone. I am going to call this meeting to order. Welcome to the first meeting of the Legislative Commission in Calendar Year 2026.

Before we get started, Madam Secretary, would you please call the roll?

[Roll call was taken.]

Vice Chair Yeager:

We have all members present. Some of the standing members have alternates attending today, and as you know, Assemblymember Jauregui is the Chair of this committee, but I have been conscripted into duty as the Vice Chair to chair this meeting. Because we have everyone present, that means we do have a quorum.

Before we get started this afternoon, I just have a couple of quick housekeeping matters to go over. If anyone is present here in the room in Las Vegas, or in Carson City, or listening today and would like to receive a copy of the Commission's agendas, minutes, or reports, you may be added to our mailing list by following the links on the Legislature's website. 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 comments is also on the website and is listed on the agenda for this meeting.

AGENDA ITEM II—PUBLIC COMMENT

Vice Chair Yeager:

With that, we are going to go ahead and go to Agenda Item II, which is public comment. We will be accepting public comment at this time from persons that are present here in Las Vegas. Then we will go up to Carson City to take public comment, and then we will have a time for folks on the phone if they would like to give public comment. If you prefer to wait until later to speak, we will have another period of public comment at the end of today's meeting. But if you want to give public comment on one of the regulations, you are going to want to do that at the beginning of the meeting, not at the end of the meeting. Please remember that comments will be limited to no more than two minutes per person.

Let us start here in Las Vegas. If there is anyone here in Las Vegas who wants to give public comment, please come forward. We have three chairs here so you can fill those three chairs, and if there are additional folks, as public commenters speak and then step back, you can fill the chairs as well.

For each person speaking, we just have a couple of requests. When it is your turn to speak, if you could identify yourself by saying and also spelling your name for the record, that really helps our Committee Secretary. And then, if you have not signed in, please make sure you sign at the clipboard by the door on the way out. If you have written public comments, even if they are the same as your spoken public comments, if you would not

mind giving those to our staff on the way out, that will help them with the committee minutes.

Again, we will start here in Las Vegas. Sir, I saw you got to the table first, so please go ahead.

Ron Voigt, Member of the Public:

Before I get started, I would like to thank Assemblymember Watts. During the last budget period on approving the budget for the Nevada Department of Taxation, he did let me know that there was an events calendar that I could look at to see when you are meeting. I appreciate it, sir.

What I am wanting to do is . . . I understand through Mr. Crossman, who is the Legislative Auditor for your group, that you also approve the annual audit plan for his section. I would appreciate it if you would consider an audit of the audit section in the Nevada Department of Taxation, please. There are a lot of poorly done audits that are being done. It is hurting taxpayers tremendously. There are a lot of tax refunds that are due to taxpayers because of wrong guidance that has been given throughout the years. It is okay for the Department to want to do an audit, but what they have been doing is coming up with ridiculous billings to try to offset the tax refund. And then the taxpayer is left with the appeal process, which takes a long time and a lot of money for the taxpayer to go through. So, I really would appreciate it. I know I am limited to two minutes, but please allow your Legislative Auditor to do just the audit section. You do not need to do the whole Department, just the audit section because resources are being wasted. I appreciate your time. Thank you very much.

Vice Chair Yeager:

Thank you so much for your public comment. And I would note, too, that you provided public comment in writing (Agenda Item II A) that has been uploaded to the website. If the members would like to see more about this public comment, you can find it there. Members of the public, it is accessible to you as well. Thank you for your public comments, sir. Who would like to go next?

Aesha Goins, on behalf of the Service Employees International Union 1107:

I did upload. I just want to point one specific thing out. I am here on behalf of SEIU [Service Employees International Union 1107]. They strongly oppose LCB [Legislative Counsel Bureau] File Number R087-25. Let me be clear about what these regulations actually do. They allow registered nurses to supervise medical assistants by phone during patient emergencies, chest pain, difficulty breathing, uncontrolled bleeding. The board calls these exigent needs, but let us call them what they are—life-threatening situations that require a nurse to see, touch, and directly assess the patient. You cannot manage a heart attack over the phone. You cannot assess respiratory distress through a telephone call. This is not nursing care; this is gambling with people's lives. And so, we are just encouraging you to please reject these regulations. Thank you for your time.

Vice Chair Yeager:

Thank you for your public comment. Ma'am, when you are ready, please go ahead.

Chanel Cassanello, Campaign Manager, All Voting Is Local Action, Nevada:

Good afternoon. We are an organization that advocates for policy and legislation to ensure that every voter can cast a ballot and that every vote is counted. The proposed election regulations before the Commission today address a range of issues that directly affect the confidence and trust that Nevadans have in our election system, and this includes safeguards for mail ballot counting, voter list maintenance, and more. Over the years, our State Legislature has wisely passed laws to guarantee an accurate, accessible, and protected election system. And these proposed regulations not only ensure compliance with state statutes but also standardize implementation and provide clarity as to how our election process works. Both Nevada voters and election officials benefit from this clarity and consistency, and this prevents conspiracy theories from taking hold and undermining our elections.

We thank the Secretary of State's Office for the transparent regulatory process and also to Mr. Wlaschin, in particular, for creating space for feedback throughout the process. It informs the public that our elections are safeguarded and run by trusted stewards, and we urge the Commission to approve the proposed elections. And I will submit this in writing. Thank you.

Vice Chair Yeager:

Thank you so much for your public comment. Is there anyone else here in Las Vegas who would like to give public comment? I do not see anyone coming to the table here, so let us go up to Carson City. I think I see a couple of folks at the table, so whoever would like to start first for public comment, please go ahead.

Scott Hoen, Clerk Recorder, Carson City:

Okay, thank you, Vice Chair. Please join us today. Many of you got invites to the Nevada Association of County Clerks and Elected Officials. We are holding a collaboration with the Secretary of State's Office to hold a mock election before we go through the primary. In Room 3100, you can join several of the rural counties—I think we have 11 rural counties there—with all of our election equipment set up, and we can now demonstrate to the public, anyone who wants to come through to see, touch, feel, check in, ask questions. We have the Secretary of State's Office; we have voter registration help desk there; we have vendor support there. We want to be totally open and let the public understand the process that we go through. Please join us today from two o'clock to four o'clock in Room 3100 just to see how your election works and ask a bunch of questions from the clerks themselves. Thank you.

Vice Chair Yeager:

Thank you for your public comment. Whoever would like to go next, please.

Melodie Osborn, Chief Nurse Executive, Renown Health:

Good afternoon, Vice Chair Yeager, and members of the Legislative Commission. Thank you for the opportunity to speak today. I am here today to express strong support for LCB File Number R087-25 and to explain why this regulation is both appropriate and necessary for safe, high-quality, team-based care in Nevada.

Across ambulatory clinics, primary care offices, and specialty practices, registered nurses and advanced practice nurses lead interdisciplinary care teams every single day. These

teams commonly include medical assistants and other unlicensed assistive personnel who are trained, supervised, and accountable within clearly defined roles. This model is not new; it reflects the standard of care in high-performing ambulatory practices nationwide. Importantly, this regulation does not expand scope of practice. It clarifies authority and accountability. Under the proposed language, nurses may only delegate tasks that are already within their own scope of practice and only when those tasks align with the medical assistance, training, and demonstrated competency.

The regulation is explicit. Medical assistants may not diagnose, initiate treatment, or prescribe medications, and the delegating nurse retains full responsibility for patient safety and task performance. These guardrails matter. They ensure that delegation is intentional, clinically appropriate, and grounded in nursing judgment, not driven by convenience or cost. They also clearly define supervision requirements and prohibit delegation beyond a nurse's authority. In ambulatory settings, particularly in Nevada as Nevada faces ongoing workforce shortages, this clarity is critical. When nurses can delegate appropriately, they are better able to practice at the top of their license focusing on assessment, clinical decision-making, care coordination, and patient education.

At its core, this proposed language supports team-based practice and patient safety while closing a long-standing regulatory gap that has created confusion across outpatient settings in our state. For these reasons, I respectfully urge you to support LCB File Number R087-25. Thank you for your time and consideration.

Vice Chair Yeager:

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

Megan Martinez, Member of the Public:

Hello. I want to thank you for the opportunity to speak today on behalf of patients, family, and health care providers across our state. I am here to strongly support the proposed legislation allowing our APRNs [advanced practice registered nurses] and RNs [registered nurses] to appropriately delegate tasks to trained MAs [medical assistants]. This is not about replacing nurses; this is about improving patient access, preserving safety, and strengthening care delivery, especially in rural communities. Unfortunately, in many rural communities, patients wait weeks to months to get basic appointments. Primary care shortages are critical and worsening, particularly in rural communities.

Today's health care workforce shortages cannot meet the current demand. This legislation matters because it will allow APRNs and RNs to delegate appropriate clinical tasks to train MAs, allowing nurses and providers to focus on complex patient care, see more patients safely, improve safe care coordination and continuity, reduce provider burnout and turnover. This legislation enables team-based care, which is now the national standard for high-performing health care systems.

This is all about safety first. This does not reduce the scope of nursing practice, does not replace licensed nurses, and does not eliminate nursing positions. This allows for appropriate task delegation under nurse and provider oversight, established protocols, regulatory standards, and ongoing complexity validation. Delegation already exists safely in many states and health care systems with excellent outcomes. We continue to face these critical nursing shortages, and this will allow us that increased access. These are patient-centered solutions, workforce sustainability strategies, and rule access lifelines, a

safety-focused modernization of care delivery. I respectfully urge you to continue to support this bill for our patients who really, truly depend on us. Thank you.

Vice Chair Yeager:

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

Ashley McCoy, Member of the Public:

Good afternoon. I am also here to take the opportunity to speak in strong support of LCB File R087-25. I am an advanced practice registered nurse. So honestly, delegation to medical assistants is happening, and this has allowed APRNs to care for our patients in our community at the top of their scope of practice, which has included delegating tasks to competent medical assistants for care efficiency. Delegating tasks allows for improved access to care by allowing APRNs to focus where they are needed most, making patient care decisions in busy clinic settings. Oftentimes, the care team includes an APRN, registered nurse, and medical assistant. Each member of this team plays an important role given the complexity of patient care. Allowing each of us to practice within our defined scopes and competencies enables us to provide safe and effective patient care when it is needed most, which is caring for the patient. Thank you.

Vice Chair Yeager:

Thank you for your public comment. Whoever would like to go next, please start.

Alex Tanchek, Silver State Government Relations:

Good afternoon. Here today on behalf of Nevada Advanced Practice Nurses Association, speaking in support of R087-25. Online, you should find a letter from the Association's president, Dr. Angela Berg (Agenda Item II B), also in support of these regulations. NAPNA [Nevada Advanced Practice Nurses Association] would like to express their appreciation to the Nevada Board of Nursing for their work on AB [Assembly Bill] 319 from this past legislative session and on the subsequent regulations. Establishing these guardrails around supervision and delegation of medical assistants will allow APRNs to better practice to the fullest extent of their education and their licensure. Thank you very much, and NAPNA would encourage your support.

Vice Chair Yeager:

Thank you for your public comment. Next, please.

Wendy Colborne, Representing the Northern Nevada Building Trades Council:

Good afternoon, Vice Chair Yeager, and members of the Legislative Commission. Thank you for the opportunity to speak here today. I am here to comment on regulation R123-24 from the Nevada State Environmental Commission. It expands eligible recipients for EPA [Environmental Protection Agency] clean water project funding to include nonpublic entities in Section 6. Section 37, 1(e) allows for all eligible recipients to receive noninterest and principal forgiveness loans. And Section 56 says that prevailing wage for these projects only applies to public entities. These projects are funded out of the State Revolving Loan Program, which is 80-20 federal to state capitalized, so essentially every project it funds is a state-funded project as well. Our concern is that this creates a loophole allowing federal and state funds to be directed to private projects not subject to state prevailing wage. We

oppose those provisions of R123-24 and would like to see the regulation clarified to ensure that projects receiving state funding are subject to state prevailing wage. Thank you.

Vice Chair Yeager:

Thank you for your public comment. Is there anybody else in Carson City who would like to give public comment? It looks like we have one more. Please go ahead when you are ready.

Christopher O'Flaherty, Business Representative for the International Union of Painters and Allied Trades District Council 16, Local 567:

Good afternoon, honorable Chair, and committee. I am here today to comment on regulation R123-24 of the Nevada State Environmental Commission. After reviewing this, I find that in Section 56 it refers to Davis-Bacon rules only applying to this project when this project is actually funded somewhat by the state. And I believe that it should also have the state prevailing wages and regulations tied to that with the apprenticeship standards and everything else that go along with that. Thank you.

Vice Chair Yeager:

Thank you for your public comment. Is there anybody else in Carson City? Okay. Seeing no one else in Carson City, we are going to go to the phone lines. If you are on the phone, just a reminder to state and spell your name and that you will be limited to two minutes for your public comment. AVH [Audio Visual Hearings Unit], do we have any callers who would like to give public comment?

AVH, Information Technology Services, Administrative Division, LCB:

Thank you. If you would like to participate in public comment, please press *9 to take your place in the queue. Once more, if you would like to provide public comment, please press *9.

Jody Domineck, Member of the Public:

I oppose LCB File Number R087-25, as a practicing RN, SEIU member, and nursing educator. Specifically, the allowing remote supervision of medical assistants during emergencies, chest pain, breathing difficulty, and bleeding is clinically unsafe. Nurses cannot assess skin color, respiratory effort, lung sounds, neurological status by phone. NAC [Nevada Administrative Code] R019-22 already prohibits delegating tasks requiring nursing judgment or critical decision-making. Emergencies are critical decisions. AB 319 authorizes the Board to discipline RNs for inadequate supervision. I will be held responsible for patient outcomes I cannot see, assess, or control. The regulations provide no reduced patient loads, no additional pay, no retaliation protection. As an educator, I cannot teach students that nursing requires direct assessment and critical thinking while the board authorizes telephone supervision of emergencies. This contradicts every textbook and professional standard. After safe staffing was vetoed, remote supervision will become the excuse for chronic understaffing, not emergency flexibility. The board should simply amend 2022 regulations to name medical assistants to limit remote supervision to APRNs only. I urge this Commission to reject these regulations. Nevada patients and nurses deserve better. Thank you.

Vice Chair Yeager:

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

Jesse Wadhams, on behalf of the Nevada Hospital Association:

Good afternoon. You have heard a number of bits of support with regard to regulation R087-25. The Nevada Hospital Association would like to echo those comments in support of the regulation implementing Assembly Bill 319 of the 2025 Session. Thank you, Chair.

Vice Chair Yeager:

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

Ellen Gifford, Member of the Public:

Good afternoon. Nevada's Governor signed 519 bills that were submitted to him by our Legislators at the close of the 83rd Legislative Session. Approximately 114 of those laws became effective as early as May 2025; approximately 174 became effective in June; and approximately 175 became effective in July this past year. Yet today, nearly nine months later, codification of these laws has not been completed. The *Nevada Revised Statutes* are not reflecting current law.

NRS [*Nevada Revised Statutes*] 220.100 states that the Legislative Counsel shall keep the material in the *Nevada Revised Statutes* and its annotations current; NRS 220.120 and NRS 220.160 both repeat that requirement. The Legislative Counsel bears the responsibility for ensuring the public has access to current law. The welfare of Nevada citizens could be negatively impacted by the inability to access current law information. These laws mandate various aspects of the way Nevadans live and how they are governed and must be readily available should there be a need to apply them in a personal situation. Nevada's legislative website states that the Legislative Commission supervises the Legislative Counsel Bureau. We respectfully request that the Legislative Commission investigate this failure of timely codification and oversee the implementation of a process that efficiently and rightly serves the public. Thank you.

Vice Chair Yeager:

Thank you for your public comment. AVH, do we have any additional callers who would like to give public comment?

AVH:

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

Vice Chair Yeager:

Okay, thank you. We will close Agenda Item II, public comment, and as a reminder, we will have an additional period of public comment at the end of the meeting.

The following public comment was submitted for the record:

- Genetic Counselors Association of Nevada (Agenda Item II C);
- National Nurses Organizing Committee (Agenda Item II D);
- National Nurses Organizing Committee (Agenda Item II E);
- High Sierra AHEC (Agenda Item II F);

- Elisabeth Lernhardt (Agenda Item II G); and
- Keri Piper-Colonna, RN (Agenda Item II H).

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON DECEMBER 17, 2025

Vice Chair Yeager:

That will take us to Agenda Item III, and Agenda Item III is approval of the minutes of the Legislative Commission meeting that was held on December 17, 2025. Members, you should have a copy of the minutes in front of you (Agenda Item III) and then those are also online as well. Before I take a motion, let me ask, are there any additions or corrections that anyone would like to suggest to the minutes? Alright, I do not see anybody, so I would take a motion to approve the minutes.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE THE MINUTES FOR THE MEETING ON DECEMBER 17, 2025.

SENATOR FLORES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Yeager:

The minutes for the December 17 meeting are approved.

AGENDA ITEM IV—REVIEW OF ADMINISTRATIVE REGULATIONS (NEVADA REVISED STATUTES 233B.067 AND 233B.0675)

The list of regulations to be considered can be accessed electronically at:
https://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2026_Feb26.pdf.

Vice Chair Yeager:

That will take us now to Agenda Item IV, which is the heart of our agenda, the review of administrative regulations. There are a total of 43 regulations that were submitted for approval pursuant to NRS 233B.067 and NRS 233B.0675. These regulations are contained in the binders (Agenda Item IV) provided to the members, and they are also posted on the Legislature's website under the tab for this meeting, which you will find by hitting the "Scheduled Events" button in the upper-right corner of the Legislature's website homepage. There is also a public copy of the notebooks on the sign-in table at each meeting location.

Members, I have heard from a number of Commission members about regulations that they would like to have pulled for further discussion. In fact, I think I have 18 of those at this point. What I am going to do is list the regulations that have been requested to be pulled for further discussion, and I will do those in order that they appear on the list of regulations. And then after I have done that, I will ask all the members if we have missed anything or if there are any additional regulations that you would like pulled. After we have done that, we will approve the regulations that are not pulled, and then we will start to take each pulled regulation one by one.

Here is what I have so far that is to be pulled for further discussion. The first one is R001-23 from the State Quarantine Officer. The next one is under the 2024 regulations; it is R050-24, the State Board of Education. I am skipping ahead a few. We have R110-24; that is also the State Board of Education. The next one to be pulled is R123-24; that is the State Environmental Commission. The next one will be pulled as well, R134-24, Commissioner of Insurance. And then we are going to skip a handful. And the next one to be pulled is R205-24; that is the State Fire Marshal. We will skip a few more, and the next one I have is R030-25, the State Contractors' Board. We will skip a couple ahead, and the next one is R042-25, the Secretary of State. The next one after that is R055-25; that is the Board of Medical Examiners. We will skip ahead a few from there, and the next one is R062-25, the Nevada Interscholastic Activities Association, also known as NIAA. We will pull the next one as well, R087-25, the State Board of Nursing. We will pull the next one, R088-25, Secretary of State. We will also pull the next two Secretary of State regulations, but I will list them, R089-25 from the Secretary of State and R090-25 from the Secretary of State. And then the next one after that is R103-25 from the Secretary of State. That then takes us to the 2026 regulations, and we will be pulling R001-26 from the Secretary of State, R002-26, also from the Secretary of State. And then we have one at the very end, which is a 2024 regulation that was deferred from a previous meeting. We will be pulling that one for discussion as well; that is R080-24.

I think that takes us to 18 regulations to be pulled and discussed. But before we address the ones that were not, let me start here in Las Vegas. Are there any Commission members who would like any additional regulations pulled for further discussion? I am not seeing anybody. How about up in Carson City? Are there any additional regulations that members would like pulled? Okay. I am seeing Senator Daly give me the shaking of the head saying no, so I think we are going to be left with 18 to discuss.

That means we can now take a motion to approve the remaining regulations that have not been pulled.

SENATOR LANGE MOVED TO APPROVE THE FOLLOWING REGULATIONS: R137-23, R089-24, R094-24, R111-24, R184-24, R195-24, R196-24, R197-24, R203-24, R204-24, R001-25, R004-25, R010-25, R023-25, R031-25, R041-25, R051-25, R054-25, R056-25, R057-25, R058-25, R059-25, R060-25, R095-25, AND R003-26.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

We have approved a majority of the regulations on today's agenda. And now we are going to go back up to the top of the agenda, and I should note I see some folks leaving. If you are lucky today and your regulation has not been pulled for further discussion and you would like to get on with the rest of your day, there is no need to stay for the meeting. Feel free to get on with your day, either here in Las Vegas, or in Carson City, or if you happen to be on Zoom. The rest of you are going to have to stay for a little while.

We will just start at the top of the agenda. We will start with R001-23 from the State Quarantine Officer, and we have some agency folks who are going to be in person in one location and some are going to be on Zoom. And it looks like we have our folks up

in Carson City for this one. And Senator Daly, I believe you had some questions on this one, so please go ahead.

Senator Daly:

Thank you, Mr. Chair. And no worries, I think they will be pretty straightforward, easy enough. It is just a similar concern I have had—and you have probably heard me ask other agencies in other meetings—whenever we are making a reference—and there is like several in this one—to federal codes of regulation, et cetera, et cetera, I am just always concerned. You know, by and large, most of those things are in alignment or we are trying to align our state law with what they have. I am just concerned at what level of retention of authority to say our regulation, if we think the feds change it to something that does not work in Nevada, do we retain control to say you have your standard, ours is higher than that, we are keeping ours. We are not automatically going to defer to theirs if they weaken them. Do we have that ability? Would we have to come in and change the regulation if they change some things? And I will not give any examples right now—I could if I thought of it for a minute—but if you can just confirm to me. I know in Section 10, Section 13, 16, and 20 all reference the *Code of Federal Regulations*. And I just want to make sure that the state has some authority to make sure that we are doing what is in the best interests of Nevada, regardless what the feds may lower a standard to.

J.J. Goicoechea, D.V.M., State Quarantine Officer, and Director, State Department of Agriculture:

Yes, and a lot of the changes in here are in fact necessary because of changes in federal code over the years. The State Quarantine Officer does have the ability to enforce Nevada regulations above and beyond those federal regulations. We just took the opportunity while we were cleaning this set of regulations up to bring the most current up. We have been out-of-date on some of these for quite some time because of CFR [*Code of Federal Regulations*] changes. It does not impact what we do on a day-to-day basis, and it by no means impacts what we do to protect the people or the livestock of the State of Nevada. We do have that authority as the State Quarantine Officer and the Director to not have to do that. We did reference those. Some of these are very specific as you mentioned in 10 regarding a health certificate, which is actually a certificate of veterinary inspection. Again, just to clear up some confusion that some of our aging practitioners were having because of the change in terminology at the federal level.

Senator Daly:

I appreciate that. Mainly, I wanted to get that type of stuff on the record. I know, and I will use OSHA [Occupational Safety and Health Administration] for an example, the feds set the standard. States cannot have standards below that; they can have higher standards. I understand if the federal government has changed some regulations that ours were not in compliance to, in other words, they made it more stringent or made an additional rule, we have to follow that even if we have not updated our regulations. I understand that.

I also know that in other instances, not exactly here, where we adopt universal building codes, whatever it might be, the state retains the ability to say—or medical books, medical updates on various things for Workmen's Comp—they review the state. Is it appropriate for the state of Nevada? And then they will say we are going to accept all of these new standards and books except for these sections. And I just wanted to make sure that we could do that and that we were not putting ourselves in a position where somebody

somewhere and the U.S. government says, you know, Tylenol is bad for sheep or something like that.

Director Goicoechea:

Yes, and in fact, in here, you will see some examples of that. For example, a commuter permit, that is something that the state does. The feds do not recognize that. But we do that, and we do that in partnership with our neighboring states. And again, it is because they cannot tell us what we can and cannot do as a Quarantine Officer and through the State Veterinarian who is a state animal health official. We do have that authority, and we do exercise it, and these regulations give us that ability as well.

Senator Daly:

Excellent. Thank you. Just wanted to get some of that on the record. I do not have any other questions, Mr. Chair. Happy to make a motion after other people have had a chance.

Vice Chair Yeager:

Are there any additional questions on R001-23? I do not see questions here in Las Vegas. Anyone in Carson City have a question on this one?

Senator Titus:

Mr. Speaker, if I might?

Vice Chair Yeager:

Yes, please.

Senator Titus:

Thank you. Thank you for being at the table. One of my concerns is that . . . Just to acknowledge that these quarantine regulations are consistent with our surrounding states where these animals are being brought into and where we take our animals. Correct?

Director Goicoechea:

Yes. These are consistent when it comes to actual true zoonotic disease. They are consistent. Again, when it reflects CFR, they are consistent. Some of these diseases are not going to line up exactly like other states. We have some surrounding states that are mandatory—every animal, every year. We are not every animal, every year as you will see reflected in these regulations. And that is directly because of our conversations with the industry over the last many years. As you can tell by this, our number. And so, this is a place we settled that would best protect our industry in Nevada, and our neighboring states have agreed that this is satisfactory to them to allow importation.

Senator Titus:

And if I might follow up, Mr. Vice Chair?

Enforcement is not a concern of mine. And lack of staff . . . We know this is not necessarily a brand inspector's job, but enforcement is brand inspectors, and we have a lack of those in our state. I am just wondering . . . The process and certainly appreciate my contact with

you about dairy cattle that we have had, and I wanted to make sure that you are able to do what the law will require you to do.

Director Goicoechea:

Thank you, Senator Titus. I would just like to state that every animal, livestock has to have a brand inspection to leave this state or to have transfer of ownership. That occurs today, regardless. What this does, and we do this today under current regulations, as well, if you are under a hold or a quarantine, there is a list that our brand inspectors have. They will call if they have a question to the Administrator, or the State Vet., or myself, or Deputy Director. I have been asked to do an inspection on this ranch. I see they are under quarantine. Can I get some explanation? We will tell them sometimes we have to deny that until that quarantine is lifted and testing is done. We are able to meet that today. This is not going to change that. We are not going to see an increased workload. In fact, if anything, it will probably be decreased because we are streamlining our testing requirements and actually going to a five-year program.

Senator Titus:

Excellent. Thank you. Thank you for the questions.

Vice Chair Yeager:

Thank you. Are there any additional questions up in Carson City? Okay, hearing none, Senator Daly, please.

SENATOR DALY MOVED TO APPROVE R001-23.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R001-23 has been approved. That will take us to the next regulation that was pulled and that is R050-24. For that one we have the State Board of Education, and I believe we have some folks coming to the table in both Las Vegas and Carson City. Senator Daly, I think you had a question on this one, so we will go ahead and start with you.

Senator Daly:

I did. Thank you, Mr. Chair. Explain to me a little bit more. I understand we are going to require all of these schools to submit a new report, not necessarily bad that we are submitting reports, getting more information for the Department so you can then devise new, you know, recommendations, et cetera, et cetera. And I understand putting in a letter that says, hey, these are the things we identified and how we are trying to identify these students and various things.

The second part of that is the report to include a determination, if you made a determination, that sufficient financial resources were not available to establish the more rigorous course and an explanation of the reasons. If you could explain that one a little bit more to me. I understand that you want to say we do not want you off the hook, we just do

not have the money. You want a little bit more information. Seems to me it could have been worded differently, or if somebody is still just trying to do the easy way out, they are going to point the finger at somebody else. Well, the state did not give me the money, or you know, XYZ. So, I do not know if it is going to be as useful as it could be with that, and I am just worried about people trying to scapegoat others with this type of language.

Amelia Thibault, Office of the Superintendent of Public Instruction, Nevada's Department of Education:

I am joined by Andrew Snyder from the Office of Teaching and Learning and Lisa Ford, our Chief Strategy Officer in Las Vegas. I will say that we have heard a lot of feedback as it relates to the reporting requirements that we place on school districts. In this case, the report included in the regulations is really a matter of implementation monitoring. This is a slightly older regulation as we are trying to really roll out and implement more rigorous courses. I think the benefit of putting a reporting requirement into regulation means that you can establish reporting for the purposes of implementation and progress monitoring for the rollout of such an initiative. And at such time that you may have successfully implemented—and that could be anywhere from, you know, maybe one or two years to ten years, depending on the initiative and the kind of barriers that we face—you can then later remove the reporting requirement from regulation relatively easily. But because we are not certain in terms of the time which it would take for us to monitor implementation to identify what needs or barriers are arising, I think that is largely the intent, but I will also turn the mic over to Lisa Ford in Las Vegas.

Lisa Ford, Chief Strategy Officer, Nevada's Department of Education:

Good afternoon, Chair, and members. Ms. Thibault is correct. When we are looking at standing up this program, the reporting requirement helps us establish what the barriers are for specific school districts so that the Department can look at what resources are available that can be leveraged to support that school district in being able to provide more rigorous coursework for those students. That would allow more students then also to qualify for the College and Career Ready Diploma, which does require more rigorous coursework in order to be conferred that diploma.

Senator Daly:

Thank you for that. I understand, and I think you guys are looking at this, you are standing it up, you are going to get the report. If you are going to make some adjustments to these regulations, and I am okay with it going forward like this, but if I was the person that was going to have to write this report and we had determined that there is not sufficient financial resources not available to establish a more rigorous course, I am not sure what I would write down as the explanation for that. I say, well, we looked at it, we do not have the money, what more do you want to know? I think it would be more to say, well, if you were able to, how much more would you need? What with the deals, what would be the minimum to at least establish this? Some other ideas on how you would create a deliverable for this rather than I do not have the money and my explanation is I do not have the money. If you are going to be looking at this in the future, I just . . . I always just look for ways to have people be able to give a little more thought, a little more information on this and not have it be a trap that gets people pointing fingers.

Ms. Thibault:

We very much agree. In regulation or NRS we tend to leave reporting requirements really structural. But when we develop the file specifications, the kinds of questions that we ask in

a report, I would anticipate that we would be asking those questions such as, if it is a lack of financial resources, what are the financial resources that you would need and to what purpose so that we could then look at budget enhancements during the next legislative session. We could look at how we could creatively use potentially federal funds to address those needs. But it is a matter of asking thoughtful questions, I think to your point, and then having a collaborative conversation once we receive that report to really identify the issues so that we can then take that information and move forward so that we can get to our intended goal.

Senator Daly:

Thank you for that. And like I say, I think we will get this passed today. I only have one vote, but I think we will get it through today. But if you are going to be looking at it, it seems to me that it would be easier rather than just say you give me your explanation, that you would provide the information on the form submitted, you know, so then you could ask the questions without having it locked into a regulation that ties you up. But it would allow you to ask those questions on your determination. You have to put down the explanation and answer as many questions as you can on your report or whatever. Those are the only questions I had. I wanted to get that on the record that this is pointed in the right direction, and if you get the opportunity to nuance it a little, take that in the future. I can make a motion whenever if no one else has questions.

Vice Chair Yeager:

Thank you, Senator Daly. Let me just see. Does anyone else have a question on R050-24? I do not see questions here in Las Vegas. It does not appear anyone in Carson City has a question. Senator Daly, please.

SENATOR DALY MOVED TO APPROVE R050-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R050-24 has been approved. That will take us along to the next regulation that has been pulled, R110-24. This is also the State Board of Education. And again, Senator Daly, I think we are going to start with you on this one.

Senator Daly:

Thank you again, Mr. Chair. I was just looking at my notes, and I actually did not get it back to you in time. I have all the answers to my questions. So, if nobody else has any, I am ready to go, and I apologize for holding you guys up when you did not need to.

Vice Chair Yeager:

Thank you, Senator. Does anybody else have a question? Any other Commission members on R110-24? Seeing and hearing none, Senator Daly, please.

SENATOR DALY MOVED TO APPROVE R110-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R110-24 has been approved. I think that was all the State Board of Education regulations. Thank you for being here with us today, and we hope you have a wonderful rest of the day.

That will take us to the next regulation that has been pulled. And this is one we heard some public comment on, and that would be R123-24. This is the State Environmental Commission. I would invite our presenters to the table if they are in person or if they are in the Zoom waiting room. Okay, I see folks coming to the table in Carson City. Senator Daly, we will start with you on this one as well. There may be some additional questions, but we will let you have the first crack.

Senator Daly:

Thank you again, Mr. Chair. I know I spoke with someone on the phone about some of this stuff, and I did see an email that came back, but I still have some of the same concerns. So, we will just move forward with the questions and the various things on that. I have a lot of questions, and I spent some time looking at the *Code of Federal Regulations*. I printed out some parts of various things, but most of the stuff seemed to align with—you guys are experts on that more than me so I am not going to say no, I read this and your regulation is wrong on that—but it does seem to expand, I think it is in Section 6. Yeah, Section 6, subsection 7 appears to expand what some additional defined applicants or recipients can do, which would include projects, construction, repair, removal, type of situation. So that was all new language for that. And then the definition where you change who would be an “eligible” applicant seems to expand it beyond what it was before, the traditional public sewer water purveyors, which would include . . . And I know some things were for consultants. When I read the federal regulations, it refers to consultants and some nonprofits, but also what I read in there, it limits some of the things they can do, and I did not see where they could do construction, but I am not going to argue on that. When you expand that definition to nonpublic applicants that can receive these types of loans, they can receive low interest, they can receive no interest. They can receive principle for forgiveness loans, basically getting public funding for whatever project they might be doing on that, and they expand who is eligible for that.

Then in conjunction with that, where we get to the prevailing wage concern that I have, I believe it is in Section 56, you change the language from what it was before where previously it said basically any eligible applicant was required to use Davis-Bacon if it applied. And they were also required to follow NRS 338. Let me find the section. And I believe the language in the existing regulations says 010 to 090. And that is a little bit outdated, and I will explain in a minute. But if you could talk to those two things on why you are making that language change on the definition of eligible applicants and the application of prevailing wage.

Sheryl Fontaine, Chief, Bureau of Administrative Services, Division of Environmental Protection, State Department of Conservation and Natural Resources:

Thank you. I am the Chief of the Bureau of Administrative Services for the Nevada Division of Environmental Protection, which oversees the Office of Financial Assistance. With me is Jennifer Carr, NDEP's [Nevada's Division of Environmental Protection] Administrator, and Rick Perdomo, one of our Deputy Administrators.

Thank you for the question. If I understand your questions correctly, Senator Daly, you asked first why we made the change in Section 6 to "eligible recipient." That was to align with changes at the federal level; EPA had also changed their definition of who is eligible to receive Clean Water SRF [State Revolving Fund] funding. AB 20 in the 82nd Session in 2023 made changes to state statutes to align with the federal changes, and the changes in this regulation are to align *Nevada Administrative Code* with those changes to NRS. Does that answer your question? Thank you.

To your second question, Section 56 originally stated that a recipient of financial assistance shall comply with the provisions of Davis-Bacon if they apply to the project and the provisions of NRS 338.010 to 090, inclusive, as you mentioned. Expanding the list of eligible recipients in Section 6 necessitated us to put similar language here and eligible recipients shall comply with the provisions of Davis-Bacon. Because the original regulations in black had "and the provisions of 338.010," et cetera, and eligible recipients now include nongovernmental agencies, we added, "Publicly owned projects shall also comply with the provisions of NRS 338," to account for the fact that nongovernmental agencies are now considered eligible, whereas NRS 338 applies to public bodies and public works. To ensure that the additional eligible recipients from Section 6, specifically nongovernmental agencies, to ensure that they still meet the requirements in NRS 338, in particular, the procurement and prevailing wage requirements, we did add a Section 11, which states that,

For privately owned projects, the eligible recipient shall demonstrate to the Division that the eligible recipient conducted a process of awarding and administration of contracts that is substantively similar to the requirements set forth in chapter 338 of NRS and chapter 338 of NAC.

It was our belief at the time that that would ensure that those privately funded projects would also have to follow prevailing wage requirements.

Senator Daly:

I did read Section 11, and I think it is ambiguous on whether it would because your own language, and you just read it, says that they have to demonstrate that they would competitively bid. Basically, they would follow a provision to award a contract in alignment with the bidding requirements that are in 338. I think it is ambiguous whether the entire chapter of NRS 338 would apply to them because it is contradicted in Section 56 where you said only 010 to 090 would apply to the prevailing wage portion.

Let me ask you a different question or a second question. These new entities that are eligible for this funding—sometimes it could be a study, sometimes they might be a consultant, or helping somebody—can they still do construction projects or projects that would be subject to the Davis-Bacon Law, or do they only do consulting and nonconstruction work? Because the way I read it, it would include projects, construction, repair, removal, I think, with the words out of your statute or out of your regulation in subsection 7 in

Section 6. Are they going to be able to do projects? In my view, projects defined in these things generally are construction projects we are talking about. And they were not able to do that before; that is new language.

Ms. Fontaine:

Thank you for the question, Senator Daly. If I understand your question correctly, not all of the projects that the Clean Water State Revolving Fund funds provides financial assistance to, not all of those are construction projects, and the Davis-Bacon Act applies to only construction projects. And so, the projects that we fund, for example, a preliminary engineering report, development, design-only projects, those would not be subject to the requirements of the Davis-Bacon Act.

Senator Daly:

I understand that. What I am trying to get to is those same types of entities that could get that loan, do they only do that, or they can only get the assistance through this for nonconstruction activities, or can they get it for that and construction activities? I think that is when you get to 56, there is a disconnect on when would prevailing wage apply. I understand, and I read your email, and let me just kind of get to where I am going here. The Davis-Bacon Act and our state prevailing wage only applies to construction projects because it only applies to laborers and mechanics that are performing one of the surveyed for tasks and wage rates that apply. If you are only doing consulting or you are just doing design and not building anything, either one of those acts would apply. If it does go over to the other side, and I think that is where the confusion is, is that you are saying, hey, well, the Davis-Bacon Act might apply to you. I did not see anywhere in the federal regulations and everything I looked up where it specifically said Davis-Bacon applies to any activity under this law. Maybe you can show it to me, but I did not see it. There are a lot of federal laws that strongly suggest you should use Davis-Bacon. There is some where it is inferred, we believe it does apply, but it does not specifically say. And we have had lots of issues where people say, well, it does not actually say I have to, so I do not have to. And you have the words in there, it says "if applicable." And I know you explained in your email that the "if applicable" part is referring to whether they are performing construction or not. But I do not believe that is the case. I would take those words if I was an attorney for somebody who did not want to have to pay Davis-Bacon, and that was the only thing, I would say "if applicable," and I would say I am a private entity. The CFR does not require it; it is not applicable. I do not think that gives you anything, which is why I believe, and I am just guessing, that we also had the words in the previous language—and it was not just for publicly owned projects, it was for all recipients of financial assistance—is the old language, that the provisions of NRS 338.010 to 090, inclusive, apply. And I think we need to retain that language for everybody that receives assistance. We can get rid of and take away the debate on Davis-Bacon and whether it applies, whether it is in the CFR; if it is not construction, it already does not apply. And I think we need to retain the Nevada language.

One other thing, if I can, Mr. Chair, before you guys answer. Let me just explain something else why this cannot go through the way it is. It needs to be changed, and it is not your fault. It is old language; it is existing; but when we refer to 338.010 to 090, the 010 includes a definition of a *public work*. So if you have this private entity, a private water purveyor who says, hey, I need to realign my ditch channel, whatever it might be, or my outflow for whatever they are doing, and they get a loan and they say, we do not have to pay prevailing wage because the Legislature left in the definition of a public work on what is applicable to me. And unfortunately, there is still a Nevada Supreme Court decision on the Carson Tahoe Hospital right over here, and that particular court, I think, ignored the

standards of judicial review. They wanted an outcome more than they wanted to follow their own process. And they took those words and said we added it in there. The Legislature added it in, 010 to 090 that says we want prevailing wage to apply. And they said, well, because they included the definition of a public work in that, this project, Carson Tahoe, does not meet the definition of a public work, so none of it applies, which is an absurd conclusion, because that means the rest of the words, the whole reason we put it in there, are meaningless. And then, because it already met the definition of a public work, it would already be a public work, and there would not be any issue. So that has to be changed.

And if you look at all of the rest of NRS, we changed it in a bill, I think in 2019. All of them refer to NRS 338.013 to 090. We took that whole argument away and we added language in at the end on every one of those in the statute that says that it applies to the same extent as if a public body was working the job. And I think those things have to be added. Otherwise, if I was a nonpublic entity and the language stated 010 and that court determination is still existing and we do not change it, then that would apply. If the project did not meet the definition of a public work because I am a private purveyor, even though I got this loan, they could say that they would not have to follow it because of that determination. So that part has to change. And I think you need to make it applicable to everybody if they are doing construction work, end of story. Sorry, I know that was long-winded. I apologize. It is a lot of stuff that is brand-new to you. But I have lived this stuff for like 20 years.

And then, while you guys are conferring, if I could make one other point, Mr. Chair. One thing that you did say about private entities. The State of Nevada has required otherwise private entities, in a variety of different statutes and circumstances, to be subject to Nevada's prevailing wage, if there is financial or public assistance in any fashion—redevelopment, NRS 279.500, star bonds, same situation, almost all the projects at the Sparks Marina were prevailing wage because of the sale anticipated tax revenue. We have it on special assessment districts, a variety of instances and circumstances. In fact, I think in the last legislative session, we even required people that were not receiving financial assistance or aid from the state still have to pay prevailing wage for some energy and gas projects. We have precedent that these private entities have to do it, and all we have to do is have the right language in the law that requires them to do it to the same extent as if they were a public body.

Jennifer Carr, Administrator, NDEP, State Department of Conservation and Natural Resources:

Good afternoon, Senator Daly. Thank you very much for the question. That is a very interesting discussion that you have pointed out about the Nevada Supreme Court and whether or not the citation starts at 010 or 013 of NRS 338. These original regulations are quite old, and part of what we are doing is to clear up a number of housekeeping issues within the entire program. With that said, it might have been helpful if these had been drafted so that the language of Section 11 was in line with the language of Section 56 because they are intended to work in partnership with Section 56, particularly being pointed towards those entities that are done by a public body, a public works-type project with the ones in Section 11, subsection 3, bringing in those similar provisions for prevailing wage and proper procurement and administration of those for privately owned projects. We do believe that Section 11 works in partnership with Section 56 in order to ensure that either Davis-Bacon, which is required by the State Revolving Fund for the federally funded projects, also has the similar provision of the state prevailing wage that is in NRS and NAC 338. So that is the intention of the regulation.

Now, I would possibly ask that the Commission respectfully consider passage of the regulation today so that we can get a number of these projects for other eligible entities underway, because right now, we are still limited to entities that have jurisdiction over sewage. There are a lot of other stormwater projects and various things that we believe would benefit from these regulations. We can commit to taking a very close legal look of the other discussion that you had regarding NRS 338.010 versus 013 and come back, if necessary, presumably, to amend this old regulation to update that citation for legal actions that have been taken since these regs were originally written, if that makes sense. Thank you.

Senator Daly:

Thank you. And I would say nice try. Some of my colleagues will have heard me say this before. A lesson I learned a long time ago when I was working for the union and collective bargaining, various things, is I understand the intent. I understand that you want to move forward with these various things. I also understand that when push comes to shove, I do not care about anybody's intent. I cannot enforce anybody's intent. What do the words say? And the words in your Section 11 refer to that they have to demonstrate to the Division that eligible recipients conduct a process of awarding and administration of contracts in a substantially similar to the requirements set forth in Chapter 338. It only talks about awarding an administration. I know you say an administration of contracts substantially similar to the requirements of 338. It does not say you will follow 338, and I do not know that you want to tie them to the bidding procedures that tightly, but it does not say that they have to do the prevailing wage part and then it contradicts it in Section 56. And then the language in Section 56 with that Supreme Court decision that obviously you did not know about—and there is a lot of them I do not know about, too—opens the door for the same circumstance that happened to Carson Tahoe. And that is why it took me another eight years or something after that decision to get every other statute in NRS, the ones that I can change directly, fixed. So, I cannot sit here and allow this regulation to go through with that hole there, 010, and the decision already that if it does not meet the definition of public works, the Supreme Court said that prevailing wage does not apply. If I leave that language there, that is open; it is already decided, and cannot live there. It is not clear in Section 11.

Vice Chair Yeager:

I do not think there was necessarily a question there; it was more of a statement. But before we move on, let me just ask other . . . Just by way of disclosure, my inclination as Chair is to defer this regulation to work out some of these ambiguities. But I want to give other members a chance to ask questions while we have the presenters here, if you think your questions may be helpful in terms of reworking this regulation. Are there additional questions? We have one from Assemblymember Watts, please.

Assemblymember Watts:

Thank you, Chair. And I want to thank the agency for some of the things that they put on the record. I did reach out about this issue as well. And you know, I appreciate the pointing to Section 11 and the discussion of the intent. I really appreciate that. I am fairly familiar with this program, and so I support the expansion to make sure that this can apply to as many different projects across the state as possible. But I do share those same concerns. I am not as much of an expert on this issue as Senator Daly is but worked on a similar issue in a piece of legislation last session where making sure that whenever there is public financing that involves any state or local dollars to support projects, that those projects are

subject to the state prevailing wage laws. I agree. I would feel comfortable if we make some adjustments either to Section 11 or to Section 56 because I do think that the language as it stood before it was amended in this regulation was clear on applying to all projects. My understanding is really that anything being funded out of this revolving loan program has some degree of state funding, kind of in that pool. I would appreciate seeing something that made sure that any publicly funded project, and perhaps that is another opportunity for how the regulation could be adjusted, to ensure that any project receiving public funding is subject to the relevant state public prevailing wage statutes. Thank you.

Vice Chair Yeager:

Thank you, Assemblymember Watts. Do we have further comments or questions for the agency relative to this regulation? We are not going to vote though. I am just going to defer it. We did have a potential disclosure down here, but there will not be a vote on this regulation today. But anyone in Carson City have additional questions or comments?

Senator Daly:

One final comment, if I can, and I have taken up enough time on this. We need to keep moving. I did have a couple other minor just questions on what does it mean, so when you are reworking, just get a hold of me and I will ask those questions.

Vice Chair Yeager:

Thank you, Senator Daly. And I just want to echo the comments of Assemblymember Watts. I have been in the Legislature a little while, and I really respect and defer to Senator Daly on some of these issues. And this one seems particularly, I guess, a little complicated because of that Supreme Court opinion, because of the history of the reference to that particular statute. I am going to just take my leeway as the Chair and defer this regulation to a future meeting. I would ask the agency to continue to work on those ambiguities, and obviously Senator Daly is a resource for that. We will likely have a Legislative Commission meeting in the next couple of months, probably sometime in April is my guess, maybe early May, so that will give you some time. I am sensitive to the fact that we want these projects. We want them awarded and we want these projects to start, but I think it is important that we get it right. Thank you for being here today, and thank you for answering the questions. We will formally defer regulation R123-24.

That will take us to the next regulation pulled for discussion, and that is R134-24. That is the Commissioner of Insurance, and we will give our representatives a moment to come to the table or join Zoom. Okay, it looks like we have an individual in Carson City. Senator Daly, I feel like a broken record, but I think we will start with you on this one.

Senator Daly:

This will be a little bit easier for you guys, and it is just a clarification for me when I read it. With the new definition in Section 3 for the purposes of submission, the reports, "insurer, organization or person licensed pursuant to" this code. The way I was reading it, and I have not reread the whole thing, but they can only charge a fair price. With this new definition, if I am outside of that definition, I can charge whatever I want, or do they still have to charge the fair and reasonable price on the dental insurance? If I am reading that correctly.

Jack Childress, Chief Insurance Examiner, Life and Health Section, Division of Insurance, Department of Business and Industry:

The reason for Section 3 as stated is so that this does not only apply to those organizations licensed as dental organizations because that would only be one organization. By expanding this definition, it includes a total of 72 insurers or organizations. We are trying to capture as many companies as possible in this section.

Senator Daly:

Thank you, and that is what I wanted to understand correctly and make sure that there was not a loophole. I know you would not intentionally do that, but I was just curious because we have the, you know, the stand-alone dental insurance, and then, Section 3 captures everybody else that says, hey, you cannot charge exorbitant rates for this. You still have a license in the state, and we are still going to regulate those deals and fair competition and all the rest of it. It is going to cover a broader universe with that, and that is what I wanted to just make sure that there was not, "I am just defined as something else, and I can do what I want."

Mr. Childress:

That is correct.

Senator Daly:

Thank you. That was the only question I had. When everyone else is done asking questions, I will make a motion.

Vice Chair Yeager:

Thank you, Senator. Does anybody else have a question on R134-24? I do not see any additional questions. Senator Daly, please.

SENATOR DALY MOVED TO APPROVE R134-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R134-24 has been approved. That will take us next to R205-24. This is the State Fire Marshal regulation, so we will give our representative a moment to appear. I believe one of our Commission members in Carson City had questions on this one, but I am not sure who it is.

Senator Hansen:

Senator Hansen, Mr. Chair.

Vice Chair Yeager:

Okay, please, Senator.

Senator Hansen:

My question is on Section 16 where you add in, "The inspections must be conducted by a person who is licensed or certified by the State Fire Marshal to conduct such inspections and capable of making any necessary repairs." The reason I bring it up is I know plumbing contractors do the backflow testing, for example, on these units. Is there anything in this regulation that is going to exclude people who are licensed plumbing contractors from being able to do the traditional repairs that we have done on backflows for a long time? A little out of the industry, been a while, but anyway, I know there was some conflict at one point where the fire marshals were trying to stop the plumbers from being able to do a backflow test. I thought we got that resolved. But, since a plumber would not be capable of making necessary repairs to fire sprinkler systems, I do not believe, I want to get this clarified.

**Albert Ruiz, Bureau Chief Fire Protection Engineer, State Fire Marshal Division,
Department of Public Safety:**

Thank you for that question. It would not prevent plumbers from doing any repairs to the backflow. The sprinkler system starts at the output of the backflow so it would not have any effect on their ability to do inspections and the repairs to the backflow.

Senator Hansen:

Thank you for that. Just want to get that on the record to make sure we do not have any conflicts down the road about that.

Mr. Ruiz:

Yes, sir.

Vice Chair Yeager:

Thank you, Senator. I think we have an additional question down here from Assemblymember Backus.

Assemblymember Backus:

Thank you so much, Chair. My question was, since this got pulled, when I was looking at this under Section 6, the definition for *dwelling unit*. I saw that there was a change, that it was going to "complete and independent living." I was just kind of curious why that change was made because I had some assumptions, but if you could clarify that, that would be great.

Mr. Ruiz:

I am reading the definition again real quick. This definition changed to be consistent with the verbiage of the code that we are trying to adopt under this R205. Sometimes the definitions in the fire codes change themselves, and we are just updating this definition to be consistent with the *International Fire Code*, 2024 edition.

Assemblymember Backus:

Okay. Thank you for that.

Mr. Ruiz:

Yes.

Vice Chair Yeager:

Are there additional questions on R205-24? Hearing no additional questions, Senator Hansen, would you like to make a motion on this one?

SENATOR HANSEN MOVED TO APPROVE R205-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R205-24 has been approved. That will take us to the next regulation that has been pulled, and that is R030-25, the State Contractors' Board. I believe we have our representatives down here in Las Vegas, and I believe our questions will be starting up in Carson City. Whoever would like to ask, please go ahead.

Senator Hansen:

My questions are—this is a kind of a brand-new category—in Section 1, 5 [sic] (e), "Proof of a surety bond or cash deposit of \$2,000." That is unusually low. They are allowed to do up to \$7,000 in work. Why is the quantity that they have to put up front so low? I mean, the idea normally is at least match what they can do to protect the individuals that they have a contract with in case they default in their workmanship.

David Behar, Executive Officer, State Contractors' Board:

Joining me is our Policy Analyst, Kenya McCampbell, and then online is Susan Broili Kamesch, our Licensing Administrator.

With respect to the surety bond, the approach that we took with this was trying to find a balanced approach from unlicensed contractors being able to do this work while protecting consumers. That is why we wanted to put the bond amount in there. We capped it at the \$7,000 figure, again, to try to balance it from both sides. We felt that \$2,000 was an appropriate amount based on that \$7,000 number.

Senator Hansen:

Okay. I am confused. They are allowed to put up a cash deposit of \$2,000. That is the question I have. You are requiring them to have a surety bond that matches \$7,000, but you are requiring a cash deposit of \$2,000 to meet the same requirement?

Mr. Behar:

No, the cap on the amount of work they would be allowed to do is \$7,000.

Senator Hansen:

Okay. But the surety bond has to be up to \$7,000, right?

Mr. Behar:

According to this, we are going with a \$2,000 figure.

Senator Hansen:

Okay. So, in both cases, it would be \$2,000. Well, it just seems a little low to me.

Now, you are not allowed to have contracts splitting. How do you guys enforce that? That, and what happens also if they exceed the \$7,000 cap? How are those two things enforced? I am aware of, you know, very common for people to get around the limits on licensing and jobs by doing contract splitting, but I have never seen how anybody has ever enforced it. I am just curious as to how you guys intend to come forward now that we have dropped these numbers so much?

Mr. Behar:

If we encountered that type of a situation, somebody would be allowed to file a complaint with us. That is something that we see on a regular basis. For example, people try to break up a project based on their monetary limit in order to, to your point, to try to stack work on top of one another. In the event that that was brought to our attention, we would take action against that.

Senator Hansen:

Well, obviously you do action. I am just kind of wondering, because we are now talking much lower thresholds than you normally deal with contractors. My license is \$1.6 million, so I can obviously do certain things with that. That goes way beyond some poor guy that has a limit of \$7,000. But my concern—I voted no on this just so you know—my concern all along has been we are allowing almost a new specialized category of people that are going to be allowed to compete with people who have gone the full four-, five-year apprenticeship, worked in the trades, earned their contracting license in the various categories, and now they are going to have to be allowed to compete with people like that. Now, since I do not get to refight that, I am not trained to, you know, it is now NRS, so I got it. But I do want to make sure that there are reasonable protections for the people who will hire these types of individuals. I have a very significant bonding or did. I think I have finally reached 40 years this month I got my contracting license. Anyway, I know they have requirements in law to help protect, especially homeowners, from contractors that walk away from their projects. That is why I am concerned about the surety bond quantity and the \$2,000. If in fact, this new category, if they leave a project and they have a \$2,000 cash bond, or a cash deposit, is that the maximum amount that a homeowner could recover if in fact one of these individuals walk away?

Mr. Behar:

So, they would be allowed to go after the cash bond. But in addition to that, because these individuals would now be a licensed contractor, the homeowner would be eligible for a residential recovery fund as well. That is another level of protection that we wanted to make sure we balanced. In the event that somebody was harmed by this, two things would go into effect. One would be that particular contractor would not be eligible to get a full license if that was their ultimate desire. But we also balance it, because they are licensed, we would be able to have them submit for our residential recovery fund. That is another avenue in the event they were harmed that they could go after.

Senator Hansen:

Okay. Last question. You know, this reg has not been in place since the law was passed in the last session. How many applications for this type of license have you guys received? Have you had any yet or is this waiting for this regulation to pass?

Mr. Behar:

We are waiting for this to be passed. We have actually got the application forms ready to go, and we have been working with a number of entities to include the UNLV [University of Nevada, Las Vegas] Small Business Development Program to develop a business course for this particular license. I can tell you that as of right now, they have got approximately 200 people that are preregistered for that course.

Senator Hansen:

Okay. Very good. Thank you, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator. Are there any additional questions on R030-25? I do not see any here in Las Vegas. Any additional questions in Carson City? Senator Daly, I cannot tell if your hand was raised or you were waving off a question.

Senator Daly:

Waving off.

Vice Chair Yeager:

Okay, fantastic. So, I do not see additional questions. Senator Hansen, are you willing to make a motion on this regulation, realizing you did not vote for the bill?

Senator Hansen:

Well, thank you, Mr. Chair. I am going to pass at this point on actually doing that.

Vice Chair Yeager:

Okay. I understand that. Would someone else like to make a motion to approve?

SENATOR DALY MOVED TO APPROVE R030-25.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R030-25 has been approved. Commission members, we are going to go slightly out of order because the next regulation to be pulled is the Secretary of State, but we have a number of Secretary of State regulations later on the agenda, so I think it makes sense to hear all of those together. So, for right now, we are going to skip over R042-25. We will take that in due course, but we are going to go next to R055-25, the Board of Medical Examiners, and that is the next regulation we will pull for discussion. We will give our representatives a moment to . . . I think we have someone on Zoom for this one. Ms. Sarah Bradley, I believe. Thank you for being here this afternoon. I think Senator Daly had a question on this one, so we will start with him.

Senator Daly:

I do, Mr. Chair. Thank you very much. And my total concern over this and question is in Section 29. I do remember this bill from last session, and you had the Genetic Counseling Advisory Council added into the statute with the specific purpose, which was to help give guidance on adopting this regulation. And I think it was Senator Nguyen, but if I was wrong, I am wrong, that had that, and I asked her in committee, and I said, "Why do we need to keep this? Why not sunset the Genetic Counseling Advisory Council?" And we did sunset it in the bill. And now I see here in Section 29 you guys are reviving that. I am, you know, 10,000 percent opposed to that. You want to have an advisory council come back to the Legislature and go through that process. We specifically put a sunset on it so we do not have to have another board out there that ends up on there that may or may not be doing its stuff. The Sunset Committee, you know, is going to end up reviewing it and want to talk to people. And it seems to me, now that you got your regulation, that the duties that you are wanting this Advisory Council to do should be done by the board. I am going to vote no; I am going to encourage my colleagues to vote no on this regulation. We killed, the Legislature, on purpose, this advisory committee in the statute, and I am opposed to having an agency bring back their advisory council board and a regulation like this when it was specifically deleted in the legislation.

Sarah Bradley, Deputy Executive Director, Board of Medical Examiners:

We were not a participant on the bill, so I apologize that I was not aware of that history. The reason that it is in the regulation as it is, historically, the Board has had advisory councils for all of the professions that it licenses that are not physicians. And that was because, until recently, only physicians were our licensees on the Board. We had a Physician Assistant Advisory Council. We had a Practitioner Respiratory Care Advisory Council and a Perfusionist Advisory Council. In the last session, I believe it was in 23, the Board composition changed, and we now have a practitioner respiratory care on the Board as well as a physician assistant, and so those committees were removed from the regulations. But all of our advisory committees have always been in the regulation, and they have not been directed by statute. They were kind of, I think, an optional thing the Board could do pursuant to our general authority.

Prior to this, we had the Perfusionist Advisory Council, and then in 2023, we also got an additional profession, which was the anesthesiologist assistants. And as part of the regulations for anesthesiologist assistants, we did create the advisory committee, and I guess I should say committee instead of council. It is really to allow members of that profession that do not have a seat on the Board to be able to participate and advise the Board on issues that may come up regarding their profession, and the Board also can go to them on that. To be honest, most of the committees are not very active, but they can be, and I believe this one will be. We already have more than 60 applications for licensure. We had a lot of applications actually for this Council. And so, basically, in modeling after what we did for perfusionist and anesthesiologist assistants, we did add the Advisory Council because they will not have a seat on the Board, just to advise the Board. The statute requires that they meet twice a year. I do not know that we want to actually continue that. I think that may be in this draft; we may want to change that after that first three years. But we did not want to get rid of the committee completely, like I said, just to be consistent with how we treat the other professions that do not have a seat on the Board.

Senator Daly:

I understand that. Maybe you can go back and look at some of the stuff, but it was in the bill, in the first part of the deleted section here, from, let us see, Section 5.9, Senate Bill 189, 2005 [sic], so it was just this last session. We put the Council in to help you do these regulations, and then we sunsetted it because we did not want to have a not very active board out there taking up space in the universe. And now I see it is reconstituted with many of the same requirements and duties, which, you know, advise on regulations concerning the practice of genetic counseling, et cetera. And it seemed to me that the Board should be able to do those things. We killed it in the bill, and I do not want it to be a zombie committee, so I think it should stay dead. That is my position. The rest of the Commission may have a different opinion.

Vice Chair Yeager:

Thank you, Senator Daly. I will note that I think the legislation sunsets that committee in 2031, so it is going to be alive for some time yet regardless of what we do with the regulation. But I think to your concern, it would potentially be revived in 2031 through regulation, and then we would have a zombie advisory committee.

Are there other questions on this regulation from our Commission members? I do not see questions down here in Las Vegas. Are there any questions up in Carson City? I do not see any questions. Would anybody like to make a motion to approve this regulation?

ASSEMBLYMEMBER WATTS MOVED TO APPROVE R055-25.

SENATOR LANGE SECONDED THE MOTION.

Vice Chair Yeager:

Is there any discussion on the motion? Senator Daly, would you like to say anything else?

Senator Daly:

I am still opposed. I know there are some others opposed, so we will see what the vote is. And I understand 2031 is a ways off, and we should start inoculating ourselves from the zombie apocalypse now.

Vice Chair Yeager:

Thank you, Senator Daly. Is there further discussion on the motion? Assemblymember Backus, please.

Assemblymember Backus:

Thank you so much, Chair. I kind of agree with my colleague. At least, if they could reconsider this. If they could put a sunset clause that mirrored the statute, I think it would make us feel a little more comfortable. So, with that, I will probably be a no as well on this.

Vice Chair Yeager:

Thank you, Assemblymember. Any further discussion on the pending motion? All right, I have no idea how this one is going to go, so let us give it a shot.

THE MOTION FAILED. (SENATORS DALY, HANSEN, AND TITUS AND ASSEMBLYMEMBERS BACKUS, HAFEN, AND HANSEN VOTED NO.)

Vice Chair Yeager:

That is a rare 6-6 vote, which means the motion fails. Because it is 6-6, the motion to approve the regulation has failed. The regulation is not approved, and functionally what that means is the regulation is essentially deferred, you know, at the discretion of the agency, whether they want to bring this regulation back. It does not forever get rid of this regulation, but the agency will have the option to make some changes and bring it back to a further Legislative Commission meeting if they would like to. Thank you for being here to answer questions, Ms. Bradley.

Ms. Bradley:

Thank you.

Vice Chair Yeager:

All right. We will move on to the next regulation that has been pulled for discussion and that is R062-25. This is the Nevada Interscholastic Activities Association. Looks like we have our representatives coming to the table here in Las Vegas. I believe we have a question from Assemblymember Backus on this regulation, so please go ahead.

Assemblymember Backus:

Thank you so much, Chair. My question was just because when I looked at this, I saw the notification focused on lacrosse. My concern just with this was under Section 2. And I guess my question for you all is have the schools participated in this in understanding what their responsibilities would be? And perhaps there could be another regulation that I just was not familiar with that already has this requirement on our schools, but it just seemed like a lot. And then I was looking at who participated at the time that these regulations were prepared, and I just did not see any stakeholders there. I was just concerned about whether this is going to burden the schools with respect to sports in light of the penalties.

Timothy Jackson, Executive Director, NIAA:

These regulations bring in line with the rest of our sports. They do not put an additional burden on our schools. They simply bring all of our regulations together for our schools. These regulations for lacrosse will line up with our regulations for like basketball, volleyball, football, and the like. As far as schools offering the sport, no school in the State of Nevada is required to offer any sport that they cannot financially support or provide the necessary participation numbers to be inclusive. As a matter of fact, of all schools in Nevada, none offer every sport. So, this would not put an additional burden on them for that purpose. This just brings our regulations in line with the rest of our other athletic regulations by including lacrosse, where it had not been included before.

Assemblymember Backus:

Chair, if I can have a follow-up. I guess I am actually just focused on Section 2, which looks like it pertains to all sports, not just an update for lacrosse. And it has in that provision, Section 2, subsection 1, that, "Within 24 hours after completion of a game, contest or meet for sport, a school shall submit a report of the results of the game," and that is where I was just concerned because it seemed like it was applying to every sport. And then it says that if a school fails to comply under subsection 2, that they could be subject to penalties. That was really my concern was how broad that was applying to every sport. It just did not seem like a lot of people were involved, but it could already be what it is. I just did not know.

Mr. Jackson:

It is. This has been the practice in the past. We just have never had it in regulation for our schools to have a requirement to do it without any follow-up from our office. In other words, we have a requirement that schools have to report their scores. We have a requirement that they have to do it within a certain amount of time. But this puts it into regulation for us to make sure that we can go to the schools and remind them that they must get this done. It is a requirement for all sports, and it is already occurring when they report it to the news, to any other agency that we have out there that collects the scores.

Assemblymember Backus:

Mr. Speaker, may I ask one more question?

And that is what I was kind of thinking of because I watch the news on Friday nights and you see all the football scores. I was just concerned if a school . . . I just do not want a school or a team to lose out if they are not complying with this because it does seem like it is publicly available. Is there going to be—and I am just not familiar with the penalties—any hold harmless? I mean, if it is out there it is out there, it seems like.

Mr. Jackson:

We are not looking to penalize schools for this.

Assemblymember Backus:

I appreciate that. And, Chair, if there are no other questions regarding this, I would be happy to move to approve.

Vice Chair Yeager:

Let us do a quick check. Any other questions on R062-25? Senator Flores, please.

Senator Flores:

Thank you, Mr. Speaker. Just for a point of clarification following on the Assemblymember's question. What would occur should they not report? I just want to know what that looks like.

Mr. Jackson:

First and foremost, there is a phone call made by our office. We call a school and say, hey, we need the score. The reason we need these scores is because in standing-based athletics, we have to figure out exactly what the bracketing is going to look like. And we have schools who need to make travel arrangements. We have schools who have to make security and allocations for their facilities to host. So, we make that phone call; we may follow up with an email. We are not looking to go right to a penalty, of course. We always give the schools the opportunity to get that score to us. We also reach out to coaches when necessary if we cannot get a hold of someone at the school. We make the concerted effort ahead of time. We are not being reactionary. We are proactive in this, and we reach out as quickly as possible.

Senator Flores:

Thank you.

Vice Chair Yeager:

Any additional questions on this regulation?

Senator Titus:

Mr. Chair?

Vice Chair Yeager:

Please, Senator Titus.

Senator Titus:

It may be obvious to others but not obvious to me. Why do you even need the scores? I mean, what is it in your purview that you must mandate within 24 hours you have a score?

Mr. Jackson:

We will use football, Senator Titus, if that is okay. On a Friday night, before the season ends, we need a score because we have to fill the brackets for the next week for the state tournament. We need to know the win-loss record of every team. We also need to know point differential because if it is a competitive or noncompetitive loss, it could have impact on rubric scores as well as Harbin or any other measurement that we use before we seed the tournament. This does not happen on a given Friday night. This is continual through the whole entire season so that we can keep standings correct, and we know who is going into

what bracket and which tournament. It breaks ties. There are multiple uses for this information, and we need it, quite honestly.

Senator Titus:

Thank you for that. If I might, but just wondering that, okay, you have a Friday night game. You need that in 24 hours. You guys are all working on Saturdays and Sundays. It seems like a little onerous. I get that you need to know the scores. Certainly, we as fans like to have scores, but again, that 24 hours, to me, in a rural area when maybe you do not even have cell service. So just wondering. Thank you. Thank you, Mr. Chair.

Mr. Jackson:

Senator Titus, would you like a follow-up answer to that?

Senator Titus:

No, I think I am pretty clear on what I am thinking. Thank you.

Vice Chair Yeager:

Thank you, Senator Titus. Any additional questions on R062-25? I do not hear additional questions.

Assemblymember Backus:

Chair, I would move to approve it, then I want to make a comment during the comment period.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R062-25.

SENATOR LANGE SECONDED THE MOTION.

Vice Chair Yeager:

Discussion? Assemblymember Backus.

Assemblymember Backus:

Thank you so much, Chair. Just looking at that, I appreciate your candor of not necessarily jumping to penalize the schools because when I looked at NAC 385B.960, the penalties for failing to comply are pretty hefty. It could be a \$1,000 to \$5,000 fine. But looking at the language under Section 2, subsection 2, it does not sound mandatory, rather, it is "subject to." I take that as more discretionary as well as the language in NAC 385B.960 that has discretionary language of "may" and not "shall." I appreciate that.

Vice Chair Yeager:

Thank you. Is there any additional discussion on the motion? I do not hear additional discussion.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R062-25 has been approved. Thank you all for being here with us this afternoon. Moving right along, that will take us next to a regulation that we also heard quite a bit of public comment on and that is R087-25, the State Board of Nursing. And we will give folks a moment to join us at the table. Looks like we have a Carson City crew joining us today for R087-25. There may be a number of questions on this one, but Senator Daly, per tradition and custom, I am going to start with you.

Senator Daly:

Thank you, Mr. Chair. And I know some of my colleagues have other questions and various things. And this was just my initial question that I had. I did not go back and reread it to find additional questions, but I know my colleagues got it covered. But my first question when I read it, Section 4, sub 1(b) where it says, "The delegating practitioner is physically located a significant distance from the location where the task is to be performed." So that is an exemption to if you are too far away, whatever. My question was, who and how is it going to be decided what a *significant distance* is? Pretty nebulous term, and significant distance can mean different things to different people in different contexts. I am curious who and how that will be decided? Just one of the flaws that I know exist.

Fred Olmstead, Esq., General Counsel, State Board of Nursing:

At the outset, I, we, copy and pasted this regulation, all four sections, from Chapter 630 from the Medical Board, copied and paste. This has been in effect since 2013 with the Medical Board. And why I did that, why we did that, was to provide continuity, harmony, so that when an MA walks into a facility, a clinic, and they are told you are going to be delegated by or supervised by a physician or PA [physician assistant], they say I know what is going on. I know what I can do. I know what I cannot do. I tried to, we tried to—I keep using the word I, I apologize for that—we tried to make sure there is continuity so that when an APRN or an RN delegator supervise an MA, the same rules apply. They know they have to be employed by the same agency; they know they have to have the agency documenting their competency. The question is, I do not know who is going to decide how far away you are or exigent circumstances. For 13 years, the Medical Board used that. We hope we never find out about that. We hope that nurses practice safely and patient care is provided. And the question of how did you, why did you call and delegate to an MA when you were 13 miles, 17 miles away from the facility? We hope we never have to answer that question.

Senator Daly:

And your answer was I do not know. Copying somebody else's rule that they have, which may or may not be ambiguous, it sounds like it is as well, but that Board then has the duty to figure out what a reasonable distance is for their person in their regulation or their statute. The Nurse's Board is a separate entity and is maybe using the same words, but you cannot rely on what they might determine is good for the doctors or whatever their situation is. And you are saying that you have no idea what a significant distance is, who is going to decide it, and how? So, I mean, just one flaw. Words mean things. And if we do not have a way for everybody to understand the words in the same way, there are problems. I mean, when we look at bills and we do stuff, we agonize over every single word because we know it means something. And if it goes off to the court, they are going to say what was the intent and that we intended to have the words this way. That is what they assume. And if it is not clear, that I do not think is usually our intent. We want to try to be clear. If you

cannot answer why, who, and how, I mean, how do we end up approving something like that?

Mr. Olmstead:

Absolutely. And if you go down to the last section, number 2, the rural area means any area in this state other than Henderson, Reno, Sparks, Las Vegas, or North Las Vegas. If you go to the rural counties and ask a person from Ely what is a reasonable distance, that person's definition of reasonable distance might be different than another person in another remote rural county. It is almost a definition that cannot be provided. Should we say 10 miles, 15 miles? Each county would say no, no, no, that is too close and that is too far. We are doing, again, as you pointed out, we copied and pasted, and different boards have different interpretations, but that was an interpretation that we thought was a reasonable interpretation. Thank you.

Senator Daly:

I understand. I was just thinking while you were saying that, is that a reasonable distance, there is a lot of factors that goes into what is a reasonable distance. I am driving from Ely, you know, up to Elko. It was probably too far to go or not a reasonable distance, but Reno to Carson, who knows? I mean, it is over ten miles, but there is probably a ten-mile stretch in certain parts of Clark County or even Washoe County, sometimes, depending on the time of the day and where you are headed, where it will take you longer to get there and that ten miles than it will take you to drive to Fallon, which is an hour away. I think there are some nuances in there but reasonable times and distance with no other factors or, you know, determined case by case. I know you cannot put one thing in and so this is good and this is not. I think it is just too broad. I know other people have other questions, so I am done with that.

Vice Chair Yeager:

Thank you, Senator Daly. Let us continue on with questions on this regulation. Questions down here? We will go to Assemblymember Backus.

Assemblymember Backus:

Thank you so much, Chair. I just have a few questions, like two, maybe. I think you already addressed one. I was taking a look at NAC 630.800 to NAC 630.830. I guess 820. And it does look like, and I think you did answer this, but a physician assistant at this time under NAC 630.800 could delegate to a medical assistant under the same type of language that you are proposing under R087-25.

Mr. Olmstead:

Yes, and the key point is that the physician and the physician assistants, what they can do, since 2013, have a very different scope of practice than an APRN and an RN. The question is, you can only delegate what is within your scope of practice, and you do not have to delegate if you do not want to. It is a discretionary delegation. A PA, if they are comfortable and they have got a good working relationship with that MA, they can delegate that task remotely. If an RN is called and say do you delegate remotely and the RN can say, heck no, I am not doing that, or it is not within my scope of practice to delegate that task. It is within the practitioner, physician, PA, APRN, and RN to know their scope of practice. And any nurses watching this cable will say that is the first thing you learn is the scope of practice. I got to know what I can and cannot do so I am not asked to do something that I cannot

do; therefore, I am practicing beyond the scope. And I want to make sure I am within my scope of practice. Very defined. I hope that answers your question.

Assemblymember Backus:

It does and it anticipated my next question because I was looking at the language and it was not like a mandatory delegation. It is completely up to the RN or APRN as to whether they are making that delegation to an MA within their scope of practice. My concern, and I think probably other people's concern, is always, you know, the RN may be working for a medical facility where the direction is to delegate work maybe to an MA who may be in a rural location via tele, you know, obviously they are not in the same place to do some of the clinical duties. Is there any hold harmless or does the Board take that into consideration, or is it purely on that RN to make that decision, whether they are going to delegate or not?

Cathy Dinauer, M.S.N., R.N., Executive Director, State Board of Nursing:

I hopefully will answer your question. Yes. First of all, as Mr. Olmstead said, it is not mandatory that somebody delegate. Nurses in our Nurse Practice Act can refuse care. Usually there is a documentation path, a communication path as to why they might choose to do that and where the work is delegated. Yes, there is specific language with regards to the rural areas. But again, I just want to emphasize that as nurses, we have a right and an obligation to question and to refuse a care that we do not feel is appropriate or we have a question about it. And when I go out and I do presentations with new graduates, and students, and long-term nurses, whoever will listen to me, I always tell them if you have a question, ask. If you are not comfortable with something, ask a question and communicate your concern. I hope I answered your question. I think you had a question about hold harmless?

Assemblymember Backus:

I did. But I think you kind of answered it in the respect that if the licensee should have the understanding and feel comfortable that if they do not feel comfortable to kind of maybe ask because a lot of RNs and APRNs, unlike like physicians, may direct employees in the facility. And so, whoever they are supervising to go to them is what it sounds like is part of their training education. I think you did touch on that. Thank you.

Vice Chair Yeager:

Thank you. We have some additional questions down here in Las Vegas. We will go next to Assemblymember Considine.

Assemblymember Considine:

Thank you, Chair. My question is sort of in the same area. Sections 4 and Sections 5, how they work together because this is a remote situation. You will have the delegating practitioner in a location, a different location, available by telephone or other means, but not physically present. And then in Section 5, it says that the delegating practitioner retains responsibility. My question in this remote situation is if the delegating practitioner does have the assistant do something and the assistant does something wrong or it has an adverse effect and the delegating practitioner is not in the room or virtually in a way to fix it right away, whatever happens from that falls on that delegating practitioner 100 percent responsibility?

Ms. Dinauer:

As my colleagues in the legal world would say, it depends. Ultimately, we are responsible for, as nurses, for our practice, and we are responsible for the task that we delegate. It is important that whomever we are delegating to—unlicensed personnel, nursing assistants, an MA—that we understand what the task is that we are delegating, that the person that we are delegating to is competent to perform that task. And it is our responsibility to understand that. If there is an untoward outcome as a result of that delegation and perhaps something would happen and it gets reported to us, we are going to look at all of that. We look at the situation; we look at the mitigating factors. What was going on that day? Was there a violation of the Nurse Practice Act? Was there an inappropriate delegation or was there a reason for the delegation? But ultimately, we do have a responsibility to know what we are delegating. We cannot delegate anything that is not within our scope of practice. And if there is, as I said, an untoward outcome, then it would be, we would have to look at that and see just what we would do with any other unlicensed personnel or anyone that I am delegating to, what happened and why. I hope that answers your question.

Assemblymember Considine:

Mostly it does. But I am sort of attached to that both the delegating practitioner and the assistant have to have an existing relationship. But is there any minimum amount of time that they need to have worked together or know each other or is it just based on the delegating practitioners, their opinion at that moment?

Ms. Dinauer:

It really is contingent and dependent on the policies that are in place by the employer. And yes, you would have to have a relationship. If I come to work and I am going to be working with a medical assistant or any other unlicensed person, I want to understand what they can do, what they cannot do. What are the policies that govern what my employer is asking them to do? But yes, you would have a relationship because if I am going to be delegating something to someone, I want to understand what it is that you can do. At least I want to know who they are and how long they have been working. Do they understand just like anybody else? They would have an understanding of what their job is.

Assemblymember Considine:

Thank you. And I am specifically asking these questions because I am trying to have a better understanding of the remote piece. When the assistant and the delegating practitioner have some knowledge of each other, it could be in the same agency, but because there is no distance requirements, it could be someone who has potentially remotely worked with someone many miles away but not in person. Or, do they have to have worked in person at all or just that they are under the same agency and they know each other and the delegating practitioner feels comfortable?

Mr. Olmstead:

If you look at Section 2 [sic], number 2, "The employer of a medical assistant shall document in the employment record of the medical assistant that he or she is [sic] appropriately trained and is competent to perform." So, the employer has to put that in writing. And then if you go up to 1(c), "The medical assistant is employed by the delegating practitioner or the medical assistant and the delegating practitioner are employed by the same employer." As a practitioner, I am not going to delegate anything to a medical

assistant that I do not know works for the same company I do, and I have not read their competency documentation. And in fact, if I have got three or four seconds, I am going to question them. I am going to delegate this task to you. I see your documentation; you are competent, but let us talk about it before this happens. In this regulation, this gives the guidelines, which is the purpose of the regulations, to give the guidelines to the practitioners about what the delegation is, how it should happen, and whose responsibilities are for the competency to be proven. I hope that answers the question.

Vice Chair Yeager:

We have a question from Senator Cruz-Crawford.

Senator Cruz-Crawford:

Thank you, Chair. My question is from Section 4, subsection 2. I see that you have rural area and a couple of questions I have on how that rural area was determined, particularly why Pahrump, which does have a nursing school and has enough nurses there, was left out; Boulder City, which does have a large nurse population; and possibly Mesquite. Outside of population, were the number of nurses within those areas also included in that selection process?

Mr. Olmstead:

I wish I could say we know where all the nurses that live and work. And I am sad to say that I just copied and pasted that with one exception, with one exception. The Board of Medical Examiners' NAC 630.8, probably 20, had the City of Elko in their regulation. But this bill, AB 319, gave CRNAs [certified registered nurse anesthetist], gave Elko a kind of a sistership into the world of . . . What is the word out there? The federal . . . Yeah. Elko asked to be considered a qualified underserved health area. And so, with that, I took out the City of Elko, otherwise Henderson, Reno, Sparks, Las Vegas. So that is Clark County and Washoe County. Those are the only two counties that are given . . . Everybody else is given the remote supervision delegation piece.

Senator Cruz-Crawford:

Follow-up if I may, Chair? Okay, thank you. I really appreciate the problem that this piece of legislation is trying to solve. We know there are nursing shortages. My concern is that if we know there are nursing shortages and we are trying to identify the areas in which we bridge these gaps and you do not have the count of where those nurses live within Nevada, that is very concerning to me. Elko actually has a large nursing school. The president graduated from that nursing school, and she lives in that area, and they are producing—I believe last time I saw about 200 percent of the need within Elko. So that is a big red flag for me. And so, I would just like to put that on the record. Thank you.

Michael Hillerby, on behalf of the State Board of Nursing:

Thank you, Senator. I just want to clarify. We know the home address of all of our licensees, whether they are in state or out. What we do not track, and their license is not attached to where they work. They may work in a number of different settings and a number of different jobs; they may move from job to job. We know their home state. We know their home address. We do not track where they work because that is not a condition of their licensure.

Vice Chair Yeager:

Do we have additional questions down here in Las Vegas? I do not see additional questions. What about up in Carson City? Are there questions on this regulation?

Senator Titus:

Yes, please.

Vice Chair Yeager:

Please, Senator.

Senator Titus:

Thank you. First, I want to thank you for bringing this forward. In the rural areas we absolutely do not have, and I would say frequently in urban areas, we do not have enough of any health care provider, regardless of whether you are talking about a lab. tech., X-ray tech., an MA, a nurse, a physician, a PA. Across the spectrum, there is not enough of any of us. So, I appreciate you trying to get some clarity for frankly, what is already going on out there. I have lived this world. I have had MAs. I have had a practice location in my home, 30 miles away from the hospital. I would say that is a distance. But also at the same time, I have reached out, people reach out to me when they do house calls, and they are giving care in a home. It is hard to put a definition on the mileage of what is significant distance. If you are not in the same building, sometimes that is all it will take in being able to supervise. I am supportive of . . . There has been an issue and what we are trying to do . . .

For the history of all this, everybody, when NRS was written initially, there were only physicians out there. And over the years, of course, now there are physician assistants, there are nurse practitioners, there are different categories of providers, and we have had to change our law, which I have done multiple sessions, adding these different practitioners to the law so that they can actually perform at their highest level, their training, and well within their scope. And so, this has been needed to bring that clarity because this MA, a medical assistant, is different than a nurse assistant. I started out as an NA [nurse assistant] at the VA [Veterans Affairs] hospital, totally different role than what these MAs are doing in our offices now. So again, thank you for doing that.

Having said all of that and being supportive, I have a question that I need clarity on, and that would be in Section 3, number 4. And so, "A medical assistant shall not make a diagnosis," which is absolutely correct, "initiate any treatment," I agree, "or prescribe any drug." In the capacity, though, in the role . . . I have had LPNs [licensed practical nurses] in my office; they could not do IVs [intravenous], but they could give medications and could give a shot. The RN was the one to do the IVs. There are different levels there. But can they dispense medication and administer medication? Is that allowed or even discussed anywhere for an MA's role?

Ms. Dinauer:

Thank you, Senator Titus. They can in this; it is Section 3. They can. It talks about an invasive procedure and that is usually an injection, and that is a vaccine, which is usual, because there are Board of Pharmacy regulations. No, they cannot dispense. And again, it has to be under the supervision and the direction of the nurse.

Senator Titus:

Speaking of that, and then you mentioned the pharmacist who we now allow to give vaccinations, et cetera. Would this not expand the MA's role, so the pharmacist can say to an MA, "You could give that vaccine."?

Ms. Dinauer:

I would not know what the pharmacist could do. I really do not want to step on the Board of Pharmacy's or the pharmacist's toes, but for our purposes, it would be the APRN and the RN that would be able to delegate, so, a vaccine.

Senator Titus:

What I see this regulation doing is catching the nurse practitioners up and the RNs up with really existing law and a much-needed access for health care, in my mind. And we talk about not having access, and I know there is worry out there. I am hearing rumors that the nurses are worried they are going to be replaced. I wish we had such a luxury that we could just replace, myself included, and health care out there, everybody. There is just not enough of any category of us. I thank you for bringing this forward. I appreciate what you are trying to do, and I will be supporting this regulation. Thank you.

Vice Chair Yeager:

Thank you, Senator Titus. Are there any further questions from committee members? Okay. I do not see any further questions. Like a previous regulation, I am going to use the discretion of the Chair, and I am going to opt to defer this regulation. And I just want to explain a little bit why. I do not believe a motion to approve this would pass at this point in this committee, so I am not going to take that motion. And I think, you know, you have heard some concern from committee members about some of the language in there. I just think it would be productive for everybody involved to continue to work on this and talk about this regulation. Obviously, we have a medical shortage. The underlying bill upon which this regulation is based, passed the Legislature unanimously. I think there is an indication there that the Legislature is serious about doing something about that. However, there are some concerns about how broad this is and about some of the particular language and ambiguity that may exist in this regulation. And for that reason, I am going to go ahead and defer it.

And I will mention, as we did earlier, that we are likely to have another Legislative Commission meeting probably at the end of April or beginning of May. So, my hope is that the interested folks could work on this and either come back to the table and be able to say that everything is fine or potentially work on some revisions that will get everyone just a little bit more comfortable. With that, I want to thank you for being here today and answering questions, and I look forward to taking this up at another meeting.

Mr. Olmstead:

Thank you for your time.

Vice Chair Yeager:

Thank you. And members, I am going to go slightly out of order because what we have left on the agenda are all of the Secretary of State regulations, but then we have one more regulation at the very end. That is the State Public Charter School Authority. I thought it

makes sense to take that one now before we get to the Secretary of State. The very last regulation, which was previously deferred, we will call up for discussion now, and that is R080-24, the State Public Charter School Authority. And we will give folks a moment to come to the table to get that particular regulation taken care of. I see we have our folks in Carson City. Senator Daly, I think you had questions on the prior version of this regulation, so we will start with you on R080-24.

Senator Daly:

Thank you, Mr. Chair. I did have questions on the prior one. I went back and I found the old one, and I watched some of the hearing on that. I think you guys did make some changes based on that. Just a couple of questions this time. I still do not like the three to ten, but you said that is in statute somewhere, anyway, on how long they can extend. Even though I do not like it, it is already in statute, so we will go from there.

In Section 5, I believe it is sub 1—and I do not have it up here in front of me, but maybe I can find it—with the dates on request for amendments. When they were first established, why did they pick those dates? Why are we changing? We still have a 15-day window. You are just moving it from one area to another. Why are the reasons no longer valid on the dates? Why are we trying to change that window period, if I read it correctly?

Melissa Mackedon, Executive Director, State Public Charter School Authority:

We are not trying to change it. The ones we are trying to change are for the new charter apps. We are trying to remove this altogether. Schools right now, charter schools, they submit amendment requests essentially whenever they want. Years ago, they put in this window that they were going to have to submit between these certain dates, but they could submit outside of them for a good cause exemption. That is inevitably what always happens. This just removes the board having to submit a good cause exemption and allows us to hear the amendment, which we are already doing anyway. So, just to remove an extra step for the schools.

Senator Daly:

In Section 4, they changed from April 15 to April 30 and put in January 15 to January 31. Now, I know it is a parallel section, so help me understand where you are at. And then in Section 5, you guys got way too many words in your regulation. I think there is a . . .

Ms. Mackedon:

Section 4, Senator Daly, that January 15 to January 31, we are changing the window for accepting new charter school applications. And by changing it from April 15 to January 15, we are essentially giving the schools about three or four more months in there before they open to get organized, to get ready, to get all their policies written, to get their facilities figured out. So that Section 4 is about new charter applications.

When you flip over to Section 5, which is on page 17, and it takes out that April 15 and October 1, those were windows when we were “accepting” charter school amendments. So, if they wanted to add another campus, or change their grade levels, or add more students, that is referring to the amendment window. And the reality is, we accept those all of the time outside of that window.

Senator Daly:

I think I understand that better now. We are clear, which brings me to my next question, again, in Section 5, would be the language that deleted in . . . Well, it was Section 5 before, but . . . If somebody was putting in an application for an amendment or they had just got approved and then they put in a real quick amendment and various things, the way I read this, if I am looking at it, it eliminates the . . . You can put in as many amendments as you want, as rapid fire as you want, and there is no, hey, we are going to make you do a new application if you are doing this. Why are we getting rid of that? What is the use in that? Would seem to me that that was a speed bump. Make sure you got your first application. Make sure that you got all your stuff going. You can get a just cause exemption if you had a critical flaw, but if you guys did your job, it should not. But now it just opens it up as I can put in an amendment a week if I want to and there is no requirement for putting in a new application or that additional review that you had before.

Ms. Mackedon:

In this regulation, it was a "may" not a "shall." All of these things that it is saying that you can ask for here if they were to put into amendment requests within 18 months, we already can ask for and do ask for all of those. And again, this was a "may" not a "shall." Let us just say, for example, a school, you know, they are in their fifth year of operating, they are really successful, and they want to add an additional grade level. We would already be asking for all of this information as part of their amendment request. And then let us say nine months later, they found a permanent facility they wanted to buy. That is within that 18-month window. Again, we would already be requiring all of this information, their financial plan, their operational plan. All of these things are already required in the amendment request themselves. This was just sort of duplicative language that we do not need, frankly.

Senator Daly:

I know you had the 18 months in there, and it does say "may." If they are coming within a certain time period, you were telling them do not keep coming to us with amendments, plan your activities better. And if you do, we are reserving the right to make you just file a new application. I suppose you could do that, but if you take the language out, then the discretion to just say we are going to make you file a new application is not there. Here is my amendment. Here I go. I put it in. I had one three months ago, but I have another one now. Even though it was discretionary that you could do it, now that the language is gone that says you can do it if you want to, you cannot do it.

Ms. Mackedon:

If there was a concern that a new application needed to be filed, like . . . Trying to think of a wild example, like a Montessori school all of a sudden was like, we are going to put in an amendment application to become a fully virtual school. We would just deny the application, the amendment. We can already deny amendments. If someone is doing something that feels really out of line with what their charter application is, we will just deny the amendment completely. Like no, no, you may not go from being a Montessori school to being a virtual school, or no, you may not add another campus, your outcomes are not good.

Senator Daly:

Okay. I was just trying to get some clarification. I know and I have read your statute and your regulations more than once, and it is hard to follow. It is almost like *Code of Federal Regulations*. It is very convoluted, but there is a lot of it there. Those were my two questions. There are a couple of questions that I had. You did make some adjustments from the last time. And it looks like to me you kept some of the stuff specific to the State Public Charter School Authority even though it is duplicated in overall statute, but that separate authority administering that, so you kept it in your authorities. What I think were some of the concerns last time.

Ms. Mackedon:

That is exactly right, Senator Daly. In that same section, subsection 5, beginning on page 21. Right now, I think it is eight through ten. In the previous version, we had removed all of that, but based on your, you know, the committee's feedback, we left it in. So, you are exactly right.

Senator Daly:

Yeah. Okay. And one comment maybe for our staff, if I can Mr. Chair. I know it might be helpful, and I do not know if our Legislative Counsel Bureau can do it. When we have ones that come back like this, it would probably be helpful if we got just like we do during the legislative session, you have first reprint, second reprint, third reprint so you can go back and look and see what the changes were. That would be helpful, I think, if staff could provide that to us on ones like this because then I can say, all right, here is the new one and here is the one without having to go back 20 days to find the other one if it was just given to us. But that is for staff and maybe we can look at having them do that for us in the future. Because we have like three that are deferred today. That is going to be helpful next time we are looking at them. That is all I have, Mr. Chair. Someone else can make a motion.

Vice Chair Yeager:

Thank you, Senator Daly, and thank you for that suggestion about regulations that come back. I will share that suggestion with Chair Jauregui and let her make the call about whether to direct staff in that direction, but I think it would be helpful.

Are there additional questions from anyone on R080-24? I do not hear additional questions. Senator Daly said he does not want to make the motion. Would somebody else like to make the motion?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R080-24.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R080-24 has been approved. Commission members, that is going to take us to our main event of this afternoon, and that is the Secretary of State regulations. And I believe we

likely have Mr. Wlaschin in Carson City or maybe on Zoom. Thank you for your patience today, Mr. Wlaschin, and for being here for all these different regulations. I think we will just go back to the very first one that was listed on the agenda that was pulled that I had skipped over, and we will start there. So let us start with R042-25. That is the Secretary of State regulation, and I think Senator Hansen had a question on this one.

Senator Hansen:

Thanks, Mr. Chair. Yeah, I do. Several, actually. The question I have is in Section 2. We get a ballot back and it says that the United States Postal Service has found it undeliverable. We then direct the county clerk to use the United States Postal Service to again send a letter to the same address that they already said is undeliverable. And I do not quite understand the rationale here. Is there some other methodology you can use besides the United States Postal Service?

Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:

Thank you for the question, Senator. You are not the first to point that out, but it is the process for list maintenance given federal and state law to use the Postal Service to again notify a voter. The idea is that when we have looked at the possibility—and this is not just here in Nevada, but across the country—of using email or other methods to try to contact the voter to confirm, we do not know where the email goes to, but we know the Postal Service will deliver that to that parcel, which is in a precinct, which is the important part of the voter list maintenance process. While it definitely seems a little bit redundant, the intent is to make sure that the voter has an opportunity to identify if they are in fact there. And it happens sometimes. Mail, myself, to my family and I, has been redirected for some reason and then kind of worked its way to us later. But that is the intent behind it. Though, again, we are open to continuing to explore other options.

Senator Hansen:

Okay. No, obviously we do not want to overlook a legitimate voter, but it does seem a little bit silly that if the Postal Service says it cannot deliver letters to an address to then send that same address to the Postal Service and attempt to do it. Anyway, is there any actual data? I mean, you just mentioned your own case. Have you guys actually, or is there any studies or any evidence that when you do a second mailing that there had been a percentage of people that were in fact able to be found?

Mr. Wlaschin:

Thank you for the question, Senator. It is an excellent question. I will look into that and see if we can get some data and get it to you and the committee.

Senator Hansen:

Okay. Well, it just seems a little bit silly to me. It just looks silly that you get a notice from the Postal Service that they have it marked undeliverable and then we go to the Postal Service and tell them to deliver a letter to double check to make sure they are undeliverable. Anyway, that is my main concern with this.

Oh, there was . . . I am sorry, the cost. You guys are going to reimburse the counties for redoing this? Do you have any idea what the cost is going to be? I mean, how often do we do this anyway? Any data or anything on this?

Mr. Wlaschin:

Thank you, Senator. Yes, we do have data on this, and these are anticipated costs. They are annual costs, too. This voter list maintenance process is something that our county election officials conduct on an annual basis. During an off-cycle year it is done to keep our list clean just in case of a recall election or other special election. Then, as we approach the fall leading up to the start of a presidential or midterm election year, there is typically another mailer done. Again, the idea being to—while the counties have the time and the capacity to send that mailer—get our list as clean as possible on top of all the other numerous list maintenance processes prior to the start of the January candidate filing period. But we will get you some costs. We have those; I just do not have them handy here.

Senator Hansen:

Well, do you have a rough idea? I mean, you guys say, "To the extent authorized by legislative appropriation." I assume that means if we gave you guys enough money, you will reimburse the counties. If we do not, does that mean the counties have to eat it or what?

Mr. Wlaschin:

Thank you for the question, Senator. Yes. In fact, again, these mailers, because it can be official elections mail, the mailer that you have probably received at your own house over the last few months simply identifying that an election year was coming with the specific dates of early voting, by using, for example, outreach funding that the Legislature appropriated to the Secretary of State. That essentially pulls the costs from the counties so they can put their focus on other county-specific outreach methods to meet their constituents. But, you are exactly right, if appropriated, to let the Secretary of State and there is a way that we can, then we will, but otherwise, it will fall to the counties.

Senator Hansen:

Well, you guys have been doing this for a while then. Are there any cases where you guys have in fact not been able to reimburse the county?

Mr. Wlaschin:

Thank you, Senator, for the question. The Secretary of State's Office only started getting an outreach budget in the 2023 Legislative Session. Prior to that, I believe it was less than \$1,000. This is still that element of it. The state paying and assisting the counties in the development of an outreach document relating to the upcoming election cycle is still relatively new.

Senator Hansen:

Okay. Very good. Those are my questions. Yeah, I would like to see that data at some point. And you know, maybe in the future we will be able to come up with some methodology to improve on the snail mail process that we are using now. Thank you, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator. Additional questions from Commission members on R042-25? I do not hear additional questions. Would someone like to make a motion to approve?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R042-25.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R042-25 has been approved. That will now take us to R088-25. Again, this is a Secretary of State regulation, and I think we will start questions with Senator Daly.

Senator Daly:

Relatively straightforward, probably just for my edification on this, but in Section 1, subsection 1, how does—and maybe you cannot answer for the Postal Service, I do not know—how do they determine when they have actual possession? I think the regulation says that when you are looking at the date, you know, that they put on there, what do they put in the barcode, or whatever. Is the actual possession . . . How do they determine their actual possession? And then, how does that relate to the last day it can be mailed in? I just am unclear on that. I am hoping there is some clarity.

Mr. Wlaschin:

Thank you for the question, Senator. It is actually a very interesting process that I have learned more about in the last few weeks, even. The Office has reached out to and actually had a number of meetings, including one of the U.S. Postal Service Governors, who explained the process. And there is a far greater number of scans that the Postal Service does when they receive a mail parcel, including official elections mail going in or out. And that is really what this regulation is trying to get at, that in the U.S. Postal Service systems, if they identify that they have come into the possession, especially given some of their recent changes to when postmarking occurs, the goal is to identify when, in fact, the Postal Service does have that so that we can conduct an analysis to see if there is a discrepancy between the receipt date that where it is in their hands and when they postmark it. And the more that we learn, the more we are going to try to integrate and receive their raw data so that we have a better understanding of where mail ballots are in the process, from the time a voter puts it into a blue box or mails it from their residence until the time it is receipted by the county election official. I think the short answer is that there is a number of other tools that, frankly, they do not advertise because they are internal processes that we are working currently to get our hands on and to receive that data for the betterment of our voters.

Senator Daly:

Understood. I know a lot of this, and I have nothing against the regulation, I am just trying to make sure I understand it. People ask me questions; I want to know. I try to make sure I give accurate information. In addition to the postmark, which is what everybody's new and used and meant that, that is the day they received it, the postmark used to be, and then they change that. They are going to do that differently. But you are saying they have other internal processes that can be detected, that information that can be received regarding the language you use when the Postal Service obtained official possession. And that is what we are trying to get to. We want to know when did they actually get it? It was mailed by somebody; it was in their possession on or before the last day that it can be received. You

are trying to get to that additional information so we have the best process to know it was mailed in time. And then there is the three days or four days once you have established that date, if you cannot read the postmark, or there is just not one there, or you do not have that information. If it is received in three days that ballot is probably going to be good, according to our current statutes. And I know there is litigation out there that, you know, what is going to happen, and we will all abide by whatever it is. But then if you can detect if it was there or not, and you have that reliable . . . And I just wanted to make sure that that was reliable for everybody. It is just an additional internal process that hopefully we can have the best information on. Is that what we are trying to get to?

Mr. Wlaschin:

Yes, Senator. That is exactly right, especially given that the U.S. Postal Service has acknowledged that they do not put a postmark on every piece of mail that comes through their office. There are situations, a lot of situations that again, are more frequent, frankly, in our rural communities where mail will pass through a post office and simply not be postmarked. In fact, there is also a specific U.S. Postal Service policy where they apply exceptional measures to official elections in mail. It varies when this time period occurs in each election year. We have heard that there is a possibility they may extend it to 7 to 15 days before the general election this coming November. And during that period of exceptional measures, they deliberately do not postmark things to try to expedite the mail through the system to get it to that county election official. This process, exactly the additional data that we are looking at, is intended to increase our confidence about when mail ballots are received. And again, to provide a better analysis, not only for you, the decision-makers, regarding future legislation, but also for outreach purposes, for voter confidence in a number of other type processes.

Senator Daly:

Thank you, and just a final comment, basically. Prior to all of the uproar and various things about all of this stuff, there have been states, Utah, for instance, had mail-in only elections for 20 plus years. I mean, they have been doing it a long time; Oregon, several other places. And now it is horrible, in some people's views. We had set up prior to with the postmark, which basically everybody could fairly rely on, and you said sometimes they do not use the postmark. We set up in our statutes that if we determine the postmark when, and now we are going to try to determine when they actually physically have possession, if it is on or before election day, it has up to four days to arrive. If there is no postmark, and I think your Section 1, subsection 2 says if it is ineligible, not there, or—I think we should use the word if it is otherwise *undeterminable*, but that is not there—but if it is, “illegible, incomplete or otherwise absent,” our statute says it has to be received three days, and if it is, we are taking the position that it was mailed on time. So, this is just an extra tool to give us greater confidence to find every opportunity to make sure it was mailed on time.

Mr. Wlaschin:

Yes, Senator. That is, again, absolutely accurate. We did an analysis fairly recently that identified across the 2.1 million active registered voters in our state, 1.8 million of them—so approximately 87 percent—have used the mail ballot at least once, and this is only in the last five elections, so the two elections in 2022 and the three elections in the 2024 election cycle. Across those five elections, 1.8 million Nevadans have used the mail ballot, so that is part of the reason why we are conducting this analysis and putting so much focus on making sure that Nevadans’ voices can be heard through their voting, however they choose to do so.

Senator Daly:

Those are all my questions, Mr. Chair, and I will be willing to make a motion when we get there.

Vice Chair Yeager:

Thank you, Senator. Are there additional questions on R088-25? I do not see any here in Las Vegas. I see some hands in Carson City. Let us start with Senator Titus.

Senator Titus:

Thank you, Mr. Chair, and thank you for being here. I have a bit of a concern about that last number you said that 87 percent of Nevadans have used mail ballots. Now, does that mean they drop them off at a drop box or they actually put them in the mail?

Mr. Wlaschin:

Thank you for the question, Senator. That aspect of it, I do not have the numbers in front of me and do not know that we have it tracked necessarily. Some did drop them in drop boxes. You are absolutely right. I think this is perhaps the point you are getting to, but also an unknown number did use the Postal Service. I do not have that right in front of me now though.

Senator Titus:

Well, I want to go on the record of encouraging folks not to use the mail and put them in a drop box. Thank you.

Vice Chair Yeager:

Senator Hansen, please.

Senator Hansen:

Thanks, Mr. Chair. Okay, a couple of things. You just testified the U.S. Postal Service officially does not postmark certain things during election seasons. Is that what I heard?

Mr. Wlaschin:

That is accurate. Yes, sir.

Senator Hansen:

Okay. That is crazy. You know, the biggest concern that we have on our elections is the potential for fraud. And now we are going to sit here and say that we openly acknowledge that the Postal Service is not in some cases intentionally postmarking a ballot. And then we are going to allow those to be counted up to four days after the close of the election. You want to open up a Pandora's box of conspiracy theories as to how election fraud can occur in Nevada, you just did it. Because in my mind, one of the questions I had for you is how often this occurs. How often does the Postal Service fail to actually mark it? You just said that they intentionally are not marking ballots. We could have literally bags and bags of them coming in with no postal mark, and there is no way to verify they even went through the postal system then. So, I do not know; the whole thing makes me very, very uncomfortable.

Also, I know this is something for the Legislature to do, but it seems like Nevada's been the laughingstock of the nation in some elections because of the long, extended, endless counting of the ballots. The gold standard appears to be Florida. I would love us to do an analysis and compare their system because they already went through the whole "hanging chad" issue 25 years or so ago now, but they got their system dialed in very well. I would love to get some recommendations down the road from the Secretary of State's Office as to how to eliminate the fear in Nevada of fraudulent ballots being snuck through the Postal Service. And now that we know . . . We actually have officially been told that the Postal Service will not mark ballots at certain times. That just blows my mind because I honestly thought, well, you know, guys get a little bit conspiratorial, and I am sure there is not a situation where the Postal Service does not mark ballots, but in fact, they "intentionally" do not mark ballots. So, two things. One, I am . . . Because this regulation is required by NRS, it is not you guys, you guys are just trying to comply with the NRS, am I right on that? This does not go beyond what the NRS requires of the Secretary of State's Office when it comes to this?

Mr. Wlaschin:

We are simply clarifying. Thank you, Senator. Yes, we are clarifying the statute.

Senator Hansen:

Okay. Well, you know, one of our roles of the Legislative Commission is to make sure you are within the bounds of the statutory requirements that we created. So, I am not going to vote no on this, but I just got some huge problems with this whole concept that we can wait up to four days after an election to see if the ballots have been marked by the Postal Service, when in fact, the Postal Service openly acknowledges that they do not mark ballots. It just opens up a huge Pandora's box of potential for at least the appearance of an impropriety and opening a possibility of fraudulent elections where people bring unmarked ballots after, in fact, the election is totally closed, and then we cannot say, well, you know, it is a tiny, tiny percentage that the Postal Service smeared the mark. In this case, we are actually acknowledging that the Postal Service will intentionally not mark ballots. This is crazy. I am going to have to vote yes because you guys are following our guidelines, but we, as a legislative body, need to review this very carefully. Thank you, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator Hansen. Are there additional questions on R088-25? Not seeing additional questions, would someone like to make a motion to approve?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R088-25.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR TITUS VOTED NO.)

Vice Chair Yeager:

The regulation is approved; the motion carries. Next, we will go to R089-25; again, this is the Secretary of State. And I believe Senator Daly, we will start with you on this one as well.

Senator Daly:

Thank you, Mr. Chair. Fairly easy question, just to clarify and get it on the record. If I read this correctly, all of these potentials for reasonable waiver of a penalty, none of it will apply if you have not been regularly and consistently turning in the reports. If you have a one-time miss, and you have one of these excuses, if you will, then maybe you can be eligible for the waiver—not necessarily you get it, but you are eligible—but if you have not been turning them in or you have a consistent history or a history of missing it in the last three years, you do not get the consideration. Is that correct? No excuses?

Mr. Wlaschin:

Thank you, Senator, for the question. Yes, that is accurate, exactly as you described it. There is an exception upfront, but continued noncompliance does not contribute to the possibility of a waiver or reduction but rather leans closer to that maximum fine depending on what the statutes have identified, based on the fee schedule.

Senator Daly:

That was my only question, Mr. Chair. I just wanted to get that on the record. Thank you.

Vice Chair Yeager:

Thank you, Senator. Are there additional questions on R 089-25? Senator Hansen, please.

Senator Hansen:

Thanks, Mr. Chair. Let us see. Section 1, 2, page 5 of my regs. "The omission of a ballot during the initial tabulating of the votes cast. If the ballot was subsequently identified and tabulated before the canvass, the returns . . ." Are we talking about the mail stuff that we were just working on, on regulation 88?

Mr. Wlaschin:

I am sorry, Senator. This is the . . .

Senator Hansen:

Section 1, as you . . .

Vice Chair Yeager:

Senator, I think you may be on a different regulation. We are on R089-25.

Senator Hansen:

My apologies. You are correct.

Vice Chair Yeager:

Hold that question for the next one. Okay, so we are on 089-25, which is about the penalties or a reduction waiver of civil penalties for not filing campaign finance reports. Any additional questions on this regulation? Okay, I do not hear additional questions. I will take a motion.

SENATOR DALY MOVED TO APPROVE R089-25.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R089-25 has been approved. Now we will move to the next one, which is R090-25, Secretary of State, revises various provisions relating to elections. And now Senator Hansen, I think your question would be in order.

Senator Hansen:

Thank you, Mr. Chair. All right. Question is Section 1, "Secretary of State will interpret the term 'clerical errors' to mean" Number 2, "The omission of a ballot during the initial tabulating of the votes cast if the ballot was subsequently identified and tabulated before the canvass" Is that the mail-in ballot question that we were just addressing in Regulation 88?

Mr. Wlaschin.

Thank you for the question, Senator. No. This specifically relates to the conduct of the canvasses of the vote by the county commissioners or board of supervisors not later than the tenth day after the election. There is a requirement for the county election officials or city election officials to identify clerical errors. What we are talking about here are legally cast ballots. In some cases, they may be a mail ballot that was received in a timely manner by the county election official. It was not only received but accepted. In other words, that voter had not voted in person, the signature matched, everything else was in alignment. There were two ballots. Those sorts of things, regardless of the presence of a postmark or not. But as this happened, to be blunt, in the past, thankfully, this is extremely rare, but if a ballot is identified as being under something, was not tabulated as part of the initial batch of results. Again, this clarifies that that must: (1) be reported to the county commissioners or city board of supervisors as appropriate; and (2) absolutely included in that total count, again, as long as if it was a mail ballot, it must be tabulated not later than the seventh day after the election. But this simply identifies that if a county or city election official were to, or county election official, were to find that ballot and it is timely, et cetera, they must tell the county commissioners about that, so that it is on the record very publicly about what had occurred.

Senator Hansen:

Okay, then it is much broader than what my initial impression was. It really is not just a mail stop. It is any clerical error, and it has to be reported. The current requirement is all the ballots have to be counted by the seventh day, is that correct?

Mr. Wlaschin:

For mail ballots, yes, sir.

Senator Hansen:

So really, we are extending it out seven days after the official deadline then. Thought it was four for some reason, but my apologies.

Real quick, jump to Section 10, 4, page 15 on mine. It says that, "The number of mail ballots received after 5 p.m. on the third day following election day that were not postmarked and not counted." Is that where you guys pick those up on the actual count for the mail-in ballots? Is that where the final tabulation basically comes in? These are the ones that were not postmarked and not counted. When is this actual number four applied, the number of ballots? This is on the third day, fourth day, seventh day?

Mr. Wlaschin:

Thank you for the question, Senator. All of Section 10 relates to data and transparency. So, you are right, that after election day, the county clerks are able to receive a mail ballot that is not postmarked by the third day. If it is postmarked by the fourth day, a signature cure by the sixth day, must be tabulated by the seventh day. These other additional statistics though, and you will notice—and you are not the first to ask, but I appreciate you putting it on the record—that the fact we are asking for data from the counties out through the thirtieth day, for example, identifies, for us, a lot of very useful information.

Senator Hansen:

Now that you have explained that, that makes perfect sense. But have we been doing that or is this a brand-new concept? I mean, what I would love to find out is how many ballots are actually, fairly consistently not postmarked, put aside, then were determined to actually have been, they are considered by a Nevada law valid. What percentage, how many in total in an election cycle, and things like that. That is where this kind of . . . This is your safety net where you catch that. Now, this information is then reported to the Secretary of State or to the county clerks? Who does the final tabulation?

Mr. Wlaschin:

Thank you for the question, Senator. This is data that would come from the counties to the Secretary of State so that we could provide it in a timely manner to the Legislature prior to the start of the legislative session for decision-making, as well as members of the public for transparency.

Senator Hansen:

Good. Now, have we done anything like this previously? Is this a brand-new concept?

Mr. Wlaschin:

In bits and pieces. Some counties have provided it. But to be frank, the goal here is consistency across the state. Every voter's vote matters. And frankly, the data across all 17 counties is important to assist the Secretary in everything from discussions about outreach to a number of other things.

Senator Hansen:

Good. No, that will be very interesting to see. Obviously right now, I feel like I am making decisions based on theoretical stuff. If you guys actually have numbers . . . Like I said,

though, I am still shocked that we could have the Postal Service officially not marking ballots, but that will obviously be picked up in this count after 45 days. Okay, and that is my last question on this one. Thanks, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator. Are there additional questions on R090-25? Seeing no additional questions, I will take a motion.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R090-25.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R090-25 has been approved. We will go to the next regulation that has been pulled, and that is R103-25, Secretary of State, establishing provisions governing written challenges. Senator Hansen, I believe you had a question on this one.

Senator Hansen:

Thank you, Mr. Chair. Indeed, I do. On Section 1, number 3. I think this is all brand-new again. I do not know if this is following NRS, or if this is something that is just being adopted through NAC by the Secretary of State's Office. "When conducting an assessment, pursuant . . . the county clerk shall determine whether" or not a person is basically, has personal knowledge, and the person is not a reliable person. That is kind of an unusual thing. Do the county clerks normally get to . . . Because previous to this, I believe it was the Secretary of State's Office themselves. But you have really put an unusual onus on a county clerk to determine a lot of very personal and making a really [inaudible] call. If the county clerk will basically be able to say if the person does not have personal knowledge, the person is not a reliable person. I mean, how have we done it previous to this? Is this brand-new, or is this just some fine-tuning of an existing practice?

Mr. Wlaschin:

Thank you for the question, Senator. So, this regulation is related to NRS 293.535. It is one of the challenge provisions in 293. Your question specifically to putting the onus on the county clerk for that assessment, that, I really think, is in part intended to take the person who receives the complaint. And oftentimes, our county election officials, when they get these sorts of challenges, are talking with the challenger, one-on-one. Those phone calls are made that the most appropriate person to, again, not only in some cases, look the person in the eye, have discussions with them to determine the nature of the challenges. And I will tell you, far more often than not, the challenges are coming from challengers who yes, are legitimate, well-intentioned, have these requirements, or are oftentimes trying to interpret the statute and do not have clarity, which is part of the reason why this regulation was intended. But in the event that a county election official perhaps receives, say 20 challenges, sends the affidavits as required by our statute, and all 20 come back saying no, I have not moved, I do not know who attested to that, that is not true, that would indicate very clearly that that individual, despite having an attestation under penalty of perjury, that they did have personal knowledge, was simply not a trustworthy individual.

Again, those interactions, the back-and-forth, the communication from the voters are all to and from our county election officials, which is why it made the most sense to put that in the county-elected official elections officials' hands and not to try to consolidate that with the Office of the Secretary of State.

Senator Hansen:

Okay. I got some real heartburn over that, I gotta tell you. If in fact, somebody does file one of these and the clerk determines that whoever it is does not have personal knowledge and is therefore not a reliable person, is there an appeals process or something? I mean, are they the judge, jury, and executioner in this reg?

Mr. Wlaschin:

Thank you for the question, Senator. The appeals process, I think, would simply be a matter of submitting additional challenges trying to explain and justify if there was some sort of question or confusion. Again, this is not something that, even in the discussions I have had with county election officials, they take lightly any more than we at the Office of the Secretary of State take lightly. It is a voter's privilege to be able to, frankly, it is a statute. It is a legal right to be able to challenge somebody that you know is not a citizen, is not a qualified elector, those sorts of things. This is again, so that that element of it is preserved, absolutely. But this is simply to make sure that if somebody is trying to pull a fast one and using some improper source or trying to do a blanket statement, "All 5,000 of these people I know for a fact they have moved," and they have not, that not only disrupts the county clerk's time, but also requires by law that those challenges, those affidavits, be sent to the voters. And again, receiving a formal notice that you have been challenged oftentimes has been shown—and this is not just in Nevada, but historically, across our country—to disenfranchise people. Rather not vote than risk getting some sort of legal repercussion. It is something that we take very seriously. We are going to look closely at it to see if it even applies in this coming year. Hopefully not. Again, hopefully, every challenge that is made is valid and it addresses a specific need under our statutes. But in the event we have unreliable persons attempting to exploit the statute, then we will know about it, and I will be able to provide information to the Legislature during the next session.

Senator Hansen:

Well, I will look forward to that, but I still think that we should not put too much of an onus on people who want to challenge people that may in fact not be legal citizens and should not be voting in our election cycle.

The last question I have got is on the very end of the regulation where you guys add the term *personal knowledge*. "The term does not include speculation, hearsay or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information." So, they cannot use any sort of database or compilation of information when they file one of these challenges?

Mr. Wlaschin:

Thank you for the question, Senator. That is correct. And the reason being is that when you use a database, you now have personal knowledge of a database; you do not have personal knowledge that somebody has moved to Florida or Texas. Again, we get challenges. I know my neighbor moved to Texas. I helped box his stuff up. He said he did not need cold weather stuff anymore, so he gave me all his jackets and skis. He moved to Texas, and I saw him off. He is in Texas now. That is personal knowledge. Looking at somebody's

pictures on social media, looks like they have moved to the Bahamas, maybe they are on vacation. You have knowledge that they posted pictures on social media, but you do not have knowledge of what they have actually done and moved. And challenging someone's voter registration is an extremely serious thing that we take very seriously. And again, if we are going to call someone's registration into question, there needs to be personal knowledge, as the statutes require.

Senator Hansen:

Okay. Well, to me, you can have personal knowledge, but you can back it up by having some data or compilation of information. My impression in this regulation is that information will not be allowed. It has to be firsthand, exclusively. Am I reading that correctly?

Mr. Wlaschin:

Thank you for the question, Senator. Yes, that does not include speculation, and it has to be firsthand observation or experience.

Senator Hansen:

Okay. Well, thank you. Thanks, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator. Are there additional questions on R103-25?

Senator Titus:

Yes, please. Thank you. Follow-up on that same line of questioning. I have a little concern about, again, that personal knowledge and how you described it versus, if the neighbors tell somebody, hey, these people do not live here anymore, that neighbor is not very political, but they know somebody who is, and that person who is comes and signs that affidavit, that is not going to be good enough. It would have to be the neighbor complaining they do not live here anymore, because there are lots of ways to determine that somebody does not live in a location anymore. And I worry again that this personal knowledge is going to be so restrictive that it is going to be inefficient. And there will be people still voting, or at least mail ballots will be sent out to these folks that should not be receiving them.

Mr. Wlaschin:

Thank you for the comment, Senator. I do have one quick comment to add. I understand your concerns. I do want to reassure you, though, that the intent from the Secretary of State's Office is not to make this one reg and then stop. We are exploring additional methods, including text messages, and letters, and those sorts of things. These are the sort of nonactionable outreach that we can conduct. For example, if we saw someone moved to Texas, if someone says, hey, I think my neighbor said that our other neighbor moved to Texas, if we hear about even second and thirdhand like that, we absolutely can send text messages and letters. We just simply cannot inactivate or cancel the registration, but we would very much intend to use some of the outreach budget the Legislature appropriated and a number of other factors that we are looking into to text, hey, it appears you may have moved to Texas. Did you know you can cancel your voter registration by going to vote.nv.gov? We encourage you to do so, and having that sort of messaging, because at the end of the day, again, we all want clean voter rolls 100 percent. And the key is to make sure that we are doing it either in ways from the electorate, pursuant to statute, or again,

finding creative ways to reach out to these individuals so that they update their own voter registration or cancel it for, again, the good of our voter rolls.

Senator Titus:

If I might follow up, Mr. Chair? Do you have any records and numbers of folks who filed an affidavit saying they do not live here anymore, they show up to vote, and their name is not on there? You said it would not be fair, and I agree with you. If you are entitled to vote, you should be able to vote. Do you keep records of how often it actually occurs that there has been somebody that said, hey, they do not live here anymore, and it turns out they indeed do?

Mr. Wlaschin:

Thank you for the question, Senator. The mass usage of this statute to challenge individuals is relatively new. We have seen cases where in excess—and this happened actually in one of our larger counties just recently—in excess of 700 of these affidavits were initially proposed to the county registrar who went through . . . He and his staff—kind of gives it away, I guess—identified that only 86 of them, actually, were legitimately untouched, that the rest had been caught by list maintenance processes; in some cases, have been updated, otherwise. I do not have numbers of—at least in front of me and I will look to provide them to the committee, if I can get them—of individuals who are challenged, who still were in the state. But it is something that we are looking very closely at, to both respect those voters' rights as well as to make sure that we have the right information for you.

Senator Titus:

Thank you, and just a clarification for me. I have felt that in the past, the person that files an affidavit has to live in the precinct that they are filing on. Is that being removed now so, the person that has not personal knowledge, let us say you are the cousin and you live across town. They have moved, but you do not live in that same precinct. It talks about you have to know the precinct of where the person lives, but the person filing the affidavit does not have to live in that precinct?

Mr. Wlaschin:

Thank you for the question, Senator. The requirement to identify the precinct is a different challenge. This process under NRS 293.535 actually allows an elector or other reliable person, so this challenge process can be conducted by somebody who does not live within the precinct. I believe that is 293.303, if I remember correctly, but that is not this process that this regulation relates to.

Senator Titus:

All right, thank you. Thank you, Mr. Chair.

Vice Chair Yeager:

Thank you, Senator. Are there additional questions on R103-25? I do not see additional questions. Do I have a motion to approve?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R103-25.

SENATOR LANGE SECONDED THE MOTION.

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

Vice Chair Yeager:

R103-25 is approved. We are almost there folks. We just have a couple more. We will next go to 2026 regulations, and we will start with R001-26. Again, this is the Secretary of State. It is a regulation revising provisions relating to required notifications of Legislator resignations. Senator Hansen, we will start with you on this one.

Senator Hansen:

Thanks, Mr. Chair. Just one quick question. Is there a penalty if a Legislator, former Legislator does not comply with this?

Mr. Wlaschin:

Thank you for the question, Senator. No.

Senator Hansen:

Okay. So, it is a regulation but there is no real . . . What happens if, you know, I resign, quit, whatever, and I do not do it. Nothing? There is nothing? I mean it does not affect me down the road at all? Okay. All right. That was my only question. Thank you.

Vice Chair Yeager:

Thank you, Senator Hansen. Other additional questions on R001-26? I will take a motion to approve.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R001-26.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R001-26 has been approved. That takes us to our last regulation for this afternoon, and that is R002-26, a Secretary of State regulation revising provisions relating to bank interest. Senator Daly, would you like to start on this one?

Senator Daly:

Thank you, Mr. Chair. Actually, I went back and reviewed and looked at everything and I do not have any questions, but I will make a motion when you are ready.

Vice Chair Yeager:

Thank you. Does anybody else have a question on this regulation? Okay, hearing none, Senator Daly, please.

SENATOR DALY MOVED TO APPROVE R002-26.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Vice Chair Yeager:

R002-26 has been approved. So good work, committee, getting through that. We still have a little bit of business to do, but that will close Agenda Item IV.

AGENDA ITEM V—DESIGNATION OF MEMBERSHIP OF LEGISLATIVE INTERIM COMMITTEES

Vice Chair Yeager:

And that will take us next to Agenda Item V. Agenda Item V is the designation of membership of legislative interim committees. In your packet of meeting materials, you have a letter (Agenda Item V) from Assemblymember Max Carter, Chair of the Regional Rail Transit Advisory Working Group. He is requesting a member replacement and the appointment of five nonvoting members to round out the Working Group. It does seem pretty straightforward to me, but we do have Roger Wilkerson, Deputy Director of the LCB, here if the Commission has any questions about this particular item. Are there any questions from Commission members on Agenda Item V?

Senator Titus:

Mr. Chair?

Vice Chair Yeager:

Senator Titus, please.

Senator Titus:

Thank you, sir. Just a clarification that these nonvoting members, they are not reimbursed to attend these meetings or participate, so it is not costing the state any additional funds?

Vice Chair Yeager:

Thank you, Senator Titus. We are going to have Legal Counsel just look that up really quick to make sure we get the right answer.

Mr. Killian, previously identified:

Thank you, Mr. Chair. Yes, under AB 256, Section 1, subsection 7, the members serve without compensation and are not entitled to per diem and travel, so that would also extend to the nonvoting members that they would also not be eligible for compensation.

Senator Titus:

Thank you, sir.

Vice Chair Yeager:

Okay. Thank you. Additional questions on Agenda Item V? Okay, I do not hear any, so I would take a motion to appoint the members as listed under Agenda Item V.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE ROSS KINSON TO REPLACE PREVIOUSLY APPOINTED RICHARD LANDON REPRESENTING A LABOR UNION REPRESENTING RAIL OR PUBLIC TRANSIT EMPLOYEES IN WASHOE COUNTY AND THE FOLLOWING NONVOTING MEMBERS:

- ANN BARNETT, CHIEF EXECUTIVE OFFICER, NEVADA CONTRACTORS ASSOCIATION;
- CHRIS BURKE, VICE PRESIDENT OF REGIONAL OPERATIONS, GRANITE CONSTRUCTION, INC.;
- GABE CHRISTENSON, NEVADA SAFETY AND LEGISLATIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS;
- TARA FRANK, NEVADA'S DEPARTMENT OF TRANSPORTATION; AND
- ED LAWSON, MAYOR, CITY OF SPARKS, NEVADA.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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

Vice Chair Yeager:

That will next take us to Agenda Item VI, which is the appointment of members to committees and similar entities. Mr. Wilkerson is going to assist us with this item, so please proceed, and then we will see if we have any questions. Thank you.

Mr. Wilkerson, previously identified:

Thank you, Chair. In your packet you will see recommended appointments for 15 bodies this afternoon (Agenda Item VI). And in the interest of time, I will not detail all of the bodies, but 14 of the 15 sets of appointments are to appoint or reappoint Legislators to serve on various advisory entities. The other set of appointments in your packet is to reappoint two currently serving nonlegislators to the Advisory Council of Mortgage Investments and Mortgage Lending. And finally, there is a sixteenth item before the Commission to recommend that the Governor reappoint Assemblymember Brown-May to the Nevada Early

Intervention Interagency Coordinating Council. I am happy to answer any questions you may have or phone a friend as necessary. And if you wish to proceed with this item, the appropriate motion would be to move to approve these appointments and this recommendation. Thank you, Chair.

Vice Chair Yeager:

Thank you, Mr. Wilkerson. Are there any questions on Agenda Item VI from Commission members? I do not hear any questions, so I will take a motion to make these appointments as stated.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE THE APPOINTMENTS AND RECOMMENDATION AS STATED BY MR. WILKERSON.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM VII—REQUESTS FOR ADDITIONAL MEETINGS FROM LEGISLATIVE INTERIM COMMITTEES

Vice Chair Yeager:

That next takes us to Agenda Item VII, and this is a request for additional meetings from the Joint Interim Standing Committees on Health and Human Services and Revenue (Agenda Item VII). To help us with this, we are going to pass it over to Jennifer Ruedy, Research Director of the Research Division, to present and then we will have a chance for questions.

Ms. Ruedy, previously identified:

Thank you, Chair Yeager. You stated pretty clearly the Commission's packet today has two letters from Chairs of interim committees requesting one additional meeting each. The first one is from the Chair of the Joint Interim Standing Committee on Health and Human Services. The second one is from the Chair of the Joint Interim Standing Committee on Revenue. I will note that the letter from the Chair of the Joint Interim Standing Committee on Revenue is not only requesting one additional meeting but also asking that that additional meeting be allowed to happen prior to the November general election, so most likely in October, due to a report that 2025 legislation is requiring to be submitted from the Cannabis Advisory Commission, I believe. And that report is not due until October 5. Thank you.

Vice Chair Yeager:

Thank you, Ms. Ruedy. Do we have any questions about Agenda Item VII?

Senator Titus:

Yes, sir.

Vice Chair Yeager:

Please.

Senator Titus:

Thank you. I am going to ask basically the same question because when we have these committees, we do get reimbursed travel and time. Have these all been budgeted; do we have the finances for this; and do we need then to take that to IFC [Interim Finance Committee] for approval of additional funding?

Mr. Killian, previously identified:

Thank you, Mr. Chair. Just to help out on that point. The Legislative Fund contains an amount of money that budgeted for these meetings, generally. There is sufficient additional funding available to cover these additional meetings without creating any hardship for the Legislative Fund at this time.

Senator Hansen:

Mr. Chair, I have another comment.

Vice Chair Yeager:

Please.

Senator Hansen:

Thank you. I am going to vote no on this. I think that the *Nevada Constitution* is pretty clear that we are supposed to be doing our legislative duties in a 120-day window. We are now going to extend all these interim permanent committees in a window of time, which we are not constitutionally allowed to do. I have said that, when the whole thing came up, so this is not something new, but I think we are supposed to be doing our duty during that 120-day window. When we had temporary committees, that is one thing, but we are now having basically almost a full-time Legislature, and now we are going to add additional time for doing stuff that we are supposed to have been doing during the regular session. I cannot tell you how many Fridays we took off—which I enjoyed very much—but it does not seem like that is in compliance with the 120-day window that the *Nevada Constitution* requires us to do our duty under. So, I will be a no on this.

Vice Chair Yeager:

Thank you, Senator Hansen. Any additional questions? I do not hear questions. I will take a motion to approve the request under Agenda Item VII.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE THE REQUEST FOR ADDITIONAL MEETINGS BY THE JOINT INTERIM STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE JOINT INTERIM STANDING COMMITTEE ON REVENUE.

SENATOR LANGE SECONDED THE MOTION.

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

Vice Chair Yeager:

Those meetings have been approved, which means we will get the report referenced in October—well, those of you returning to the Legislature will get the report. I know that all of you will read it, carefully. That takes us through Agenda Item VII.

AGENDA ITEM VIII—PUBLIC COMMENT

That takes us to the last substantive item on the agenda, and that is public comment under Agenda Item VIII. Just a reminder, public comment is limited to two minutes, and you need to identify yourself before you speak. We will start here in Las Vegas. Has anyone remained here who would like to give public comment? Okay, we are getting a shake of a head no from our one remaining audience member here. How about in Carson City? Would anyone like to give public comment in Carson City? Does not look like anyone is running to the table, so no public comment in Carson City. AVH, could we please go to the phone lines and see if anybody has been hanging around to give public comment?

AVH, previously identified:

Thank you. If you would like to provide public comment today, please press *9 to take your place in the queue. Once more, please press *9 to provide public comment.

Ms. Gifford, previously identified:

Good afternoon again. I thank you for the opportunity to speak again. There has been discussion today that addresses the need for the approved regulations to be in sync with the *Nevada Revised Statutes* they support. At this time, the *Nevada Revised Statutes* they support are not in sync with the regulations that support them. Please know that is not meant to be sarcastic or disrespectful, just a plea to emphasize the urgent need to have our statutes codified as soon as possible. Nevadans will appreciate the Legislative Commission's support in getting this done. Thank you.

Vice Chair Yeager:

Thank you for your public comment, and I did have an update for you. The *Revised Statutes* are currently at the State Printer's Office so they should be concluded, and uploaded, and available in very short fashion. Thank you to LCB and our staff for making that happen, especially in the midst of a special session that I think through the timing off a little bit on the codification this year.

AVH, do we have any additional public commenters on the phone?

AVH:

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

Vice Chair Yeager:

Okay, so we will close public comment, Agenda Item VIII.

That takes us to everybody's favorite agenda item, Agenda Item IX, and that is adjournment. Thank you, Commission members, and thank you for those who filled in for others. I know it is a big task to come into this committee and have 48 regulations to review, but I appreciate all of you. I hope you all have a wonderful evening, and we will see you in a couple of months. This meeting is adjourned.

draft

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Janet Coons
Research Policy Assistant
Research Division

APPROVED BY:

Assemblymember Sandra Jauregui, Chair

Date:

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Ron Voight	Public Comment
Agenda Item II B	Nevada Advanced Practice Nurses Association	Public Comment
Agenda Item II C	Genetic Counselors Association of Nevada	Public Comment
Agenda Item II D	National Nurses Organizing Committee-Nevada	Public Comment
Agenda Item II E	National Nurses Organizing Committee-Nevada	Public Comment
Agenda Item II F	High Sierra AHEC	Public Comment
Agenda Item II G	Elisabeth Lernhardt	Public Comment
Agenda Item II H	Keri Piper-Colonna	Public Comment
Agenda Item III	Tarron L. Collins, Office Services Coordinator, Director's Office, Legislative Counsel Bureau (LCB)	Draft Minutes of the Meeting Held on December 17, 2025
Agenda Item IV	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Administrative Regulations
Agenda Item V	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	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	Jennifer Ruedy, Research Director, Research Division, LCB	Requests for Additional Meetings From Legislative Interim Committees

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