



NEVADA LEGISLATURE LEGISLATIVE COMMISSION

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

DRAFT MINUTES

June 30, 2026

The third meeting of the Legislative Commission for the 2026 Calendar Year was held on Tuesday, June 30, 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 (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Assemblymember Sandra Jauregui, Chair
Senator Marilyn Dondero Loop for Senator Nicole J. Cannizzaro
Senator Rochelle T. Nguyen
Senator Melanie Scheible
Assemblymember Shea M. Backus
Assemblymember Max E. Carter II for Assemblymember Howard Watts
Assemblymember Gregory T. Hafen II
Assemblymember Brittney M. Miller for Assemblymember Steve Yeager, Vice Chair

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
Daniel E. Rushin, Chief Financial Officer, Director's Office, Administrative Division
Tarron L. Collins, Office Services Coordinator, Director's Office, 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
Virginia Weitzel, Research Policy Assistant, Research Division

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

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

Chair Jauregui:

Good afternoon, everyone, and welcome to the Legislative Commission's third meeting of 2026. Madam Secretary, will you please call the roll?

[Roll call was taken.]

Chair Jauregui:

Thank you. We have a quorum. Some quick housekeeping for those here in person in Las Vegas, in Carson City, and those listening online. If you 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 website, and in addition, we accept written comments that may be emailed or mailed before, during, or after the meeting. The information regarding where to send written comments is also on the website and listed on the agenda for today's meeting.

AGENDA ITEM II—PUBLIC COMMENT

Chair Jauregui:

Item II is public comment, so we will be accepting public comment starting down here in Las Vegas in person, then we will move to public comment in Carson City, and we will end by taking public comment over the phone. There will be two periods of public comment, one at the beginning of the meeting and one at the end of the meeting. Please remember that comments will be limited to not more than two minutes per person.

If there are any people here in Las Vegas, I invite you to please sit at the witness table, and at this time we will begin public comment in Las Vegas. I would like to remind everyone giving public comment to please clearly identify yourself by first and last name. If you could please spell your first and last name for our Secretary for the minutes, and if you have not done so, please sign in by the clipboard before you leave today's meeting. If you have written copies of your comments, I would encourage you to please provide them to our Secretary; that just helps us with the drafting of the meeting minutes. So let us begin here in Las Vegas. Please remember to identify yourself and you have two minutes.

Sabrina Petrel, on behalf of the Nevada Dental Hygienists' Association:

Thank you, Chair Jauregui. We did submit comments in writing (Agenda Item II A), so I will paraphrase to the best of my ability. We are here on R041-26. The Nevada Dental Hygienists' Association, or NDHA, collaborated with the Nevada Dental Association, NDA, to bring legislation forward in 2023 creating the expanded function dental assistant, or EFDA. The NDA initially wanted to allow the EFDA to scale teeth, which is clearly a scope of practice for either the dentist, dental therapist, or dental hygienist. A compromise was agreed upon that the EFDA would only be allowed to use scaling instruments to remove bonding material and not be utilized on natural tooth structures.

The NDHA does support the EFDA and wants to clearly inform the Commission that the intent of the legislation was to augment the dentists in the restorative realm of dental

services, not to impinge upon the care or scope of practice of dental hygienists. Currently, the NDA is still pursuing the scaling of teeth by dental assistants by asking the board to consider regulations allowing unlicensed, undereducated assistants to scale teeth above the gum line. NDHA is against this as the board's fiduciary role is to protect the public and the licensees and regulate dental professionals. This approach risks patient safety, widens care disparities, undermines public health investment in dental hygiene education, and may reflect regulatory capture rather than neutral public protection.

The NDHA wants to point out to the Commission, in the 2019 Legislative Session, dental therapists was created in statute, and to this date, those regulations have not been finalized by the board. Dental therapists can provide both restorative, therapeutic, and preventive care. Additionally, in 2003, the Legislature authorized pathways for dental hygienists to provide services without a dentist physically present when appropriately authorized. The initial agency draft regulation, R231-03I, included a broader model of dental hygiene care including assessment, care planning, implementation, evaluation, public health protocols, continuing care and referral. The final regulation was narrowed and created barriers to dental hygiene services.

The EFDA Subcommittee from June 25, 2026, confirms the board is beginning discussions on NAC [*Nevada Administrative Code*] revisions to authorize hygiene practice, but the Commission might ask why the access model the Legislature authorized has not been fully implemented for 23 years.

Chair Jauregui:

I am going to thank you for your public comment and thank you for submitting your comments in writing as well.

Ms. Petrel:

Thank you, Chair.

Chair Jauregui:

We will go on to the next person.

Sunny Valencia, Member of the Public:

Good afternoon. I am a mother, and I have spoken before. I am talking about R021-25. My son, Eli Valencia—actually brought him, he will also be making public comment—is a junior, or he just graduated, did not graduate, he just finished his junior year. He currently attends Nevada State High School, a charter school that offers college credit. We are zoned for Foothill High School, and Eli attended Boulder City High School his freshman and sophomore and half of his junior year on a COSA, which is called the choice of school assignment.

My issue and the reason I am here today is NAC 385 does not allow Eli to play sports at Foothill High School for 180 days, not even sub varsity. It also does not allow for an appeal, and then AB [Assembly Bill] 184 does not provide for a transfer to another school and have eligibility to play sports unless you have a hardship appeal. A student should be able to be eligible to play sports at their zone school even if they were on a COSA at another school and even if they are going to a charter school with no sports. Because Nevada State High School is not a member of the NIAA [Nevada Interscholastic Activities Association], and so with the sports that Eli would need to play, if he wanted to play sports, he has to do it with Foothill, which is our school that he is zoned for. Eli just wants to play volleyball and tennis.

He will not be going to college to play sports; no one is recruiting him. He just wants the experience of playing sports and being on a team. He knew when he transferred to Nevada State High School that he would not be able to play varsity, but we thought that he would at least be able to play JV [junior varsity], and he was not even able to do that.

This rule seems punitive. Eli decided to leave Boulder City High School so that he can get college credit for free, and now he has not been able to play volleyball, and he probably will not be able to play tennis this semester, which is something he loves to do, and it is a great experience for high school. When you go to school on a COSA waiver, like he did to Boulder City, he was able to at least play JV sports his first year. He still had to wait the 180 days. But fall season starts soon and there are many students who are in a similar situation to Eli and would like to play sports. I hope you decide to allow students to play sports at their zone school. Thank you.

Chair Jauregui:

Thank you.

Eli Valencia, Member of the Public:

Hello. I am asking for a chance to play varsity tennis during my senior year. For my first two years of high school, I attended Boulder City High School on a zone variance. After that, I went to Nevada State High School, as my mom had just stated, and decided to play sports at Foothill High School, the school I am zoned for. I was not allowed to play volleyball when I went, not even at the JV level. None of my school decisions were made because of sports or to get an advantage over other athletes. I was not transferring to join a better team or anything like that. I was trying to find the best school situation for me. Because of that, I have already missed out on a lot of athletic opportunities.

Now, I am going into my senior year, and tennis is something I really care about. I spent a lot of time playing and improving, and it would mean a lot to me to be able to represent my school and be a part of the team. High school sports are a big part of the high school experience, and this is my last chance to have that opportunity. I am just asking for a fair opportunity to play a sport that I love at the school I am zoned to attend. I hope you will consider my situation and allow me to compete during my senior year. Thank you.

Chair Jauregui:

Thank you for your testimony. Is there anyone else in Las Vegas wishing to give public comment? Thank you. When you are ready, you can introduce yourself and begin.

Andrew Cowie, Member of the Public:

Good afternoon. Who here thinks I am going to get through all this in two minutes? I do not. I am going to get straight and forward to the point. The Private Investigator's Licensing Board (PILB)—their house is on fire. Their house is on fire with accusations of criminal conduct, closing and opening of investigations without Board approval. I, myself, believe I am under investigation because I am getting calls from my students saying, "Hey, the PILB called me and said there is a complaint against you." That was never approved by the Board.

Specifically, we have unpromulgated regulations that are being held against 40,000 to 50,000 work card holders. That is this form right here. There is four or five versions of it. You have never seen it because it does not exist. It never went through the APA

[Administrative Procedure Act] process. Which one should I use? I do not know. They made it up. Most recently is January of this year. I set that off to the side.

You are also looking at the proposal to allow security officers to carry rifles and shotguns. Let me see how brief I can make this. Pistols put holes in people; rifles put holes through people; and shotguns rip off parts of your body and throw it on the floor. The Las Vegas Metropolitan Police Department's [Metro] policy I have right here says when rifles are deployed, they have a cover officer. This manual that I am holding up is the *National Rifle Association Law Enforcement Instructor Training Manual*. That is a 40-hour curriculum. Law enforcement for Metro, another 40-hour curriculum. I am holding up a 24-hour curriculum that I gave the Executive Director. He is coming here to say eight hours is enough. You have got to be kidding me. Not a chance. The Director, Vinny Saladino, came to the range with me, was on the range for eight hours, and at the end of the day, the proposed regulations that he claimed can be accomplished in that time frame, one, were not accomplished. It cannot be done, but he is saying that it is.

Moving right along. The Director, at one point, told me when I tried to report an armed security officer attempting to remove the firearm of another armed guard, he said, "I do not have the money. I do not have the budget to talk to the DAG [Deputy Attorney General]." So, what does a normal person do? We wrote a letter to the Deputy Attorney General, never made it to the Board. Their house is on fire.

Your decision today will authorize security officers to carry AR-15s or shotguns. I implore you, do not approve any regulation they submit today until the opportunity to review . . .

Chair Jauregui:

Thank you for your testimony. We appreciate you being here. I remember you from our last Legislative Commission meeting, so I am sure we will see you at the end as well. Thank you for being here.

We are going to go ahead and move on to our next person providing public comment.

Ed McSwain, Resident of Las Vegas, Nevada:

Good afternoon. I have been here since 1963. I opened up a firearms training company about 15 years ago after I retired from my construction businesses. And I started out . . . My second CCW [concealed carry weapon] class had a woman. Four men and a woman came into my class and I said, "Why are you here?" Guys told me why they were there. The woman said, "I am here because two weeks ago, somebody broke into my house. I screamed. He ran out. I called the police. It took them seven minutes to get here, so I decided to buy a gun." So, she went and bought a gun, and then she brought it home and she put it on her kitchen table and looked at it and she said then, "I realized that I did not know how to use this to defend myself. That is why I am here."

Well, the way the CCW program is set up in Nevada is we are not even supposed to train them. And I think that is ridiculous. But I changed the way I did it because the state requires me 8 hours of lecture and a 30-shot shooting test and that was not going to prepare this woman for a gunfight. So, I changed it to eight hours of lecture and eight hours of actual firearms training, and that is still not enough. But I cannot do more because I cannot compete with somebody else who is doing it for half the price I am in only 8 hours when I am taking 16 to 20 hours.

The same thing goes for these security guards that are going to be getting . . . They are using handguns and eight hours is not enough instruction. It is not. My basic, basic class is eight hours. But I have a basic class, I have an intermediate class, and I have an advanced tactic class. And it totals just about 40 hours. And if they start allowing these guys to carry rifles and shotguns with only eight hours of instruction, we are doing a disservice to the community, and we are giving them a false sense of security because they might, at that point in time think, well, I know how to use this gun when they really do not.

I would ask you to reconsider eight hours of training and go for more. Make it more. It has got to be more to keep us safe. Thank you.

Chair Jauregui:

Thank you for being here and for providing public comment. Is there anyone else in Las Vegas that would like to provide public comment? Please approach the witness table and fill in the seats. You can begin when you are ready.

Meresiah Agceoli, Resident of Las Vegas:

Hi. I am a recruiter for one of the security companies here in Las Vegas, Nevada. I do have a couple of concerns with the proposed amendments to the NAC 648. First, the proposed change to that, requiring employers to terminate anyone who has not worked within the 12 months, does not account for the employees who are on approved or legally protected leave. This includes all military, FMLA [Family and Medical Leave Act] pregnancy workers, and compensation extended medical leave, or even might be caring for a family member. In many of these situations, the individual is still a lawful employee. As written, this creates an unnecessary employment issue to solve a record-keeping issue. I recommend allowing an exception for approved or protective leave so employers can remain compliant while still maintaining accurate licensing records.

I also have concerns with adding mandatory rifle and shotgun training to the standard armed security curriculum. For the majority of security companies, this is not a realistic or necessary requirement based on the work most armed officers perform. Rifle and shotgun training is specialized and should be supplemental, not something added to an already condensed two-day course. The curriculum should stay focused on building a strong foundation, firearm safety, safe handling, Nevada laws, use of force, and sound judgment under pressure. Those are the skills that every armed officer needs regardless of their assignment. And if rifle and shotgun training is needed for a specific contract or assignment, it would make more sense as an additional certification rather than a requirement for every armed security officer. Thank you.

Chair Jauregui:

Thank you for your testimony. Is there anyone else in Las Vegas wishing to provide public comment? Seeing no one approaching the witness table, we will move to Carson City. We will begin when ready.

Wendy Colborne, Chief of Staff, Building and Construction Trades Council of Northern Nevada:

Good afternoon, Chair, and honorable members. I am here to ask you to oppose regulation R110-25. This rule makes it easier for employers who break safety laws to pay smaller fines. It even gives the biggest discounts to employers who knew about a danger and did nothing about it. This matters because construction is one of the most dangerous jobs in

our state. In 2024, the construction sector had nine work-related deaths in Nevada. The year before it was 8, and in 2022, it was 14, and those are just the deaths. In 2024 alone, Nevada workers suffered tens of thousands of job injuries serious enough to be reported, with more than 21,000 severe enough to keep them off the job or on restricted duty. Behind every one of those numbers is a worker, a father, a mother, a son, a daughter who went to work and did not come home the same way.

Fines are what push employers to fix hazards before someone gets hurt or killed. When you cut those fines, you cut the reason to keep people safe. I ask you to reject R110-25 and stand with Nevada's working families. Thank you.

Chair Jauregui:

Thank you for your testimony.

Marc Ellis, President, CWA [Communications Workers of America] Local 9413:

I represent workers at AT&T and Churchill Communications. I am here to oppose R110-25. You are literally selling my safety off. I still am in tools. I still go up the telephone poles, and you are telling companies that hey, it is all right if you put Marc in harm's way as long as you pay a smaller fine. I oppose. Thank you.

Chair Jauregui:

Thank you for your public comment. Thank you for being here. Is there anyone else in Carson City wishing to provide public comment? Seeing no one approaching the witness table, AVH [Audio Visual Hearings Unit], can we go to the telephone lines?

AVH, Information Technology Services, Administrative Division, LCB:

Thank you, Chair. If you would like to participate in public comment, please press *9 on your phone to take your place in the queue.

Ellen Gifford, Member of the Public:

Good afternoon. The Secretary of State's Office appears determined to transform the people's election process into an empire of mechanized control. This focus on machines has resulted in circumvention of Nevada's election laws. Across the state during the recent primary, there were poll locations where in-person voters were not processed as required by law; voter privacy was not provided as required by law; signage, including electioneering signage, was not provided as required by law; disabled voters were not provided with designated access to voting as required by law.

The materials used for training poll workers were outdated and lacked coverage of election laws. Poll workers were not properly trained to provide voters with assistance at the machines, eroding voter confidence in the process and causing poll worker frustration. Election officials showed up at polling locations to provide remedial training to poll workers while voters were in the process of voting. On the first day of early voting, poll workers were blindsided with the sudden change in the process for handling mail-in ballots. Voters were confused by and not successfully executing the ballot printing and scanning process.

The people's election process is not an empire. Historically, the Office of Secretary of State is a position filled by a person the people elect and pay a salary to. That position is

responsible for ensuring that people have elections that are accommodating to voters and volunteer workers, errorless, and accomplished in a single day that has been called Election Day for a reason. It is the day our country set aside for the people's election, and it is time we get back to that. I thank you so much.

Chair Jauregui:

Thank you for your public comment. AVH, can we move on to the next caller?

AVH:

Caller with the last three digits 773, you are unmuted and you may begin.

Michael English, Special Education Teacher, Clark County School District (CCSD):

Hi. Assemblyman Hafen, I am calling to speak directly to you regarding AB 398 you cosponsored to protect students at our community's highest vacancy schools. You explicitly mandated that any teacher position designated [inaudible] . . .

Chair Jauregui:

Mr. English, we are having trouble hearing you. I believe we have a bad connection, and we are catching every other word. Did you want to try to begin your testimony again? And I would encourage you to submit it in writing as well, as we are not catching your entire public comment.

Mr. English:

Okay, is my voice coming through any better right now?

Chair Jauregui:

A little, but it is pretty broken up, Mr. English. I will let you continue to give your public comment if you want to start from the beginning, but I would also encourage you to submit it in writing or call back at the end when you have a better connection because we are not catching you clearly.

Mr. English:

Okay. My comments have been submitted online already (Agenda Item II B).

Chair Jauregui:

We can hear you better now.

Mr. English:

I would like to try to read it. Okay, I will try again. Assemblyman Hafen, I am calling to speak directly to you regarding AB 398. You cosponsored this bill to protect students at our community's highest vacancy schools. You explicitly mandated that any teacher position at a designated vacancy threshold school qualifies for retention funding. But right now, CCSD is making a mockery of your bill. They have unilaterally invented unwritten rules to deny these state funds to frontline critical teachers who spend their duties at these schools teaching high-needs students. The Nevada Department of Education told me they have no authority to oversee or intervene on how they are actually spending the money. When local

bureaucrats are rewriting your statutory text and breaking their own contract, is there really nobody out there who is capable of holding them accountable?

The DOE [Nevada's Department of Education] told me my only option was to sue them, so I did. This matter has officially been escalated into a formal EMRB [Employee-Management Relations Board] case against both CCSD and CCEA [Clark County Education Association]. Meanwhile, those parties just quietly authorized a surprise \$645 bonus on top of a bonus out of the surplus AB 398 funds to a preferred subset of employees. They are sitting on millions in leftover state cash, but they are choosing to burn the account to hide the surplus rather than compensate frontline vacancy positions.

This is exactly why the Nevada Association of School Superintendents declared that their goal for next year is to demand more oversight over differential pay to align with their internal strategic plans. Let us unmask that code. They do not want a watchdog. They want you to surrender your legislative power so they can legally rewrite your bills and override your statutory intent.

I have emailed dozens of Legislators on various committees about this, and my inbox remains empty. I am pleading with just one Legislator in this room to care enough about accountability to finally reach out to me, look at all the evidence I have been uploading, and protect the integrity of your own laws. Thank you.

Chair Jauregui:

Thank you for your public comments. AVH, next caller, please.

Erin Bennett, Government Relations Director, American Heart Association:

Hi. I am speaking on R082-25. The Heart Association appreciates the recognition of national subject matter experts included in this language. We are glad to be in discussions around cardiac event emergencies and other emergency responses in schools, and we are excited to help increase the number of available lifesavers and life-saving tools in our communities. We support this through our CPR training and AED placement in schools, athletic venues, and other public spaces across Nevada and appreciate the collaborative work that the schools are engaging in so that we can help provide CPR and AEDs across the state and help save more lives. Thank you so much.

Chair Jauregui:

Thank you for your public comment. AVH, next caller.

AVH:

Chair, there are no more callers wishing to participate at this time.

Chair Jauregui:

Thank you, and I would like to remind everyone who is here in person and joining us online that there will be a second period for public comment at the end of the meeting.

We will move on to Agenda Item III, which is approval of the minutes.

The following written comments were submitted for the record:

- Nikki Bailey-Lundahl, Vice President, Nevada Mining Association (Agenda Item II C); and
- T. Bird, Retired Electrical Lineman (Agenda Item II D).

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON APRIL 28, 2026

Chair Jauregui:

Commission members, you have in your packet the draft minutes for the Legislative Commission meeting held on April 28, 2026 (Agenda Item III). These draft minutes are also available on the Legislature's website. Is there any discussion on the minutes? If not, I would be looking for a motion to approve.

SENATOR NGUYEN MOVED TO APPROVE THE MINUTES OF THE MEETING ON APRIL 28, 2026.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

That will take us to Agenda Item IV, which is review of our regulations.

AGENDA ITEM IV—ADMINISTRATIVE REGULATIONS

Chair Jauregui:

Before I go to pulled regulations as requested by members, I do want to break this up into two parts. We will take the first part, which is a regulation by the Public Utilities Commission of Nevada (PUCN) to continue a regulation not adopted within two years after submission to the Legislative Counsel (Agenda Item IV A) and the review of administrative regulations, so we will start with that regulation. I know that Senator Daly had questions on that regulation, and then we will move to our regular review of the 50 regulations that we have before us (Agenda Item IV B), Committee members. And then I will go over the list that was submitted to me by members of regulations to be pulled.

A. REQUEST BY THE PUBLIC UTILITIES COMMISSION OF NEVADA TO CONTINUE A REGULATION NOT ADOPTED WITHIN TWO YEARS AFTER SUBMISSION TO THE LEGISLATIVE COUNSEL (NRS 233B.040)

R030-23—Revises provisions relating to action plans.

Access test of regulation electronically at:

<https://www.leg.state.nv.us/Register/2023Register/R030-23P.pdf>.

Chair Jauregui:

If we do have someone from the Public Utilities Commission, I believe we have someone in Carson City ready to go to review regulation R030-23. We will let the Public Utilities Commission give some brief comments and then Senator Daly, when you are ready, I will go to you for questions.

Garrett Weir, General Counsel, PUCN:

Thank you, Chair Jauregui, and members of the Committee. I am appearing here today on behalf of Stephanie Mullen, the agency's Executive Director, who was unable to attend. I am appearing regarding regulation LCB Number R030-23, which the Commission adopted approximately seven months after the two-year deadline established by NRS 233B.040, subsection 4. The PUCN recognizes that the regulation was adopted beyond the statutory deadline, and we appreciate the opportunity to provide context regarding the timing of this rulemaking.

First, the time length of this rulemaking should be viewed within the context of it involving an unusually robust public process. The Commission opened the investigation and rulemaking in May of 2019 to improve the water resource planning process and to clarify how certain projects qualify for system improvement rate eligibility. These are technical and consequential matters for Nevada's water and wastewater utilities and the ratepayers. The rulemaking drew sustained participation from multiple stakeholders including the Commission's regulatory operations staff, the Bureau of Consumer Protection, Great Basin Water Company, and representatives of affected property owners and community interests.

Over the life of the rulemaking, participants submitted numerous rounds of written comments and participated in three public workshops in June 2019, February 2022, and November 2022. That process was not simply procedural. The participants in the Commission used it to test, revise, and improve the rule. After the initial round of comment in the first workshop, the Commission substantially revised the proposed regulation based on stakeholder input, renoticed the proposal, sought additional comment, and conducted further workshops. Key provisions of the final regulation, including the threshold used to determine system improvement rate eligibility, reflect compromises and solutions developed through that collaborative process. The regulation before you today is materially stronger and more workable because of the time invested by stakeholders, staff, and the Commission.

Second, many of the same stakeholders participating in this rulemaking were simultaneously engaged in active resource planning and ratemaking proceedings before the Public Utilities Commission, including Great Basin Water Company's Integrated Resource Plan (IRP). Because the issues addressed in those proceedings were closely related to the issues being considered here, the Commission made the deliberate decision to allow practical experience from those cases to inform the development of a final regulation. That approach allowed the Commission to draft from real-world application rather than theory and ultimately resulted in a broader and a better regulatory framework.

Third, the Commission must prioritize proceedings that carry mandatory statutory deadlines and deemed approved dates that cannot be extended. During the pendency of this rulemaking, the Commission was required to devote resources to matters with nonwaivable timelines. Because the policy objectives of this rulemaking could continue to be advanced through a temporary regulation that was consistent with the final rule, this rulemaking was responsibly sequenced behind those time-sensitive proceedings.

Finally, I want to emphasize that the delay caused no substantive prejudice. During this period, no legislation altered the underlying statutes, no conflicting regulations were adopted, and the Commission continued to implement the policy objectives of this rulemaking through temporary regulations. The rulemaking has been completed. The Commission has adopted the regulation, and it is before you today for review. The delay in adopting the regulation was not due to neglect. Rather, the delay reflects a deliberate and extensive stakeholder process informed by related Commission proceedings and balanced against other matters with mandatory statutory timelines.

On behalf of the Public Utilities Commission of Nevada, I appreciate your consideration and would be happy to answer any questions.

Chair Jauregui:

Senator Daly.

Senator Daly:

Thank you, Madam Chair. I appreciate that explanation. I think you know we are close. I guess I just want to make sure I am understanding we are making sure we are not creating an issue, potentially, and I know you got a lot of people that were involved and the people that are actually providing this that are in agreement with this, so we are probably okay, but I just want to make sure. Because how do the three or maybe four different application things that they have to go through all work together? Because my understanding in surface level—learning more every day—so you have a regular rate application, say, how much are we going to be able to charge customers. What is included in that? How much maintenance is included in that? How many upgrades are included in that? And do they have to amortize that over that course of time versus a special rate where they are doing something more quickly? And you are saying, hey, we are going to want to put a special line item on this for this upgrade or expense that we did versus the action plan filing, which is, hey, these are the things we are planning.

And then, I see language in there that says if you approve the action plan, it is deemed prudent. So, there are two thresholds. There is something prudent. And then, how do I get reimbursed for that cost? When do we get to get the ratepayers, the ratepayers ultimately pay for all of it again plus the profit that is allowed by statute. I am wondering how all those work, and does it ever work against each other when someone has to make a capital improvement? They have spent the money, they have got the loans, they have paid everything. And they say, hey, we need to recoup that investment through a special rate and you guys say no, you do not need to, you should have been collecting that under your regular rate or it was included in your action plan and we went ahead and did it, but you cannot include it in a special rate. How do all those things complement each other or compromise each other? Yes, compromise.

Mr. Weir:

I will attempt to answer the specifics there. Fortunately, we have here present, also, who may want to come up to the table, Commissioner Cordova, Tammy Cordova, from the Public Utilities Commission who presided over this rulemaking. My understanding is that the . . . You have the rate cases where actual rates are established that can include all types of expenditures that are vetted by the Commission, scrutinized by other parties, and ultimately the Commission has to determine at that point the prudence of recovery of those costs or

the prudence of those, the incurring of those costs, and then determine whether they should be included in rates that are charged to customers.

The system improvement rate framework established with this regulation, it occurs within the context largely of the resource planning process. It would be before coming in for rate cases, you would have these certain types of projects identified, how they fit in within the priorities of the utility to meet the demands on its system to provide safe, reliable service. And that is where they would be certain types of projects would be identified in advance for that special recovery.

Senator Daly:

Would that be like the action plan portion of it, or . . . And that is why I just want to make sure we are talking about the same plans or is that a special rate? Potential action, you know.

Mr. Weir:

I am going to hand it over to Commissioner Cordova, but I think she will outline the distinct role within the integrated resource planning process and then where we then would address the rates being implemented in the general rate case process as well.

Senator Daly:

But essentially, all of it eventually is going to be recovered by the company. It is just a matter of when, how long do you have to wait, when do they make the investment? I just want to make sure there is not a barrier to the capital improvement investment that probably needs to be done. But uncertainty on being able to recover that capital expenditure because it costs too much to get the loan. I have all this upfront money, and I cannot recover for eight years.

Mr. Weir:

And again, I will hand it over, but I think that one of the intentions of the Commission in adopting this regulation is to facilitate that process, to remove that uncertainty, and to facilitate critical investments in infrastructure.

Tammy Cordova, Commissioner, PUCN:

Thank you, Chair, and members of the Committee and Senator Daly. As Mr. Weir said, I did preside over this rulemaking. Senator Daly, the projects are identified in a resource plan. The rate recovery is done in a general rate case. What this regulation does is it actually provides a little additional support to the utilities so that if there is a project that is of critical size, critical urgency, critical nature, that then we can kind of pull it out and give it some special treatment. It is still going to show up in the resource plan like all of the other projects and needs would, and it is still going to be recovered in a general rate case like all the other projects and needs would. This is just a way for us to say, okay, utility, if you have got something that is a particular need for your customers, we are going to allow you to utilize the system improvement rate process that is embedded also in the regular IRP and rate case in order to make sure that you have a higher degree of confidence that this project is going to come forward, is going to go under rates, and you are going to get recovery.

Senator Daly:

Thank you for that because I know my questions are based on working in the gas area and previous issues with similar concerns. But if we are moving in a direction that is going to make it more predictable both for the ratepayers . . . And I understand the ratepayer side of this, is if they have to . . . Utilities have to justify and that is why you guys are there, they have to justify the expenditure, and then is it prudent in order to recover from the ratepayers, and the ratepayers are getting the service that they are paying for and not being gouged. I understand all of the checks and balances, if you will. I just wanted to make sure that we were not creating some of those barriers that I had heard from other areas. Thank you for the explanation and I have not heard anybody objecting, so I hope it is something that can be repeated in the other areas as well. I hear less about it in the electrical side than anywhere else.

Chair Jauregui:

Are there any other . . .

Mr. Weir:

Apologies, Chair.

Chair Jauregui:

No, please go ahead.

Mr. Weir:

Just in response to Senator Daly there at the end. It is my understanding that this language reflects consensus among the stakeholders in our rulemaking proceeding. No one has identified any concerns with this existing language.

Senator Daly

Those are all my questions, Madam Chair. I am satisfied with their answers, so I am prepared to move forward if nobody . . . Whenever you are ready, let me know.

Chair Jauregui:

Is there anyone in Carson City who has any other questions, Senator Daly? Anyone in Las Vegas? Okay, seeing none, Senator Daly, would you like to make a motion?

SENATOR DALY MOVED TO APPROVE R030-23.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

Chair Jauregui:

Does anyone have any discussion on the motion? Assemblymember Hafen.

Assemblymember Hafen:

Thank you, Madam Chair. As the manager and owner of a small water utility in the state, which may be affected by this regulation, and because there may ultimately be a small

number of utilities that this regulation applies to, I will be abstaining from participating in the consideration of this regulation out of an abundance of caution. Thank you.

Chair Jauregui:

Thank you, Assemblymember Hafen.

THE MOTION PASSED. (ASSEMBLYMEMBER HAFEN ABSTAINED.)

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

The list of regulations to be considered can be accessed electronically at:
https://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2026_Jun30.pdf.

Chair Jauregui:

That brings us to part two of Agenda Item IV, the review of regulations in front of us (Agenda Item IV B). I have received a list from various members for regulations to be pulled. I am going to read them a couple of different ways. I am going to go forward and read the regulations to be pulled in chronological order, and then I am going to read them as they were pulled by members. The regulations that I have received a list to be pulled are: R124-24, R127-24, R145-24, R020-25, R021-25, R039-25, R076-25, R077-25, R110-25, R116-25, R012-26, R029-26, R033-26, R034-26, R092-26, R094-26, and R101-26. So those are all the regulations I have.

From Senator Daly, I received R145-24, R076-25, R110-25, R034-26. I believe those are all yours, Senator Daly.

Senator Titus, I have R124-24, R127-24, which was also pulled by Assemblymember Backus, R077-25, R116-25, R012-26. I believe those are all of the regulations for you, Senator Titus.

For Assemblymember Backus, I have R127-24, and then we will take the following as a group. These are all NIAA regulations, so these are not in order, but I will group these all together and we will hear these all when NIAA is up, which is R020-25, R021-25, R033-26, R092-26, R094-26, R101-26. And then I also have for you Assemblymember Backus, R029 -26.

And from Assemblymember Miller, I have R039-25.

Members, those were all of the members who reached out to me with regulations to be pulled. Do any other members have regulations to be pulled?

Assemblymember Hansen:

Madam Chair?

Chair Jauregui:

Yes, Assemblymember.

Assemblymember Hansen:

Yes, I think you might have mentioned it, so maybe you grouped mine in. Was it R077-25?

Chair Jauregui:

Yes. I have that one in there, and I will make sure to call on you.

Assemblymember Hansen:

Thank you.

Chair Jauregui:

Assemblymembers, any other regulations that you would like pulled? Okay, going once, going twice. Seeing none, then I would be looking for a motion to approve additional regulations that were not pulled for discussion.

SENATOR NGUYEN MOVED TO APPROVE THE FOLLOWING REGULATIONS: R123-24, R146-24, R188-24, R193-24, R015-25, R070-25, R079-25, R082-25, R092-25, R094-25, R097-25, R101-25, R105-25, R106-25, R109-25, R115-25, R010-26, R014-26, R015-26, R017-26, R019-26, R026-26, R035-26, R038-26, R040-26, R041-26, R053-26, R054-26, R071-26, R072-26, R090-26, R091-26, AND R102-26.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

That brings us to our first regulation. Let us go ahead and give those who are here in Las Vegas and in Carson City and joining us on Zoom, if your regulation was not pulled for discussion, please feel free to stick around or you can go ahead and leave us and watch from home.

We will go ahead and go to our first regulation pulled for discussion, which is R124-24. I believe this was for the Board of Financing Water Projects, and Senator Titus, I believe this was your regulation, so as soon as we have the agency with us to present.

Cheryl Fontaine, Chief, Administrative Services, Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR):

Good afternoon, Chairwoman Jauregui, and members of the Commission. I am the Nevada Division of Environmental Protection Chief of the Bureau of Administrative Services, which includes our Office of Financial Assistance. With me today are Jennifer Carr, our Administrator, and Rick Perdomo, our Deputy.

Senator Titus, would you like any additional information from me before you ask your questions?

Senator Titus:

No. I know somebody else asked for this to be pulled, too. I just had a quick question regarding the . . . This only affects the public utilities and no private infrastructure utilities?

Chief Fontaine:

Thank you for the question. There are three eligible recipients, three types of eligible recipients for this. There were two originally, municipalities, and we have added . . . The only addition in this change is for a governing body to get funding for a water resource plan.

Senator Titus:

I know in my district I have more GIDs than any other districts or any other areas in the state, and I just want to make sure that . . . If the governing body is a GID, general improvement district, and they operate a water system, they are eligible for these. They are not a county, they are not a city, municipality, et cetera. They are a GID.

Chief Fontaine:

Thank you for the question. The answer to that, I believe, is yes, with some qualifications.

Senator Titus:

I did not mean to stump you, but it just was not clear to me.

Chief Fontaine:

No, that is okay; I appreciate the question. So yes, on page 8, Section 14, I believe, the eligible recipient must have been in existence. The qualifications are must have been in existence on January of 1995 by then. It is unable to finance from its own resources, and 1995, yes, unable to finance from its own resources and funding the development of the water resource plan as an eligible use of the proceeds, from the bonds, excuse me.

Senator Titus:

Thank you. That is exactly the section I was trying to help you with and try to turn to it faster. So that is the only question that I had, if other members have questions.

Chair Jauregui:

Thank you, Senator Titus. I believe it was the next reg where we had a couple of members also have questions. Members, any other questions? If not, Senator Titus, would you like to make a motion?

Senator Titus:

Absolutely. Thank you, Chair.

SENATOR TITUS MOVED TO APPROVE R124-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Members, that brings us to our second regulation, R127-24. I believe we have three different members with questions here, and this is the Private Investigators Licensing Board. Do we have Mr. Saladino here to answer questions?

Vincent Saladino, Executive Director, PILB:

Yes, I am here.

Chair Jauregui:

Thank you for being here, Mr. Saladino. Let us go ahead and start down here in Las Vegas, and I will hand it over to Assemblymember Backus first to lead us in questions.

Assemblymember Backus:

Thank you so much, Madam Chair. I just have a couple of questions and then obviously other people have questions. My first question is, and I will just share, I have been sitting on a lot of interim committees where just the various individuals have been coming forward with public comment. When I saw this regulation, I kind of paid a little closer attention to it just because of issues that were raised. But with some of the public comment today, my first question is taking a look at Section 15 of the regulation, subparagraph 5, and this is in particular to the limitation that, "If a person who is registered as an employee has not performed work for a licensee within the immediately preceding 12 months, the licensee must immediately terminate the employment of the person and file a termination of employment notice with the Board." My question with that was, and I am not sure how many of the licensees have employees that have more than 50 employees, but if there is a situation like someone is out on leave for FMLA or even an extended leave under the Americans with Disability Act, for whatever reason, trying to figure out why it was limited to this 12 months, if there is obviously a federal mandate, it may require the person to still be employed with the license.

Executive Director Saladino:

Yes. Thank you so much for your question. The reasoning behind that was we have a lot of the large events that take place here in Las Vegas. For example, the Electric Daisy Carnival, where the event security companies will hire enormous amount of security staff for that. And those individuals are only working for the weekend of the Electric Daisy Carnival and then that is it. They are no longer working. And what we have seen is the rosters get enormous and they do not clean up their rosters in order for us to know who is active on their rosters and who is no longer working with them. Licensees also have the ability to put a note in there if they were not going to terminate them or if they were to terminate them, to state if they were out on FMLA, military leave, whatever the case might be. They have that ability to note that on that roster internal.

Assemblymember Backus:

Madam Chair, follow-up on this question? Sir, one thing I noticed that under Section 15, subsection 4, that kind of provides, it sounds like for the Electric Daisy situation where if someone is no longer employed with a company that not later than three days they have to provide notice of that termination. Would that not take care of the Electric Daisy situation?

Executive Director Saladino:

Possibly. We have seen licensees hold employees on their roster for an enormous amount of time where when we do an internal audit of the company, they tell us all these people, they only work for us during these events and stuff. Like I said, they have the ability to put notes in there to let us know what is the status of that employee.

Assemblymember Backus:

Okay. Thank you. My next questioning goes along the lines of Section 17. This deals with the expanding of a licensee being able to carry not just only a handgun but a rifle and a shotgun. I will just tell you, frankly, I am an attorney that deals with the unfortunate situations where I sometimes see a security officer who may shoot another, whether it is within the scope of employment or outside the scope of employment, but it arises to litigation, so, obviously improper, probably alleged improper use. And so, I was concerned about that given I understand to get a CCW usually that it is like a handgun, it is eight hours. We are hearing a lot of concern about a short-scheduled training to get someone certified not only in a handgun, but a rifle and a shotgun. I kind of wanted to understand why this is being expanded. Also wanted to clarify if an AR-15 would be included in that definition of what a rifle would be contemplated under Section 17.

Executive Director Saladino:

Yes. Thank you again for your question. That would include an AR-15 style rifle as well. The reason we implemented the use of rifle and shotguns into this program was currently we do have licensed security companies that have employees that are utilizing these tools in the performance of their duties, and we have no statutes at all for any minimum training at this time. We were under the assumption to have at least a state minimum for training if these companies are already going to carry them, and there is no other laws on the books that speak to it, meaning, it does not say they cannot and it does not say they can. Companies are already utilizing these tools in the performance of their duties, so we figured having a minimum lesson plan and minimum training for them would benefit everybody involved.

Assemblymember Backus:

I just want to make a comment and then if there is any follow-up. This just kind of concerns me. I think it would be sometimes easier to say do not do it in the regulation. I thought it was pretty clear when it said handgun, from my perspective, but, with that, Chair, I will wait if I have any other further questions.

Chair Jauregui:

Thank you. I am going to stay down here, and I am going to go to Assemblymember Miller. Okay, I am going to go up to Senator Titus and then come back down to Assemblymember Miller.

Senator Titus:

Thank you, Madam Chair. Thank you for being here. I have a number of questions if I might, Madam Chair. First is on, it would be, I believe, page 10 of the regulation, which is Section 8, and in there you are expanding who can authorize a person who is actually a sitting police officer to be also a private investigator or work for these companies. And I have significant concerns about conflict there and also the expansion of authority to authorize these folks. In the current regulations, it says the Board may grant an exemption,

but this now would allow the Executive Director and his or her designee to give an exemption, and I am very concerned about that. I think it is opening a huge possibility of conflict of interest and wondering why this is necessary.

Executive Director Saladino:

Thank you, Senator Titus, for your question. This particular NAC change was to assist the individuals that work for county and city and other state positions where they are not law enforcement, where they only pay into the PERS [Public Employees' Retirement System] retirement system. In the past, the Board would only approve individuals that were active law enforcement from out of state, mainly for like large jewelry shows. Recently, there has been a . . . It has kind of decreased because of our licensees and their partnerships with local law enforcement to where they do not need to have those exemptions for out-of-state law enforcement to supplement some of the larger events. The way this one came about was mainly to assist the folks that work as janitors and substitute teachers, city janitors, city employees, where they do not have access to any proprietary law enforcement databases. It is mainly that they pay into the PERS retirement system that makes them ineligible for the registered work card. This was also brought up by one of our Board members when we were approving these. And again, he had the same conflict about peace officers. Peace officers would still have to go before the Board if they were going to try to move forward with any type of registration or license.

Senator Titus:

Thank you for that, and I appreciate that, but that is not clearly . . . It does not say that they would have to do that, so I think it is very unclear.

And I have another question if I might, Madam Chair.

Chair Jauregui:

Go ahead.

Senator Titus:

Thank you. In Section 16 you talk about . . . I had it and then I switched back to the first one. I apologize. In Section 16, and it is number (b), an employee who is provisionally registered pursuant may not attend or receive certification. Can you explain what that is? It seems like the paragraph before is conflicting to that second paragraph. Section 16 . . .

Executive Director Saladino:

An individual who is in what we call . . . An individual that we have in provisional status that is where the Board staff runs a local background check. We are still awaiting for the Federal Repository to get us back their criminal history report, their fingerprint report. So being that the NRS states because our population is so high that we have to get individuals to work, we have that provisional status. We are not able to issue an armed status to an individual because we have not got a full background check completed yet.

Senator Titus:

Thank you for that. And then finally, I want to just piggyback on some of the concerns not only from our folks in public comment but also from my colleague in the south regarding the expansion of these folks to carry long rifles versus handguns. Certainly, as a hunter and

somebody who shoots squirrels on my property, I have a 17 in my vehicle at all times, a long rifle. It is not loaded and it is specifically for that use. However, when you are allowing folks with, again, no additional training, you said eight hours, which is what I take for my CCW class, to now use potentially loaded firearms, potentially deadly firearms with minimal interaction, when a police officer is required to take more training, I just feel that that is not in the best interest of public safety, and I would have to very much not accept that portion of this regulation. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Senator Titus. Is there anyone up in Carson City with questions before I come back down to Las Vegas? Senator Hansen.

Senator Hansen:

Thanks, Madam Chair. Just a point of clarification. Currently, in the absence of this regulation, if I understood you correctly, they can carry long rifles and shotguns right now, right? They have to be unloaded or . . .

Executive Director Saladino:

That is correct.

Senator Hansen:

Okay, so all this is going to change then, is they will be able to carry it loaded, but after eight hours of training. Is that right? Am I understanding this correctly?

Executive Director Saladino:

The way the laws are written in regards to loaded, that means a full chamber. So just having an AR-15, if you have a loaded magazine in there on an empty chamber, that is considered unloaded. Once you chamber the round, now it is considered loaded. We already have NRS on the books that speak to keeping a rifle and a shotgun with ammunition in there but not on a chambered round.

Senator Hansen:

Yeah, I got it. If this passes, will they be able to keep a chambered round, not just in the magazine?

Executive Director Saladino:

No, they would not be able to keep it loaded with a round chamber in the firearm.

Senator Hansen:

Okay, then nothing changes. So right now, without this passage, they could have a rifle, the AR-15 example, with a 20-round clip in it, perfectly legally in the absence of this regulation. You could go back and get rid of this part of the regulation and that would eliminate some of the concerns, but it really does not change anything. They could still do it, correct?

Executive Director Saladino:

Correct. That is where we were behind the thinking of having a minimum training for security professionals. That way they would understand how to safely carry it, and it would be more protections for the public and for themselves.

Senator Hansen:

Yeah, I got it. No, I am just . . . I agree with my colleague Senator Titus. I get really nervous about ideas with zero training doing that, but that is what you have right now, and in the absence of this eight hours, there is nothing. So, this is actually a step in the direction of public safety, if I am understanding you correctly. Because if we pass this, at least they have eight hours of training. Nothing changes as far as their ability to carry a weapon with rounds in a magazine. Nothing changes with their ability to have a rifle with a round chambered in the actual firing mechanism. I am just kind of wondering, it seems like people are concerned about it, but it seems like we are moving in the direction it sounds like we actually want, which would be some element of public safety that is completely absent currently. Is that your understanding also?

Executive Director Saladino:

Correct

Senator Hansen:

Thank you.

Chair Jauregui:

Thank you for the questions, Senator Hansen.

I do want to come to Legal to clarify whether . . . Because my understanding as I read through the NAC, that it gives permission for handguns, but I do not see any permissive language allowing security guard companies to arm their security employees with rifles or shotguns. By not adding shotguns or rifles, does that only . . . By keeping it the way it is and not adding rifles and shotguns and the increase of eight hours, and it is my understanding that they would not be allowed to carry anything other than handguns. Could you clarify on that, Mr. Killian?

Mr. Killian:

Thank you, Madam Chair. The existing section of NAC, NAC 648.345, prohibits a licensee or a registered employee from carrying a firearm while performing duties, unless they are certified by the Board as a firearms instructor or they have successfully completed and received certification from a course of training approved by the Board in carrying, handling, and using firearms safely. The existing law only provides for such training for handguns, so in the absence of any such training for shotguns or rifles, presumably, those licensees or employees would not have successfully completed and received certification from a course of training approved by the Board in carrying, handling, and using shotguns or rifles. So, subsection 1 of NRS 688.345 [sic] would prohibit them from carrying those firearms while performing their duties unless they are certified by the Board as a firearms instructor and presumably there would be some training relating to that that the Board would approve as part of that certification as a firearms instructor. But functionally, in the absence of this regulation, since this regulation would provide for training in rifles and shotguns, the

existing provisions of NAC 648.345 would prohibit carrying those weapons while performing duties unless the person is certified as a firearms instructor.

Chair Jauregui:

Thank you, Mr. Killian. So, it sounds like a security guard who is an employee and is not a firearms instructor, then, would be prohibited from carrying a rifle or a shotgun, and someone who is a firearms instructor would have had the training necessary to know how to handle one. Thank you for clarifying that, Mr. Killian.

Are there any other questions in Carson City?

Senator Titus:

Madam Chair, just to follow up, because we have had an interesting discussion here just for clarity. Thank you, Mr. Killian, because that confirmed what my belief was and is, is that yes, we can all carry the shotguns and we can all have a 17, an AR-15 currently, but under regulation, when you are working as a security guard or a private investigator under these current regulations, when they are on duty, they cannot use those. When they are on duty, they can have a firearm or a handgun, however. Is that what I just heard you say? Unlike what the presenter testified, they are not allowed to carry these while they are on duty, a long rifle. Is that correct?

Mr. Killian:

Thank you, Senator, Madam Chair. Yes, that is my understanding of the current provisions of NAC 648.345. Absent this training and absent certification as a firearms instructor, carrying of those weapons, other than a handgun, would not be allowed by this provision of NAC. I should say would not be allowed while performing the duties of employment or while performing your duties as a licensee under this chapter of NAC.

Senator Hansen:

Madam Chair, I have a follow-up. I am totally confused.

Chair Jauregui:

Thank you, Senator, and then we will come down to Las Vegas because I do have a few members down here with questions as well. Senator Hansen, I am going to come down here and then I will come back to you for questions. I am going to go ahead and go to Senator Nguyen first.

Senator Nguyen:

Thank you. I will try not to repeat any of the same questions that we have. I also want to shout out one of my constituents and neighbors, Mr. McSwain, who I know has done a lot of training within our neighborhood for a lot of the people that live in our community and people always have wonderful things to say about his training. That kind of gets me into some of the questions that I might have.

I see in some of these proposed regulations, the firearms instructors must now score 90 percent on their qualifications, but the licensees and the employees that they train only need to pass by 75 percent. I am wondering what the rationale was for holding the people

who will actually be carrying these firearms into the field at a lower standard than their instructors.

Executive Director Saladino:

Yes. Thank you for that question. We have tried for a long time to up those standards, but we get a lot of pushback from our licensees regarding that. Same thing with the training hours. We have always asked for more training hours. Again, we get a lot of pushback from our licensees regarding that because that is individuals that are not able to deal with contracts that they have, who is paying for it, the cost to the registered work card holder, the employee themselves. I come from a training background, and I would much rather see more training for these individuals; however, I get a lot of pushback from our licensees regarding that aspect.

Senator Nguyen:

May I follow up, Chair? This kind of gets me . . . Obviously, what I mean, did you only take into consideration the licensees when you were developing these regulations? What studies or data informed the decision to set that firing range requirement at eight hours rather than a higher number consistent with some of the testimony that we heard in public comment? And was it just solely based on that? Was it any evidence-based or best practices or was it just merely the licensees not wanting to do the additional training?

Executive Director Saladino:

It was a mixture of both. When we held our workshops, there was quite a few individuals that work in the field, registered work card holders, along with the licensees, as well. And, again, I was not here when they created this program. I have been, for years, trying to get them to add more training hours and up the standards for it, but the pushback we get is then we would not have any armed security in the valley.

Senator Nguyen:

You would not have qualified, trained people, I guess, would be my argument. I guess the other concern I have, also, with the training, is the now proposed 16 total contact hours can be completed in two days under this 14-day, 9-hour per day cap. Was there any consideration of any longer, more spaced-out training or timeline considered, especially since it was the intention to add these three additional weapon types into that training? We heard a great deal and I see the—which is not a prop, it is actually the manual—that other people in the 80 hours of training that they have to, or 40 hours of training that they have to do. What was the thinking there?

Executive Director Saladino:

The thinking was one, to add the rifle and shotgun, was that since we did not have any regulations for it. And now that I understand the way, being that it is prohibited in our statutes, I was probably given incorrect legal advice when we first brought this up for companies that were utilizing these additional tools. Yeah, we are all for more training. Again, it is just getting them approved is the difficult part. Nobody wants to spend money on training.

Senator Nguyen:

That brings up a kind of a red flag here for me. You just indicated that . . . Were you under the assumption until our Legal Counsel just stated that under current regulations, that these employees are not allowed to carry rifles and shotguns? During the course of this . . .

Executive Director Saladino:

This question has been brought up quite often, and it was the previous Director that had instructed us that since there is no regulation for it, just like there is no regulation for them to carry handcuffs and batons and pepper spray, yet they still utilize those tools as well, that we need to have some type of regulation to have a minimum training level for these individuals.

Senator Nguyen:

I guess my question is, do you know how many of your licensees are currently utilizing shotguns and rifles because they were under the erroneous opinion that they were allowed to do so?

Executive Director Saladino:

I do not have a number off the top of my head, no.

Senator Nguyen:

But you are aware that numerous of your licensees are currently utilizing these types of firearms?

Executive Director Saladino:

Correct.

Senator Nguyen:

Thank you. I think there is a lot of questions. Now I have more questions, but I will go ahead and defer to the next person.

Chair Jauregui:

Thank you, Senator Nguyen. I am going to go to Senator Scheible next.

Senator Scheible:

Thank you, Chair. I think that conversation was illuminating and also highly concerning if we have companies that are currently in violation of the law. I will leave that alone for now, and I just want to ask a more general question. I think I know what your answer is going to be, but if the idea here is to create a scenario where individuals are allowed to carry it, I am assuming, let me check this assumption. Is the purpose of carrying a long rifle, are we talking about—I cannot believe I am saying this out loud—are we talking about having like private snipers available for private security?

Executive Director Saladino:

I would hope not. I would hope not.

Senator Scheible:

So then, what purpose does a shotgun serve at the EDC [Electric Daisy Carnival], or at a local apartment complex, or outside of a jewelry store? What is the purpose of carrying a shotgun?

Executive Director Saladino:

Unfortunately, I do not have an answer for that.

Senator Scheible:

Okay, because I do not want to fail to equip people who contribute to the safety of our community with the tools that they need to get their job done, but I am just really struggling to imagine the private security need for these particular weapons.

Let me switch gears a little bit. And I want to go . . . I apologize, I have been kind of flipping back and forth here. I think it is in Section . . . It is on page 22, subsection 6 of Section 17. It is the section that we have all been talking about, and it looks like you are suggesting that we take out of the regulations the more specific requirements of the training and allow those instead to be maintained by the Board. Can you explain the reasoning behind that to me?

Executive Director Saladino:

I am sorry, which one are we removing?

Senator Scheible:

I am on page 22 under subsection 6 of Section 17. It looks like we are removing some specific requirements that the person fire at least 30 rounds of live ammunition, and that they shoot 5 rounds with the distance of 3 yards and 15 seconds using the dominant hand, and they switch to supporting hand. Why are we taking that out of the regulations and instead just leaving it with the Board to maintain a training guide?

Executive Director Saladino:

This one was removed because this pigeonholed us to where that was the qualification and this has been the qualification for years since it was enacted. The removal of it was to be able to put in place multiple, different qualifications. So, individuals, they have to qualify every six months. That way they would have a different qualification each time to where it is not just so robotic. They would be better versed during their qualification times.

Senator Scheible:

So why not just put that into the regulation?

Executive Director Saladino:

It was my understanding that this pigeonholed us, so that is why we want to make it a little bit broader to where we could have multiple, different quals as opposed to just adding more to it.

Senator Scheible:

Okay, that makes me uncomfortable because I think in this particular instance, pigeonholing is probably pretty good. We do that for law enforcement. We pigeonhole them to have very specific tactical abilities before they are allowed to carry a weapon on the street, and we are talking about doing the same thing for private individuals. I would like to know that they can shoot at least 30 rounds of live ammunition with a passing score of 75 percent and 5 of those from a distance of 3 yards and 15 seconds using only the dominant hand. I think that those seem like pretty reasonable standards. And if we wanted to add additional, like you said, broader requirements, all of us here having this conversation for the last 30 minutes, we would be happy to go line by line through all of the requirements that you guys are seeking and write a regulation that is three times this length to describe all of the different classes that people can and should take before they carry a firearm on duty. I do not think there is any problem with adding it in writing where those regulations are supposed to live, which is the *Administrative Code*. They are supposed to live in regulation, not in an email between Board members or a memo that is circulated between instructors or some other mythical place that is maintained by the Board. I would like to see them in writing in front of us. I guess that was more of a comment than a question. I just cannot support this regulation today. I think I have asked all the questions that I needed to confirm that today, and I will pass it on to somebody else.

Chair Jauregui:

Thank you, Senator Scheible. I am going to go to Assemblymember Miller and then I have a couple of questions for the Board as well. Assemblymember Miller.

Assemblymember Miller:

Thank you, Chair, and my questions are aligned on the same topic of training. I know it was back in 2019 where we tried to address some of these issues. The training. Can you tell us right now—and again, I want to acknowledge that we do put our security guards in harm's way and that they have been instrumental in certain times, specifically with 1 October—but we also cannot ignore the fact that this is still not the same trained certified law enforcement. And when I look at the requirements for our own Las Vegas Metro Police Department and what is required of them to not only carry firearms but also to then carry ARs, that is additional training and additional requalifications that they must go through. My question is for the firearm trainer. If there is an exception for the certified firearm trainer, are they someone that is just trained and certified in just shooting or do they also have tactical training, active shooter, de-escalation training, sensitivity training, trainings on all of the laws in Nevada, as well as, do they wear cameras like our law enforcement does?

Executive Director Saladino:

The way the NAC reads for our firearms instructors currently would be NAC 648.345, number 2, subsection 3, evidence of the applicant's successful completion of at least 40 hours of training on the instruction of peace officers, security officers, or military personnel in carrying and handling and using firearms safely and evidence of the applicant's certification as an instructor for peace officers, security officers, and military personnel for each of the firearms for which the applicant wishes to provide instruction. So, with that, some of the folks that apply to get certified as an instructor have been law enforcement officers, have trained our military personnel, or they were instructors for security in other states. Part of those certification processes is for them to: (1) know how to shoot; (2) understand the laws that apply to them as they are carrying firearms in the performance

of their duties. And understanding that sometimes there is a time not to shoot and how to de-escalate things with that type of certifications.

Assemblymember Miller:

Quick follow-up, Chair? When you say things like “some” and “many” and “understanding,” that is not very specific.

My next question would also be for those individuals, the security guards that are hired, what type of screening do they go through when they are hired in compared to, say, our state or local law enforcement? Are there mental health screenings? Are there referrals? What kind of screening do they go through for employment?

Chair Jauregui:

And before you answer that question, I want to add to the question that my colleague is asking you because it is my understanding that when you license, you license both unarmed and armed security guards and private investigators. So, if you could walk us through what that is for both unarmed and then armed before you issue a license. Thank you.

Executive Director Saladino:

For our licensees, that is the individual that is going to run the security company, those individuals fill out a very incumbent application that goes over their experience, whether it be from retired law enforcement, retired military, things like that, for their experience. They need 5 years, 10,000 hours of experience in the category which they are going to move forward with, whether it be a private investigator where they have investigative positions they held in the past with law enforcement agencies, private patrol officer where they were police officers, or military personnel to gain that experience. They also go through a criminal history background check where we are searching local law enforcement databases and we are also receiving their fingerprints from the Repository for Criminal History.

The work card holders, the registered work card holders, they go through a little bit less extensive background check where we run a local scope for wants and warrants locally, and then they also provide the fingerprints for the Repository for their criminal history. Those work cards are good for five years. If they have disqualifying factors on there, they are either denied at Board staff level and then brought before the Board for an appeal. With that, we are able to designate their registered work card as being ineligible for firearms if they have situations that prohibit them from firearms where it is not only designated on their actual card, it is also designated in our database where it is marked “not firearm eligible.” When the firearms instructors go to input any information into the database, they can see that information right there that they are not eligible. Does that answer your question?

Assemblymember Miller:

No, sir, it does not. I was specifically asking . . . It sounded like you were explaining the companies that licensing can hire the guards, and we were asking specifically for the guards themselves. And if you could explain it for the unarmed, and again, we recognize there are unarmed guards, and then for the armed guards, what are those qualifications for hire?

Executive Director Saladino:

For hire, I do not do the hiring for the companies. We issue the registered work card and that allows them to work for the licensed companies. Maybe I am not understanding your question.

Chair Jauregui:

The work card that you issue is for the security guards, and I am assuming that there is regulation saying that a company cannot hire someone who does not have a work card?

Executive Director Saladino:

Yes, that is correct. In order for them to receive the work card, they have to . . . I can read the NRS to you. They have to be a natural person, file an application for registration with the Board, comply with the applicable requirements for the chapter, pay the fees, provide a passport photo, fingerprint card. They have to be at least 18 years of age, is of good moral character and temperate habits, has not been convicted of or entered a plea of nolo contendere to a felony or crime involving moral turpitude or the illegal use or possession of dangerous weapons, has not made any false statement of material fact on the application, and has not violated any provisions of the chapter, a regulation adopted pursuant thereto, in order for the Board . . .

Like I said, we run a local check and then they also submit their fingerprints to the Repository for us to issue the registered work card and the provisional that they get that allows them to work up to 90 days on a provisional status, like a temporary, while we are waiting for the fingerprints to come back. And it is the same process for armed or unarmed.

Chair Jauregui:

If someone receives a work card as an unarmed security officer and then they later want to become an armed security officer, all of the same requirements would have already been met? They would have gone through a full background check to verify that they are not a prohibited person from carrying a firearm?

Executive Director Saladino:

That is correct.

Chair Jauregui:

Thank you. Committee members, any other questions? I am going to go back up. Senator Hansen, did you still have a question?

Senator Hansen:

Just a statement. I just had a question. Are you guys represented by the Attorney General's Office? I mean, who gave you the legal advice that apparently was flawed?

Executive Director Saladino:

I am sorry. For which legal advice?

Senator Hansen:

For your Board, are you guys represented by a Deputy Attorney General, or who was it that gave you the advice?

Executive Director Saladino:

Yes.

Senator Hansen:

You are represented by the Attorney General's Office then?

Executive Director Saladino:

Yes.

Senator Hansen:

We want to get that straight because we got a problem with the Attorney General's Office giving people flawed advice.

Last thought. Obviously, this regulation is not going anywhere today. In the future, you might separate rifles and shotguns completely out because obviously that was the bad point today. We need to find out who your DAG is that told you . . . Because that confused me. I thought you guys were making things better by getting at least eight hours where apparently you guys have been telling people they have been illegally operating with rifles or shotguns potentially without any oversight by the Board, but also, in defense of yourself, you got flawed legal advice from Nevada's Attorney General's Office. Pretty reasonable things to fall back on.

Madam Chair, I am assuming that we are going to just kill this one. That is what my advice would be because I am definitely going to be a no on it otherwise.

Chair Jauregui:

Thank you, Senator Hansen. And I do want to ask, Mr. Saladino, did you seek outside counsel for that advice?

Executive Director Saladino:

Outside counsel for which advice?

Chair Jauregui:

Where did you get the instructions that they were allowed to carry long guns? Where was that advice from?

Executive Director Saladino:

That was the previous administration prior to me taking over where they said, yeah, being that it is not in regulation that they can do that. We were working under the fact that we were helping by adding this so we have a minimum standard as opposed to hurting it.

Chair Jauregui:

Thank you, Mr. Saladino. Committee members, thank you so much for the discussion. Mr. Saladino, thank you for being here. There are various other questions that I have and concerns I have with this regulation before us, but seeing that this regulation is not going to go anywhere, I think those are questions and concerns I can take offline. At this moment, I am going to defer regulation R127-24 and encourage you to go back and have further conversations. And I would also like to remind you, as one of my colleagues pointed out, that the purpose of the Board is public safety, not member safety, Mr. Saladino, so if your members are not okay with more training, but the public is requesting it, then that is something that you should definitely consider. Thank you.

Members, we are going to go ahead and move on to our next regulation, which is R145-24. I believe we have the State Environmental Commission here. Senator Daly, I believe this was your regulation that you requested to be pulled, so as soon as the Commission is ready to answer questions, please go ahead and begin. I see them approaching the witness table.

Danilo Dragoni, Ph.D., Deputy Administrator, NDEP, SDCNR:

Good afternoon, Madam Chair, members of the Commission. Today with me is Ashley Taylor, Chief of the Bureau of Mining Regulation and Reclamation, and we are ready to answer any questions unless you want a short brief of the regulation.

Senator Daly:

I am ready if you are ready. Thank you, Madam Chair. Couple of questions; they are a little bit technical, I think. You are deleting all of the sections that say you have to put up an additional surety if they have received a, or required to get a permit from the Department of Wildlife. I am just trying to make sure . . . If I read it the right way, it seems to me that the surety that you are asking for without those sections, they still have to get the permit from the Department of Wildlife if it qualifies under their statute, but the additional surety, if I understand it correctly, is more than compensated for by the 0.45 percent that they have to put in. If you can answer that with more than a nod for the record.

Dr. Dragoni:

That is correct. The change in the regulation does not change the requirements for the mine to have a permit through NDOW [Nevada's Department of Wildlife], and at the same time, provide the requirement to make additional payment to the trust fund.

Senator Daly:

If I understand it correctly, yes, you are eliminating the additional surety for having to have that permit. They still have to get the permit, no additional surety based on that permit, but the amount of the surety that you are changing in this increases, so it is kind of offset. You are getting the same amount of money.

Dr. Dragoni:

Sorry. Now I have the question very clear. That is correct. We are basically changing the type of activities and mines that are going to pay into the trust fund. But yes, we are not changing the requirement for the permit with NDOW, and we are requesting a different type of mines, specifically those that have a process fluid management to pay a portion of this security, sorry, surety into the fund.

Senator Daly:

Okay, so, separate question. The \$10 million limit, is that per operation or is that for all mines? Is it per mining operation that is required to pay that \$10 million limit? Then after that, you can cut it off, or is it for all of them in the aggregate?

Dr. Dragoni:

It is the total amount in the fund, so it is for all the mines.

Senator Daly:

So, it is all, and you think \$10 million is enough?

Dr. Dragoni:

That is a good question. We have been discussing with the mining industry internally. I think it is. It is very hard to guess if and when a mine might default or mines might default. It is very hard to guess what size of mine might default. We believe that \$10 million in total is a good balance between having a fund that can provide support in case it is needed, but at the same time, it is a good amount so that we do not force, for instance, mines to go in default because they have to pay additional surety.

Senator Daly:

Thank you. I understand and a question that no one can really answer—do we know if it is enough. I get that. I know that \$10 million does not go as far as it used to. Nevertheless, I was just curious on that.

That gets me to the next part of the technical part of this is that you are giving yourself the ability to say, hey, we got to the \$10 million, so we are going to stop asking mines to get an additional surety bond in order to pay it. Once the money gets paid in there, there may be some mines that got in at the beginning, and they paid it all in or paid the 0.45 percent. You get to the \$10 million, so now you have a brand-new mine that comes in and they did not have to pay anything because you guys have cut that off. Did anybody mention about that inequity there?

Dr. Dragoni:

Yes. That is absolutely a good question and that was raised by the stakeholder during our discussion with the stakeholders and the mining industry. I believe that even though it was a good point, that was not a concern that significantly impacted the overall discussion and need for this fund to be replenished.

Senator Daly:

If somebody does get it and starts using the money, do not be first into the pool. The technical part that I was asking about is you guys can terminate that. Once you get it to \$10 million, you can say, hey, stop paying. Nobody has to pay. You have that inequity we just talked about, so some new mine may come on and not have to put up any surety. And you say that instead of saying when it goes below \$10 million, we can reinstate it, which seems logical to me, you say no, once it goes, once we get to the \$10 million, we are going to cut it off, unless you go through the whole regulatory process again and come back here

in front of us, which takes a long period of time. Why put your handcuffs on like that, especially if you need to move quickly for some issue?

Dr. Dragoni:

Thank you for the question. I think the overall consensus was that if we, ten years from now or so, we will need more funds in the trust fund, it would be fair to redo the entire process, the entire public engagement and industry engagement process that we did in this case. I think the assessment was a balance between, as you mentioned, having an automatic system for renewing the payment into the trust fund versus the ability of the need to go back and restart the process by engaging the public, engaging the stakeholder, engaging industry as we usually do for any regulation in case we needed, let us say, to update or restart the payment in the trust fund.

Senator Daly:

I personally think that is a flaw. I am devil's advocate just for a second. I am not going to take too long, Madam Chair. Let us just say there is a default and you have a situation that you know is going to take up this \$10 million. The people that owe it, they are bankrupt, they are gone, so everybody else that paid into this surety is kind of on the hook. So then, if that is depleted, now you are going to go back to all the rest of the operators and say, by the way, we are going to have to restart this up and you know the first ones in are going to pay the first \$10 million and some of the others that come after that are not going to pay anything. I think you are going to have a great deal of resistance from some of those mines and then getting a regulation like that passed, much less getting through the public process, will end up like the PUC was taking two and one-half, three years trying to get consensus, or you could just say we are the regulator, we are going to go through this regulation and we are going to make this assessment because we can. I just think it is a flaw in the process that you are proposing.

Dr. Dragoni:

Thank you for the question and the comments. I just would like to make sure that the current regulation, the current proposed regulation, allows us to, in case of default, has a mechanism to replenish the fund using, for instance, the surety that were paid by let us say the company that default, so we are not expecting a situation where the fund is replenished to zero completely, but in case of a default that we have mechanisms in the regulation and in the statute to the AB 40 that was passed during the past legislation to being able to replenish that trust fund. The \$10 million are envisioned as a sum that is going to be there, used by replenished as an interim emergency fund, where interim relates to the fact that we can use it and it is going to be replenished through different mechanisms. There is not going to be a situation where let us say a mine might come at the end, as you mentioned, defaulting, use the \$10 million and then there will be zero in the fund. Regulation and statute have mechanism to replenish that interim fund through the surety and through other mechanisms. If that was clarify . . .

Senator Daly:

So, am I reading this incorrectly, that says, hey, if we get to the \$10 million, we can stop assessing the additional surety or any surety. We can say hey, we are not going to charge the mines anymore. We just talked about the inequity thing. So, a mine comes online after you hit the \$10 million. He is not going to get assessed anything. And then it says that once you make the decision to stop charging the mines this additional money because you are at the \$10 million, the only way, according to this regulation, for you to reinstate that is by

regulation under 233B. We would have to go through the public process, the notice, workshop, hearing, get it through LCB, and then back in front of this Legislative Commission in order to restart it. That is the way I read it. If I am wrong, tell me, but that is what the words say.

Dr. Dragoni:

Just to clarify, you are absolutely correct that in order to reinstate the annual payment from the mines, we will need, once we reach the \$10 million, we will need to go back again with a new regulation. However, in order to reinstate the fund in case money has been used for a default, we will have mechanisms such as using portion of the surety.

Jennifer Carr, P.E., Administrator, NDEP, SDNCR:

Good afternoon. I feel like maybe there is a need to clarify this account versus our mine reclamation surety program. They are very different things. The mines still all have to be permitted under the reclamation branch and get their sureties. This interim fluid management account was created years ago, and there has only been about \$1.5 million in it for a very long time. It was designed to bridge the gap between the day that a mine defaults and walks away to the day that the bond or the surety mechanism can be cashed in and used to maintain the site. And that bond or that surety, when it is cashed in, can be used to replenish the funds that we have used in this interim period to manage fluids. This is an emergency account so that if a mine walks away and their mine ponds are full and the pumps stop running, they will not overtop and start running off into the environment. This is an interim emergency fund that bridges that gap.

As you might imagine, \$1.5 million, we discovered over the last few years, was not enough, and when we had to use this fund in a particular experience that we had, running a mine for the operation of fluids management in that interim period, was running about \$400,000 a day. So, \$1.5 million just does not go very far. That prompted this need to increase this fund, and we worked extensively with the mining industry to figure out what the quote, unquote "right" number would be, and \$10 million is what we settled on. That \$10 million value just cuts off the payments as Deputy Administrator Dagroni has described. But that fund can also continue to grow as it is allowed to be invested in the same way that the state's funds are invested. We just stop having the mines pay at that point in time. But when we use those funds, they do get replenished once the bond or the surety instrument is cashed in.

Senator Daly:

How does it get replenished? You are saying from the other sureties for the reclamation portion can go back to refund this? You said \$400,000 a day. Even at \$10 million, that is going to get you what 22 days, and unless you have phenomenal returns, which we are at the highest ever, that is still going to get you another two or three days.

Administrator Carr:

For your original question, yes, it gets replenished by the surety. We also have additional mechanisms in law, the reclamation surety, yeah, but we have other provisions now in law from this last session that provide other mechanisms for recovering our costs.

Senator Daly:

Still seems to me you should be able to automatically start it back up rather than have to come through the whole regulation, but those are all my questions, Madam Chair.

Administrator Carr:

Thank you, sir.

Chair Jauregui:

Thank you, Senator Daly. Is there anyone else with questions?

Senator Titus:

Madam Chair?

Chair Jauregui:

Yes, Senator Titus.

Senator Titus:

Thank you, Madam Chair. I am sitting here and very curious. Thank you for all your answers. Does the geothermal industry and/or the solar farming industry have any such regulations on reclamation? Because I am sitting, looking down, driving down to my district of Tonapah, and I see this tower there that is not being used, and I am just wondering about accountability in that industry.

Administrator Carr:

Thank you for the question, Senator Titus. As of this last session, yes, for the solar industry, there is an ability to have financial assurance for more types of facilities that handle materials, at least for recycling of those materials and other things that fall under the NDEP's regulations. I cannot speak to geothermal off the top of my head, but I am getting an indication from Mr. Kinder that the answer is yes.

Chair Jauregui:

Okay, seeing no questions down here, Senator Daly, would you like to make a motion?

Senator Daly:

Yes, Madam Chair, I will go ahead and make the motion, and I hope I do not have to say "I told you so" at some time in the future.

SENATOR DALY MOVED TO APPROVE R145-24.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Please do not go too far. Since you are here, I am going to go ahead and take your second regulation that we have pulled for discussion from Senator Daly, which is R034-26 (Agenda Item IV B-1). Senator Daly, did you want to go ahead and ask your questions on R034-26?

Senator Daly:

Yes, let me get to it. Okay, thank you. I know in the part that you wrote the need for the regulation is you want to get it all under the same mechanisms and regulation, et cetera, and the process for these recycling—if I am remembering correctly, because I am looking at it real quick here—recycling-type facilities. But then when I get through and I am looking at it, where you guys are allowing—and I do not know if everybody thought of it in both directions—that they have to follow the laws that the regulations that are set out for distances from schools, and rivers, and various things that is set out in statute, but you said unless the local zoning ordinance is different. That all works just fine if the local zoning ordinance is more restrictive and says, hey, it is two miles or it is a mile and a half, or whatever it is. But if it is less restrictive, it seems to me that it goes counter to your stated intention of having it all under the same mechanism.

Just devil's advocate again. I can see some well-moneyed group in a small county that is saying, hey, we are going to do all this economic stuff, we want to do this, but we got to put it right here and it is closer to a river or closer to a school than would be allowed. I just do not think that that creates the uniformity you are looking for that you said you wanted by allowing these local ordinances to be both directions. If it is a local ordinance that is more restrictive, I got no problem. If it is less restrictive, I think there is concern there where the people in those communities, if that happens, they are going to go, well how did this happen? And they are going to look back to this regulation that says we changed the local ordinance to accommodate this person and went against what would otherwise be allowed under state law under a local zoning ordinance. Did you guys think about that? Is that a possibility or am I reading it wrong? I am just saying, the way it is written, it could absolutely happen that way.

Jeffrey Kinder, P.E., Deputy Administrator, NDEP, SDCNR:

Thank you, Senator, for the question. I think that is a great question. This regulation only applies to a certain subset of facilities we regulate under the Hazardous Waste Program. It is certain facilities that can recycle what is known as hazardous secondary materials, and generally, when one of these facilities is proposed, we do work with our local partners when the project is proposed to just ensure, as you were saying, how this facility is sited, how is it operated. Generally, these facilities are regulated by the fire code, and the fire code moves much quicker generally than our regulatory process. Generally, we are referencing the fire code requirements for these types of facilities, and they generally are more stringent than state requirements for these types of facilities.

Senator Daly:

I am going to rely on some words that one of my colleagues said when we were talking about the security guard people. When you say "most" and "usually" and you are saying "generally," but it is not the rule. Right? It can be different. Each county can come up with their own rule and change the ordinance to accommodate whatever business might be, and it may not be what is in the interest of the state, which the Environmental Division that you guys are, Environmental Commission has come up with and said, hey, these at least should

be the minimums if it is governed by the state rule and you give some of that authority to local governments that may have different motives and different considerations than the protection of the environment, which is your sole duty.

I do not know what the rest of my colleagues want to do, but I am going to vote no on this, because I just think that that is a flaw and a risk I am not willing to go along with and have somebody come to you later and say, well, how was that allowed? You know, the rule says this, I looked at the statute or the regulation, so how is it that they are different than these basic standards that are set out.

Final question, if I can. Just to confirm, *Nevada Administrative Code* 444.8623 [sic], the provisions adopted by reference. They remain as they existed July 1, 2018, so there is no change in that part. I know it is referenced in several places, but that is going to stay the way it was as of July 1, 2018. Is that correct?

Mr. Kinder:

Yes. We adopt those federal requirements at that time and as new ones get adopted, we review them and adopt them as appropriately.

Senator Daly:

Okay.

Mr. Kinder:

But if I may address your previous question, just to clarify? A local entity can be no less stringent than state requirements, so the state citing requirements would be the backstop. What we are trying to say is in certain localities the fire code is much more stringent for the types of facilities we currently have, and we wanted to reflect that in our regulations.

Senator Daly:

I understand that and that is why I prefaced it the first way. Did anyone think that it can go both ways because that is . . . I understand your intent. That may be your interpretation here. In the end, that is not what the words say. That is not what the words say. The words say that you are deferring to local zoning; essentially, they can override the state. So that is why, like I say, I am not going to support that possibility. That was all my questions, Madam Chair.

Chair Jauregui:

Thank you, Senator Daly. Is there anyone else with questions in Carson City? Any questions in Las Vegas? Senator Daly, did you want to make a motion?

Senator Daly:

Well, I would make the motion to object or defer if that is what you want. I would be perfectly happy to do so.

Chair Jauregui:

No, Senator Daly, I will come down here and take a motion from Senator Nguyen.

SENATOR NGUYEN MOVED TO APPROVE R034-26.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

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

Chair Jauregui:

Thank you, Senator Daly, and thank you for being here to answer those questions. Just so that the Committee knows, I am going to wait and take all of the NIAA regulations at the end together, so I am going to skip R020-25 and R021-25 and take those at the end. I am going to move to R039-25, the Commission on Professional Standards (COPS) in Education. They have two regulations pulled for discussion today. Again, that is R039-25, which Assemblymember Miller pulled for discussion, and also we have R101-25, which Assemblymember Backus pulled for the Commission on Professional Standards in Education, so we will take those together. And I believe we have someone with us to help answer questions; I see them approaching the witness table. Assemblymember Miller, when they are seated and ready, you can just go ahead and start with your questions on R039-25.

Amelia Thibault, Legislative Liaison, Nevada's Department of Education (NDE):

Thank you. I am joined by Kathy Hoyt in Las Vegas, who is the Assistant Director for the Office of Educator Development, Licensure and Family Engagement, and Jackie Nygaard here in Carson City who is an Education Programs Professional within that same Office. We are ready to answer any questions. Thank you.

Assemblymember Miller:

Thank you so much. Going through this regulation—and I understand that it is existing law for the Superintendent—because again, curriculum changes, therefore, endorsements will change the requirements on someone's license to teach certain subjects. But I noticed in this regulation that it is not just giving the Superintendent of the state the ability to change the name of an endorsement—because again, sometimes I appreciate that comes from just an evolution—but it also to remove an endorsement from a license that no longer exists. I know there are things that . . . For instance, when I was in high school, they were still teaching shorthand. Currently, we are not teaching shorthand, but we also know that there are certain schools or districts that still continue certain programs that others do not. So just a couple quick . . . If you could provide a brief response to my questions in the regulation where it says that the Superintendent shall remove the endorsement on the license. Can you explain why there would be a need for that if: (1) the subject is not being taught anymore; (2) would not that endorsement, if it is no longer available, automatically drop off when the educator goes to renew their license? And also, considering the fact that there are oftentimes when educators do carry certain qualifications, but they do not put every endorsement on their license.

Ms. Thibault:

I will just begin with a brief note that you are correct, during a renewal process that if the endorsement no longer exists, then obviously that would not continue forward, but as we do frequently see regulations come before you from the Commission on Professional Standards, those endorsements are frequently changing, and so really, this is having the ability to have our administrative system remove any skeletons in a timely manner, is really the purpose of

the bill. For the remainder of your questions that I have not captured, I will defer first to Kathy Hoyt in Las Vegas.

Kathryn Hoyt, Assistant Director, Office of Educator Development and Support, Educator Effectiveness and Family Engagement Division, NDE:

Hello. So, kind of piggybacking off of what Ms. Thibault shared, is that the rate in which licensure endorsement regulations are changing is much faster than the rate at which educators are having to renew their licenses, which can be a period over several years. So, kind of what this regulation does is, it really helps us to clean up our own documentation, you could say, when it comes to licensure, so it is more accurate within the system when it comes to naming conventions and requirements. And, if we are having a transition of endorsements, eliminating one, but it can qualify for another one, but maybe with the need for some additional coursework, it helps us to better communicate with the licensee to ensure that they have what they need to remain in compliance with that new endorsement as well. And then I am going to defer to my colleague Jackie Nygaard if he has anything else to add.

Jackie Nygaard, Education Programs Professional, Office of Educator Development and Support, Educator Effectiveness and Family Engagement Division, NDE:

I would just add that with this, as Kathy said, it is primarily a cleaning up the records to make sure that they can be removed when that no longer exists. This also is something that is . . . I would just add that it is done in consultation with COPS, or the Commission on Professional Standards, is fully involved in the process so they are able to, so there is still that public contribution when these changes are made, but it is done so that we can keep those records up to date.

Ms. Thibault:

Have we responded to the question you were asking? I want to make sure that we give you the response that you are looking for. I am just looking for confirmation that we have provided the answers you were hoping for.

Assemblymember Miller:

Yes, I appreciate that. That does give me an understanding—Chair, may I follow up—an appreciation for the technical aspect of it. My other concerns come to the other part that says that if there is a change that the licensee may, when we are talking about additional coursework and additional work for that person. When I read things like the person holding the license is able to transition. Transition, to me, would imply that there would be, if the name changes, then the name changes on your license. And there would also include a grandfathering process. However, it goes on to say, additional coursework, additional requirements. A transition means we are changing in a direction; it does not mean that it is something brand-new. What I see lacking here is also a process of where these licensees would be notified, a process of how this actually happens. And in those cases where maybe there is not something to transition to, I guess what I see is just more work, more hours, more money spent by the educator, and also, sometimes, has it been considered the harm in removing certain endorsements from a license for educators who want to go out of state where those would still be very practical and very beneficial.

Ms. Thibault:

I am going to defer to Kathy Hoyt and request that she provide some information about . . . I believe that the transition period that you are discussing is typically included in the regulatory process specific to changes to that endorsement. I think that is where you may be seeing the gap is it is not generalized here because it tends to be very specific to the exact endorsement being changed. I would defer to Kathy Hoyt to provide a little bit more information about the process that COPS goes through when they introduce those changes to a specific endorsement that may include changes to the requirements, professional coursework, or other such things associated with that endorsement when such a change is made.

Ms. Hoyt:

I am going to defer to my colleague Jackie Nygaard as he works directly with the Commission on Professional Standards. Thank you, Jackie.

Mr. Nygaard:

The process with the Commission is that when an endorsement is changed and any type of requirements change in that endorsement, that applies strictly to those new applicants, and applicants for the existing will be just transferred over. Those will not be affected unless there is some additional skill that is required of that endorsement, which will be rare. An example would be, recently a new computer science endorsement was added, and it replaced a previous computer application. There was a course with a specific bit of technical knowledge that was necessary to be able to teach the coursework that is involved in that endorsement, and therefore, that course, it becomes required. And they have three years to obtain that if that is something that is necessary. Usually done through professional development (PD) at no cost, if that is at all possible, that those avenues are sought. Assemblymember, does that answer your question?

Assemblymember Miller:

It does, but I do not see that specifically stated in the regulations and that is where my concern is.

Ms. Thibault:

I think I would note that the process that we are trying to address with this regulation is really a matter of how we are able to update our OPAL [Online Portal for Applications and Licensure] system to be responsive in real time, particularly for the reporting that we get from school districts and we submit to our accountability portal and to the Legislative Counsel. To that end, if we have someone who has a current endorsement in, let us say, English Learning, which I think has recently been changed to the English Language Acquisition and Development Endorsement, is one such example. If they had that and they were midterm, then they would not be required . . . When we make that change, as soon as the NAC goes into place, we would ideally be able to say, great, that has been updated to reflect the current name in the law of the endorsement. That does not mean . . . It is not until they go to their next renewal and then the regulation for that specific endorsement is going to have clauses that say it will be at your next renewal. You will receive notice, you will have information about what you need to do for your next renewal, you will have information for any professional development you may need to take within a three-year boundary in order to have this renewal.

I think the problem that we are trying to fix here is if someone has a term . . . Let us say they just got an endorsement and within six months or a year of that term, we have changed the name of the endorsement. I do not think we are trying to regulate here the changes that are going to be specific to that name change, as it relates to the requirements to hold that endorsement. I am sorry if I am circling, but the point really is to be able to say rather than having someone listed as having an endorsement that no longer exists for four or five years before they have to hit that renewal, it is just a matter of our OPAL system being able to say, nope, here is the name of the endorsement that you have for the purposes of our reporting.

I really just want to emphasize, and my colleagues can jump in as well, but just emphasize that this is really a matter of us being able to update our OPAL system. It is not necessarily a matter of changing the regulatory requirements for those endorsements. It is very much an administrative loophole that sometimes adds to confusion for our districts, for our teachers, for the purposes of that reporting that we are trying to really just mend with a quick, simple, straightforward piece for that public transparency and understanding, but the much more complex process of changing requirements for those endorsements is handled separately under the regulations specific to that endorsement.

Assemblymember Miller:

Okay, thank you.

Chair Jauregui:

Assemblymembers, are there any questions, and Senators, any other questions? Any questions in Carson City? Assemblymember Miller, would you like to make a motion? Okay, I will go to Senator Nguyen.

SENATOR NGUYEN MOVED TO APPROVE R039-25.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEMBER MILLER VOTED NO.)

Chair Jauregui:

That was actually the only regulation we have pulled for you. I was looking at R101-26, not 25, so thank you for joining us. We are now going to move to R076-25, which I believe Senator Daly had requested to be pulled, and we will take that with R077-25. We will take those back-to-back. They are both the State Board of Education. As soon as they are ready for questions, Senator Daly, let us go ahead and open up the questions on R076-25.

Ms. Thibault:

We are prepared to take any questions. Thank you.

Senator Daly:

Thank you, Madam Chair. This is going to touch on a few of the things that we have talked about in a couple of other ones about what do the words say that we have now. What do they mean? How can they be interpreted? And then, what are we applying on top of that?

And specifically, you guys keep referencing in the regulation back to NRS 388.040, and the pertinent part on that is that it says that they “may”—“may,” not “shall”—but they “may” use a lottery if they have more people that have applied and they have already done the preference and the rubrics and all that stuff to determine priorities and there is still more kids that have applied than there is room, that they may need a lottery, may use a lottery. And maybe Mr. Killian can help me here on the legal interpretation of that. It says may but not limited to, or may, but it includes, which, legally the way I understand it, covers just about anything else when it says that they may, including but not limited to, or including a lottery, it does not limit it to just a lottery. More things can be used than just a lottery under that language in NRS, and that is just something that many people are not clear on.

And then you say in the regulation that they can use any method “not prohibited.” When you say, “not prohibited,” just about anything could be used under the statute. Tell me, if you can, what process, after they have gone through all of that stuff, including a lottery, what is prohibited? The way I read it, nothing is prohibited, so they could use anything.

Ms. Thibault:

I would just like to confirm that you would like me to respond first before deferring to . . .

Senator Daly:

Either way; I do not care.

Ms. Thibault:

I will go ahead and jump in, and I really do want to preface that this was a very difficult regulation. We went back and forth multiple times with our school districts, and you can check with LCB, this one went through, I think, four total types of revision from the initial to the final.

I would say first in terms of “may use a lottery” and a process “not prohibited by,” you are correct that this is very flexible language. This language emerged out of knowing that there were a few safeguards in place and really understanding what this means for our districts and that we have had conversations with them about what provisions they are looking to move forward. And, the difficulty that we had in trying to assess what open enrollment and open enrollment transportation provisions and things like that could look like in a regulation that was going to apply equally to Clark County School District as potentially Elko County School District, and even one or two of our rurals who thought they were safe, could technically still have some come in. We were, at times, limited by knowing that we do not have a one-size-fits-all approach, while knowing that we need to have an equitable approach that does still serve every student.

I would say that the safeguard that we know that we have in place is first that the Department does need to review and approve the policies and procedures that are established by the school district for the purposes of setting up a system of open enrollment. To that end, when they say we are going to use a lottery system or we are going to use these rules within the lottery system, the Department is still reviewing those policies and procedures. We are aligning it to the intentions of the bill. We have a rubric for that evaluation as to whether or not it is allowable within our understanding of both the languages written in the regulation and in the NRS, as well as our understanding of the intent of the bill, which is an important piece not to lose.

I would say that the things we saw most in terms of, may use a lottery, one is really limited to those large school districts, less so for our smaller. But those tended to be provisions like we will move students into a lottery after we have already identified that they are in a one-star, two-star school, that says certain provisions largely, like the student has a weight if they have a sibling attending the same school. You have an elementary school, one student is already there, they are in third grade, you have one that is starting kindergarten or first, and it says if they get put into the lottery to be outside of their zone, they will get an additional weight because their sibling already attends there. That way, parents have a single drop-off. That tended to be where we saw those prioritization categories coming in, having to do with if the child is the child of a teacher who teaches there that may be out of district, if there is family prioritization, things like that.

So, largely, that is a matter of you can follow the system exactly and you could choose to use a lottery that then does have additional weights, or you could choose to take them in the order received. You could choose not to kind of randomize and pull numbers. You could say every single person in order of time until we run out of options. We did want to provide, and the reason it went around so many times was trying to provide as much flexibility as possible, to address local control and local needs while still again trying to honor the intent and equity of the provision.

I would say to the piece about “not prohibited” or “not otherwise prohibited,” I think this is where we recognize it is a somewhat open clause and that has to do with the drafting. We believe that because there is still the review and approval process through the policies and procedures, because there is a reporting process on the other end, which is going to give us the accountability reporting that we need to identify additional changes in regulation. And I will say, going around with our school districts, we acknowledged before we even got this through our own State Board, that there would inevitably be changes as we actually started to implement this process and progress monitored.

I think we needed to have something that said “not prohibited” in the event if we look at Elko or Carson City or a smaller region that may kind of come up with something innovative that best fits their school community, and we do see some of that happening in our rurals who are coming up with slightly different approaches to how they are going to do it. But in that review of the policy and procedure, we are still making sure that honors equity and fairness with the intent of the bill, in addition to, and if there is anything submitted that we have a question on, like, I do not know, is that prohibited? We do tend to reach out to LCB proactively with those questions, just to make sure that if we deny something, we are within our authority to do so, and if we approve something, we are also maintaining the intent of the bill sufficiently and it is not, well, I guess we said you could not do that, so technically you can, but really trying to make sure that we honor the bill and the intent.

Senator Daly:

Thank you, and you are right, it is very complicated and not one-size-fits-all. You are saying the backstop is the State Board of Education when they have to apply for their, or they have to submit their plan on how they are going to implement the open enrollment processes. So that is where you are going to say, hey, when you get to this, we are going to be looking at your priority matrix, make sure that that is in conformance with, and theoretically, you can deny that. And then they could say, hey, we are going to get to the lottery, and we are going to say, hey, we are going to take them, like you said in, in order of submission or we are going to put all the names in a hat and we are going to pick one. I am assuming a sibling going to that school was in the priority part previous to that, or they could come up with something else. But theoretically, you could deny that, even though technically it may

not be prohibited somewhere. Just say it does not meet the spirit and deny it, and then they would have to sue you or something like that to override that. At which point, if they came up with something really crazy and pushed it and got it approved because nothing is prohibited, we would have to fix it by legislation somehow.

Ms. Thibault:

I would say that is correct. We did have back-and-forth with LCB and with our districts. The language specifically in NRS said that districts shall submit their policies and procedures to the Department, and we added a provision in regulation and LCB did agree with us when we said submitting it to the Department implies review and approval. We did specifically make sure that our review and approval process was included in this regulation for exactly those safeguards. I will say that it will not go to the State Board of Education to vote on those items. It will go within the Department it is currently assigned. Yes, somebody who will look at it closely, and we have tried to build out that system as much as possible. And I think to your point, if someone does come up with something crazy that was not otherwise prohibited and we go through that long process, it is where we revise the regulation and we become more explicit. We revise the NRS. But I think sometimes a more flexible approach to start is always good, and then when you need to become a bit more prescriptive just because people have gotten a little wild, it is better for that to be the second or third choice rather than coming out the gate being a little too limiting.

Senator Daly:

Understood, and I empathize or I commiserate with you on that because it seems to me, it is going to come from another parent of a kid that did not get selected that is going to say hey, they cannot do that or they discriminated somehow and then you are going to have to go back to this whole review. I am not sure I have an answer for it. I am just pointing out that it is kind of wide-open wild west. It is a gaming state. Someone is going to figure it out and we will adjust accordingly. Those are all the questions I had, Madam Chair. I just was pointing out that there is a wide open gate on this and it is under development, but I am otherwise okay.

Chair Jauregui:

Thank you, Senator Daly, and it does not look like we have any questions down here in Las Vegas. Are there any other questions up in Carson City? If not, would you like to make a motion?

SENATOR DALY MOVED TO APPROVE R076-25.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

And while we have you there, we can go ahead and open discussion on R077-25. I believe I have questions from Senator Titus and also Assemblymember Hansen. Senator Titus, did you want to lead us in questions?

Senator Titus:

Thank you, Madam Chair, but I am going to defer to my colleague Assemblywoman Hansen.

Chair Jauregui:

Thank you.

Assemblymember Hansen:

Thank you, Chair, and thank you, Senator Titus. Just a quick clarification and thank you for being here. In Section 12 when we talk about the school district may allow credit towards graduation from high school for pupils' experience outside the high school campus, et cetera. As we are addressing competency-based for those who are not looking at the actual language, as we are working on this competency-based education, which is for a little bit of history, the pilot was passed in 2017, we are still kind of here. Two questions. On this section, I am just curious, say credit for say a diesel mechanic sort of course a student might take—love to see that sort of stuff—but then we get into some areas that seem a little, I am not sure as clear, when we talk about how do we define what is going to qualify for the credit. If they are working at McDonald's, could they get an economics credit? If they come and testify at the Legislature, could they get a credit for that? Not that I am saying I endorse that because I think there is a lot more involved to this competency-base than just these little one-offs here and there, but an actual course like diesel mechanics, that sort of thing. So how are we quantifying what will qualify?

Ms. Thibault:

This one also has a fair amount of background. I would preface in getting to answering your question, if you will allow me, that, as you said, we had the pilot emerge in 2017. We have had different school districts or very specific schools who participated in pilots or have come up with really innovative ways to serve their students. We have had that field of innovation occurring. Part of what this regulation is really trying to do is . . . We do not actually have firm numbers because there is no reporting requirement of which schools are currently doing what we are sure is wonderful innovative work. What we are trying to do here is not necessarily limit innovation but set up a system where we know who is doing what, that we have established a process where there can be monitoring and technical assistance as well as a clear evaluation of how they are doing something, that you do see a great amount of different ways to implement across the nation and globally.

The purpose of this regulation is to say, we love everyone who is innovating. We want to make sure that we have a little bit more oversight on that so that people do not accidentally innovate a little bit too far. We also want to make sure . . . I will see that there are a number of high schools that I have worked with in my prior position that were very specifically saying we want to do this thing with our school calendar because it is going to allow our students to not have to retake a course or it is going to allow this flexibility for this student group. And we have seen school districts and schools do things like, well, I applied for distance ed and alternative ed and I am trying to kind of cross those things over across potentially three different programs at NDE, when the real program that would fit this would be something like this program of personalized competency-based learning.

I swear I am getting to your question, but the purpose is, ideally, they would submit a plan to us. And ideally, then, we would also have the opportunity if they say, great, we want to do what would equate to an independent study, which we do have established regulations and NRS on, for this kind of thing. We want to offer our students an opportunity because we

have a specialized teacher to do this extra credit outside of a program. Right now, I would say we are looking at trying to let there be innovation and flexibility, but on a case-by-case basis. These provisions, a number of them, are not completely open, that says any school, go for it, make it up. The purpose is for us to say, hey, there are a couple of schools that are going to suggest to do very specific programs or pilots. They are going to explain to us what rigor they are going to add, to your point, about are they really doing one testimony versus someone who is doing much more expansive work with diesel mechanics, finding a way to make sure that we are better supporting students in work-based learning, in CTE [Career and Technical Education] learning, in preparing them for whatever their pathway is going to be once they graduate. But it is on a limited basis because we do not necessarily have enough evidence, as of yet, to say great, let us make that a statewide practice. Some of this is also to make sure that we are getting the information directly from the innovators, that we are able to evaluate that progress and also be able to say, hey, this had great results. Let us talk about what scaling would be, what guidance would look like for developing such a program. Do we have a better understanding in Nevada of what some of those requirements might be now that maybe we have had two schools try two different little pilots for a small number of students, and we could grow from that.

But right now, I think part of the reason that we are still here, as you said, is because we do not necessarily have—obviously we have some who have participated in pilots and different things—but we just do not have as much of the oversight that we need to really be able to say, hey, we know because three different schools have tried it and we have monitored and evaluated and it is really working and not in a one-off, that maybe now we can do data analysis on that specific thing. And then potentially try to scale it to other schools who want to opt in. Promulgate it as there is a best practice or an option you could look at. But without that kind of cycle of review and evaluation and knowing what is happening in the field, we cannot wrap our arms around it. I am going to ask if I answered your question. I know it was a roundabout way to get there.

Assemblymember Hansen:

You did. You did, and you actually emphasized, I think, at the very beginning, what has been a bit of a stumbling block, is something was passed years ago but the data metrics, the accountability factors were not there. We do not have the research, the data now over all these years to look back and say, oh, okay, this is how this is working. So, this regulation then, with all the different things being added in, do we feel comfortable that we are going to get some of that accountability, the metrics that we need?

Ms. Thibault:

I believe that this is the right step forward. I will say just because you use the term “accountability”—and that is also a very specific federal term at times—that there is additional analysis that we need to do in terms of how the progress or achievement, credit sufficiency, testing, and whether or not assessments can be done on a competency-based basis. Some of those items are things that we still have working groups trying to figure out and understand. But in terms of accountability, to say, oh, we have now been able to identify that you are doing this work, and one school is pulling out phenomenal results and maybe one school is not seeing those results. Maybe we do not have the evidence to clearly say it is an evidence-based practice, so we may want to deimplement something. We may want to scale something else that is working but to also be able to say very concretely, here are the ways that competency-based education can serve our students and can work in schools. Here is the PD educators need. Here is the structure for how you could implement such a program and have it be an optional opt-in for people to do. In terms of that

accountability, I do think this is the right step forward to really wrap our arms around what this opportunity could be for our students while setting up the systems and supports to make it feasible, practical, evidence-based. But, in terms of federal accountability, we are still trying to figure it out.

Assemblymember Hansen:

Thank you for that. I am sorry I used the “a” word. I should have known better serving on Education, but you got what I meant, and thank you, Chair, for the chance to ask the questions.

Chair Jauregui:

Thank you, Assemblymember. Senator Titus, did you still have questions?

Senator Titus:

No, I do not. Thank you, Chair.

Chair Jauregui:

Thank you. Are there any other questions in Carson City? Seeing none, are there any questions in Las Vegas? Assemblymember Hansen, would you like to make a motion?

ASSEMBLYMEMBER HANSEN MOVED TO APPROVE R077-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Thank you for being here. We are now going to move on to R094-25, the Board of Occupational Therapy. Assemblymember Backus, this was a regulation you had pulled, so as soon as we have someone at the witness table. Thank you. That was my mistake. We do not have R094-25. We will save you for NIAA, Assemblymember Backus.

Let us go ahead and move on to R110-25, the Division of Industrial Relations. Senator Daly, I believe you had requested this regulation to be pulled. We have the Division approaching the table. Hello, Ms. Carreón. Okay, Senator Daly, they are ready.

Senator Daly:

Thank you, Madam Chair. As some of you may guess, I will start out by saying I think I am pretty much opposed to this regulation, but I do have a couple of questions. When I read your explanation for the need, it appears that you are trying to change our penalty reduction provisions and OSHA's [Occupational Safety and Health Administration] standards and how you do enforcement to match some federal operations manual that may have been adopted recently and various things.

The question is, my understanding, or let me just make this statement. My understanding is that federal OSHA sets standards and they have guidelines, and rules, and provisions. And

states can have state OSHA, which we do, and we cannot have less restrictive standards than the federal government establishes, but we can have more restrictive standards or higher penalties or different as long as they are not less than what the federal government allows or calls for. Our current enforcement provisions that we have are more restrictive, have higher penalties. It has a lower employee count number; it has lower construction. It has different levels of the penalties than the guidelines you are trying to match. If we do not pass this, we are not in violation of any federal rule or anything because our standards are higher than what the feds currently allow. Is that correct?

Victoria Carreón, Administrator, Division of Industrial Relations, Department of Business and Industry:

Thank you, Senator Daly, for the question. In answer to that, as you know, OSHA, Nevada OSHA, must be at least as effective as the federal program. In this case, you are correct, the federal changes that were made to the penalty adjustment factors are less stringent than what we currently have in Nevada, so we are not required to make these changes. However, we put forward the recommendation to make the changes in compliance with what the federal government did.

Senator Daly:

You put them forward because you wanted to match them but not to be in compliance with them because we are not required to lower our standards in this state to match their lower standards that have been adopted. We can have the higher, more stringent, more penalties, safer work environment than the feds are requiring, which is what we currently have, so we are not doing it to be in compliance. That was a misstatement?

Ms. Carreón:

You are correct, we do not have to be in compliance. We were just trying to align with them, but we are not required to do so.

Senator Daly:

But there is no requirement to do so. Thank you for that.

Next question. It lowers the standards by increasing the number of employees an employer can have in order to be eligible for the reductions. I believe that is in Section 4, sub 2(a). How many more employers would now be eligible for this 70 percent reduction based on the number of employees? And how is that beneficial to workers in the workforce? Beneficial to the workers. I do not care about the employers. How is it beneficial to the workers?

Ms. Carreón:

We do not have data at this time with how many employers would receive the additional penalties. It really depends on who receives the citation and the size of the employers at that time, so it really depends. In terms of for the employees, the purpose of the penalties in OSHA is to provide a deterrent effect for businesses and to help prevent future violations of safety standards. We think there is still sufficient deterrent in effect to benefit workers and prevent injuries.

Senator Daly:

And I would disagree that lowering the penalty increases or makes the deterrent better. I think it just makes it easier for someone to not fine that.

Can you tell me, I am looking at Section 4, I think it is sub 2(b) would now allow for—was not previously allowed—for a reduction for a serious willful violation. So serious violation, can you give us just an explanation of that, that it is going to cause immediate harm? We all know what willful means, but a serious violation? And why would we allow a reduction for a serious, willful violation?

Ms. Carreón:

That reduction that you are referring to for a serious willful violation is really based on the size of the employer. There is other penalty reduction factors that would not apply for a serious willful violation.

Senator Daly:

So, there is other reductions that do not apply under different rules or whatever, but under this new rule, they theoretically could get a reduction if they were doing a serious willful violation. So, they knew it was, they had knowledge, they did it anyway, and we are going to still give them a reduction for that. I am just not seeing how that is a deterrent, but we can move on.

I think Section 4, sub 2(d) allows a person to get . . . There is a requirement that you have a safety program to be in consideration at all for any type of reduction in the penalty. You have to have that safety policy and procedures in place that meet certain standards. There are laid out rules on what meets that requirement in regulation or statute, I am not sure which, and this would say that we can still give you a penalty reduction if your standards, your policy is not quite up to snuff. It is only minimally deficient—deficient nevertheless—but minimally deficient, and you are still going to give them a penalty reduction for that. Again, why are we moving standards if we are trying to create and make sure we have deterrents and have the safest workforce and workplaces that we can and have employers actually comply with the federal and state safety regulations for workers? Why would we think that is beneficial?

Ms. Carreón:

In this case, this is an exemption for, or a penalty reduction for good faith efforts at implementing an effective safety program. It is 25 percent if you have a fully implemented safety program, and then the new provision is a 15 percent reduction if you only have minimal deficiencies. I think that we find that in many cases the employer has a full program in place. However, there may be some small areas where they are not in compliance, and so, this provides them with the opportunity to have that penalty reduction of 15 percent in those cases.

Senator Daly:

And I am still confused again by your testimony there where you say well, sometimes they have a full compliance program, but they have some deficiencies. How can they have full and deficiencies at the same time? I am not following. And then how is it still beneficial to increase safety on the worksites or work locations? I do not think any of this increases any safety on the worksites for the workers.

Ms. Carreón:

Sorry for the confusion on that. It is 25 percent if they have it fully implemented. That is the adjustment factor, and it is 15 percent if there are only minimal deficiencies. I think that if there is only minimal deficiencies, it is still warranted to have a reduction of just a lesser amount.

Senator Daly:

I am following but still disagreeing. You have not answered the question on how any of this makes work locations and workers safer.

Last one, Section 4, sub (g). There are many others, but we will go to this. You can get a reduction based on immediate correction. Your employer cited for hazardous 15 percent. But now under this new rule, you are saying, you can still get the deal for corrections, maybe 5 days later or as much as 15 days later if there is some issue. Are there not other ways to abate that? Am I reading this incorrectly, or is this saying you can get 15 percent if you immediately correct it? There is a hole, person might fall into it. They immediately cover it with plywood or something else, nail it down, and secure it so it cannot be shifted. They immediately corrected that. If it is a bigger hole and they do not have the material and they have to maybe get some other equipment in, you are saying they can leave that hole for up to 5 days or even up to 15 days if they have to special order some extra equipment or something? What are we trying to do? And again, how does that make it safer for workers in Nevada's employment?

Ms. Carreón:

I think I will defer to our chief of Nevada OSHA to talk about what would be expected on a quick fix.

Kym Heckman, Chief Administrative Officer, Nevada OSHA:

If there was a hazard that was immediate, could cause harm to an employee, such as a hole, we would expect them to cover it before we even leave the job site, and if they did that, then they would get the 15 percent. But we still would not just, but we still would not let them not cover the hole when we were there.

Senator Daly:

You did read subsection (d) or (g) that says they can maybe not later than 5 days or more complex abatement actions and not later than 15 days if there are extenuating circumstances? What you just said is contradictory to what your regulation proposes.

Ms. Heckman:

For some instances, if there is a . . . Say if we have to order a guardrail system for a roof, and it is a large employer, and they have to keep the employees off the roof because they have to get things preapproved, corporate has to approve things to get a purchase order done, and they have to get quotes and things like that, that is where that delay would apply. But they would still have to keep the employees off of the roof by administrative controls.

Senator Daly:

Understood. I do not have any other questions, Madam Chair. I am opposed to this regulation, and I do not think it does anything to benefit Nevada workers or safety in the workplace in Nevada as we have seen, and I know there is some other public comment written and otherwise that we have so, thank you, Madam Chair.

Chair Jauregui:

Thank you, Senator Daly. I am going to go to Senator Nguyen at this moment.

Senator Nguyen:

Not to be a broken record, but I do not feel like we ever got an answer to the question that I know Senator Daly asked, I think, four or five times, is what about this regulation that is being proposed makes workers safer?

Ms. Carreón:

I think that as I was stating earlier, the purpose of the penalties in OSHA is to provide a deterrent effect for employers to ensure that they are not violating the safety regulations. We feel that this still provides sufficient deterrent effect by also providing a balance with the ability for smaller employers to enable them to have a lesser penalty, but we still feel that there is sufficient deterrent effect and that ensures worker safety.

Senator Nguyen:

As a part of developing this balance that you came into . . . It sounds like it was a balance just to come into, not into compliance, but to lower the standards to that of the federal government. And is that the extent of the, I guess, research investigation on reducing, creating this regulation?

Ms. Carreón:

Yes, we were trying to come into alignment, which was an option that was given to us by federal OSHA. We do also see often that there are a variety of small employers where there are some challenges with being able to pay the amount of the OSHA penalty, so we do do a lot of settlements with employers when they face an OSHA fine. With this, if we have a lower initial fine, then we can hopefully resolve them more quickly. Oftentimes, we have what is called the expedited, informal settlement agreement. Once an employer faces a citation, we look at that and see if it meets the criteria of being able to get an expedited, informal settlement agreement, and that is a 50 percent reduction. Those are given out frequently. Thank you.

Senator Nguyen:

You keep talking about employers, employers, employers; what you are doing to make this easier for employers; what you are making it easier for employers, and not just employers, but employers that are in violation of OSHA standards, so, like violating employers. What kind of conversations have you had with employees or the workers that have been subject to the conditions that led to these violations?

Ms. Carreón:

As part of doing these regulations, we do reach out to a variety of stakeholders to get input. We did not receive any concerns during the initial workshop or in stakeholder meetings that we received earlier. There was one person who made a comment during the adoption hearing, but we do regularly reach out to stakeholders. I do want to say, though, that in terms of ensuring that workers are safer, the faster we can get the hazards abated, the safer the workers will be. If we are able to resolve a penalty more quickly by having a lower penalty, it will help our workers because we will have abatement of the hazards more quickly because they do not have to abate until the issue is finally resolved and there is a final order.

Senator Nguyen:

Yeah, I think I am in agreement with Senator Daly. I just do not feel comfortable with taking away protections that we have in place just because we can, because the federal government has decided to lax their standards. I do not believe we should have to. I think it is our job to protect those employees. Thank you, Chair.

Chair Jauregui:

Does anyone else in Las Vegas have questions? Anyone in Carson City? Senator Hansen.

Senator Hansen:

Thanks, Madam Chair. Having been on both sides of this issue as both an employer and an employee working right alongside my men in the field, we have had some definite issues with OSHA, like the minimum fine would be \$25,000 for some relatively minor things. What I think has been overlooked in this discussion, though, is these 25 and 15 percent things are incentives to make sure the employer complies 100 percent. If they are in fact in complete compliance with the OSHA requirements and there is some sort of a thing, then they can get up to a 25 percent reduction for smaller employers. That actually is an incentive to make sure that you protect your workers and you have a full safety program in place. If you have ever seen those safety things, they are very extensive. I had to hire outside help to come in and design my own safety program. And then the 15 percent is, okay, Ira does his best, my little plumbing company on one of these bigger projects and I get an OSHA inspection and something had happened and they come and do an inspection and they say, okay, you are almost 100 percent in compliance, Mr. Hansen, but your fire extinguisher thing was not quite up to code or whatever. Then they say, sorry, you do not get the 25 percent, but since you were like 99 percent in compliance, we will go with the 15 percent. And then if they find me to have no safety program whatsoever or something that actually is a serious violation, I get no discount. I pay the full penalty. So, I am clearly incentivized as an employer to make sure that I have my safety program up to 100 percent OSHA standards, and if they in fact find that, then I get a 25 percent discount. So, I am very strongly incentivized to ensure that my safety program is there in place to protect my workers and also to ensure that I am in complete compliance with both federal and state standards.

Like I said, I have personally worked, I am getting older, so I do not work in the field much anymore, but for about 40 years, I did. And I have been through several inspections. I have worked with some big companies, too, in the Reno-Sparks area, and I just tell you right now, all of them had almost a blanket policy. If an OSHA inspector showed up, all the people left the job site. They literally just left the job site because of the total fear they have, and that would be with bigger outfits, too. There are some really reasonable things

that need to be done to ensure not only worker safety, but some balance be brought up into this whole process of worker safety.

As a worker myself, believe me, I am 100 percent in favor of every reasonable thing possible to protect workers. But the criticism of this regulation, that in fact, is a disincentive for employers and creates an enhanced level of worker unsafety, it is just inaccurate. It is the exact opposite. I am fully in favor of this regulation, and I think that people, that smaller employers especially that are in 100 percent compliance, should get a 25 percent break. And if they are doing their best, a 15 percent break. And if they are not doing a damn thing, they should get penalized 100 percent. And that is a heck of an incentive when you see the dollar volume that these penalties involve. That is more a statement than a question, but I think this regulation is actually intended to make safety higher, not lower it. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Senator Hansen. Any other questions or comments from Carson City? Senator Daly.

Senator Daly:

Thank you, Madam Chair. Again, we do want to have a balance and there is already. In my previous career working for the union, doing various things on that, we have had many situations where I have gone and helped employers and many situations where I have filed complaints against employers and there are already instances and programs and things in place to try to help to gain that compliance. But when we are doing things in here about trying to give a reduction in penalty for a serious willful violation, I just cannot justify that. We have the SCATS [Safety Consultation and Training Section], the part where they can go in and request, the employer can call OSHA and say, come in and inspect my job site, and if they find violations or they find things, no penalty is written. They give them advice and say, get this corrected. This is where your deficiencies are. Employers have many things. I have seen things go to a hearing before. They get to these penalties that my colleague is talking about where they can go in and they can explain, and I have seen the reductions that have gotten based on those explanations, et cetera. I have seen them claim that there was a rogue employee. I did everything I could, and he just went out and purposely violated the rules, and I had no control over that. And I have seen OSHA give reductions in penalties or dismiss cases based on things like that. There are a lot of things in play. Changing these things just because the feds have lowered their enforcement standards and requirements is foolishness. There is plenty of already-in-place safeguards to be fair to employers. This does nothing. This regulation does nothing for employees.

Chair Jauregui:

Okay, thank you for being here, Ms. Carreón. I think at this time, we are going to go ahead and move forward with deferring this regulation till a later meeting, and we thank you for being here to answer questions.

Committee members, with that, we are going to move to our next regulation, which is R116-25. Senator Titus, I believe this was a regulation you pulled for the State Board of Health. I see them approaching the witness table, so please feel free to begin asking your questions when they are ready.

Senator Titus:

Thank you, Madam Chair. There is one of you. No backup? All right, very good. I will fire away. Actually, it is not firing, and thank you, Madam Chair, for the question. I just need some clarification early on in this. The definition of a *rehabilitative residential mental health care facility* already exists in statute. What I am seeing this regulation does is expand what those rules are and what they actually do, and then there are some licensing numbers put in here. My question is on Section 6. Section 6 says, "A provider of a rehabilitative residential mental health care must hold a separate license for each rehabilitative residential mental health care operated by the provider."

I am a little confused. As a provider, a medical provider, I have a state license and I can get privileges to practice at different facilities and I have over the years, but it does not require me to have a separate license every place I practice. I am wondering if the term *provider* there is really needed as opposed to an "operator" of a facility. Each individual facility, of course, different hospitals here in the state are owned by different corporations, different companies, different communities, such as Renown, they have different facilities and each one needs to be licensed because each facility does a little something different. I am just worried about the terminology here, that it is unclear to me that it is a provider like somebody giving care or doing the actual therapy needs to have a separate license. Can you clarify that for me, please?

Paul Shubert, Chief, Bureau of Health Care Quality and Compliance, Division of Public and Behavioral Health, Department of Human Services:

Hopefully I can. In this case, when we use the term *provider*, we are actually talking about the facility itself. So, yes, in your explanation of you being a provider and going out and providing services in different facilities, that makes sense, but in this case, we are talking about the provider as a "facility." So, it is an individual facility versus an individual.

Senator Titus:

Follow-up, Madam Chair? If the providers say they own multiple facilities and say they are on the same campus even, would they need a separate license for each of those?

Chief Shubert:

Yes, they would, if they are going to actually operate multiple facilities. Let me retract that. If it is on the same campus, we could actually license those cottages, if you will, as a single facility. But if they are separated by space or by a distance off of a campus, then we would expect a separate license for each facility or provider that is providing those services.

Senator Titus:

Another question if I might, Madam Chair? I am still having difficulty with using the term *provider* because it is not a provider, it is an operator. Because when we broaden . . . Frequently in legislation, we will have access to providers and then there is definition of providers and now we are throwing in that there is a provider of these rehabilitative residential mental health facilities. That is a whole different ball game being the provider there as opposed to the operator or the facility in general. So, I have significant concerns about that language.

And finally, on the fees. You are looking at charging \$9,530 per facility, and I am wondering where that figure came from. I looked at your broad list of charges, wondering about what

you anticipate the capacity, how many clients will they have, because it seems to me that they could have maybe providing for four clients, those type of things, as opposed to say a large facility having 1,000 patients or clients in it. And I am just wondering about that blanket charge that you did and how you came up with the \$9,530 for a license and how you could justify that cost? Do they require a greater inspection? Do they require more of your time? Exactly where did you come up with that?

Chief Shubert:

Actually, that is a base fee. There is also a per bed fee of \$62. So, in addition to the \$9,000, there is a per bed fee. That is the initial fee and then the renewal fee is half of that, and likewise for the beds, it is half of the bed fees. We actually established that fee based on our experience with psychiatric residential treatment facilities, which these regulations closely mirror. We took that same fee and decided that that was what we would charge for the rehabilitative residential mental health care facilities.

Senator Titus:

Without any justification that that would be the actual time that it takes your agency to license these or is it . . . It sounds to me like, oh, it is similar to this one, so we are just going to blanket charge plus additionally you are going to charge them per bed.

Chief Shubert:

Per bed. Essentially that is what we do. However, we went back and we do analyze the time for inspections, investigations, the work that we do in facilities. We have done that with psychiatric residential treatment facilities. So, when we were looking at these and recognizing that they were a mirror-type of facility, we felt like that was a good standard for at least assigning the fee initially. Now, we may determine later after we have actually licensed and inspected and investigated complaints at some of these facilities, that it takes us less resources, or for that matter, more resources. It just depends, but the eventuality is we may adjust them.

Senator Titus:

May I continue, Madam Chair? Just to follow up on that. We already have the term in regulation. Do we have any of these facilities that actually exist, and if we do not, how many do you anticipate? What is the broader, or the . . . What do you see as these facilities coming to Nevada? Have there been applicants? Because it seems like it is truly the same thing as a psychiatric-type of center. What is the uniqueness here and are people waiting? Do we have more access to mental health if we do this? I mean, what is the driving force behind this?

Chief Shubert:

We worked with Medicaid to understand because these facilities will actually go through an enrollment with Medicaid versus the psychiatric residential treatment facilities do not necessarily need to enroll with Medicaid. They can operate for private pay, if they so desire. Many do enroll with Medicaid. And the other difference is that these facilities can also provide services to adults, whereas the psychiatric residential treatment can only provide services to children under the age of 21. So, there is a couple of different aspects to these facilities. In our inquiry with Medicaid, there was an indication that they felt like there would be approximately five, and there are some applicants in the wings, if you will, that want to

apply and enroll to provide these services. And they felt like initially they would have approximately five facilities that would apply and those would be ten bed or fewer facilities.

Senator Titus:

Am I to understand this provider type and this application has really been Medicaid-driven, that they are looking for this type of regulation so they can then bring this type of facility and access to our state?

Chief Shubert:

Yes.

Senator Titus:

And they already exist in other states, and we just needed to clarify so they could come here?

Chief Shubert:

It is hard for me to answer that for Medicaid, but I believe the intent is that we wanted to make sure that Nevada could actually get these types of providers in Nevada and actually reimburse them.

Senator Titus:

So, the provider types already recognize Medicaid on a national level, recognize it for reimbursement purposes, and our state Medicaid reached out to you to do this?

Chief Shubert:

Well, reached out to the Legislatures to develop the definition and then, of course, with the definition, we generated the regulations.

Senator Titus:

All right. Thank you, Madam Chair. That is all the questions I have.

Chair Jauregui:

Thank you. Are there any other questions up in Carson City? Seeing none, are there any questions down in Las Vegas? Senator Titus, would you like to make a motion?

Senator Titus:

Yes, I will, happily.

SENATOR TITUS MOVED TO APPROVE R116-25.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Senator Titus, I believe we have you up for the next regulation as well for questions. The regulation that you requested to be pulled was R012-26, and I believe we have the State Engineer here to answer questions.

Senator Titus:

Madam Chair, I pulled that for Senator Hansen, and he would like to ask the question.

Chair Jauregui:

Thank you, Senator Titus. Senator Hansen, when you are ready.

Senator Hansen:

Thank you, Madam Chair. They are coming to the table as we speak, so I will give them a second to get in. We will make this quick, but I had a few questions I just wanted to get some clarifications on. Go ahead; introduce yourselves, gentlemen.

Joe Cascioppo, State Engineer and Administrator, Division of Water Resources (DWR), SDCNR:

Thank you very much, sir. With me is Malcolm Wilson, Deputy Administrator, with the Division of Water Resources, the brains of the operation.

Senator Hansen:

Good. The brains and the boss; glad you are both here together. Real quick. You guys crossed out a lot of stuff, which I really like, but I want to make sure in the process that we are not possibly getting rid of some stuff that we need. Let us see, we will start with Section 3 (c) [*sic*] where you cross out a bunch of stuff about domestic wells on residential properties. Nothing in this new change affects, in any way, domestic wells, or the bigger concern is ultimately coming up with ways to meter domestic wells. Nothing in this deals with that, does it?

Malcolm Wilson, Deputy Administrator, DWR, SDCNR:

Thank you, Senator Hansen. No, this does not have any effect on domestic wells.

Senator Hansen:

Good. I just want to get that on the record. As you know, that is a super sensitive area. I am sorry, that was Section 8 (d) [*sic*]; that is why you were looking confused.

Section 3 (c), one problem that we have had in the past with some of these . . . The need for the extensions is municipalities. For example, if you take a little city like Lovelock, they are trying to stockpile water for future growth, but the way the regulations and maybe the NRS, I am not sure, is they cannot do that unless they are constantly applying for extensions on their water. Does anything in this regulation help deal with that? Because obviously, they cannot use the water for beneficial use, but it makes sense for them to basically create stockpiles, if you will, of water reserves for their future growth needs. Does anything in this regulation deal with that in any way?

Mr. Wilson:

Thank you for the question. A lot of that is already in statute as two things that the State Engineer shall consider when it is a municipal or quasi-municipal water right growth and future development. The regulations, specifically, are not calling out any particular manner of use.

Senator Hansen:

So right now, when Lovelock, or one of the little towns on the Humboldt, for example, are trying to stockpile water, do they just keep requesting an extension over and over, or is there . . . Did we ever clean that up in the NRS? I see Cathy shaking her head no. Let us drop that line because the answer is no.

Let us see, Section 3, number 2. For some reason, you guys say if anyone protests or complains basically about an extension, that you will not entertain that. You crossed out a whole lot of other stuff, but you left that. Is there some reason that we do not allow people to protest potential extensions? Because I assume there are other people in line that may like to use the water when you are dealing with beneficial use and people being junior water rights holders and things like that. Is there some reason that you guys do not allow anyone to protest?

Mr. Wilson:

Thank you, Senator Hansen. There was a couple of instances where it was allowed to occur prior to the original regs being adopted and it basically bogs down the whole process. Our position at the time was that, well, it really should be the applicant presenting their evidence to the State Engineer that they are meeting the criteria to allow for an extension of time, and an external input into that would not really alter what that evidence is.

Senator Hansen:

Okay. Well, I am just kind of wondering because if I am, for example, if I am somebody further down in the Humboldt and I know that somebody has not put certain water to beneficial use and I want to get it moved down and I am a junior water rights holder or whatever, there is no way for me to say, hey, wait a minute, hold on, we already gave these guys two previous extensions. Why are you giving him, even considering granting an additional extension? Just something to consider, but I was wondering why it did not allow that process to occur. Seems a little unfair, but whatever.

Last thing. Section 6, you guys currently are required every three years to review certain regulations. Why are you changing that to every five years? Seems to me like we kind of like the idea of having you guys stay on top of things and moving your requirement from three to five seems like you are kind of taking yourselves off the hook a little bit.

Mr. Wilson:

Yes, thank you, Senator Hansen. When the initial regulations were issued, they were brand-new, so three years was a very reasonable quick turnaround on reviewing it. Normally, there would be like a requirement of ten years, so five years seemed like a nice medium, and there is no reason we could not review them sooner if there did seem to be there was an issue with them.

Senator Hansen:

That kind of is a red flag; I support the red. I am just trying to get some stuff on the record as to the reasoning behind it. Frankly, I would like to see it stay at three, but that is all right.

Last question. A typical extension time frame. If I have whatever window of time I have been given to either develop the property or whatever and then actually use the water for beneficial use, you gave me five years. Say I do not get it done within that five years, what is a typical extension time under your current procedures? A year, five years, ten years? You just mentioned ten years. I am kind of wondering how you know, because we are dealing with the entire process. Seems to me it would be a great time to . . . Because it is not defined in here that I can find, or is there somewhere else that I am not familiar with, perhaps it is an NRS, that says you can only allow a maximum number of years before you have to reapply for approval of a water right.

Mr. Wilson:

For individual extension, we can approve up to five years, and there is no limit on the number of extensions that the State Engineer could approve. That did get raised during some of the discussions during the regs, but that is, we believe, something for the statutes, that the Legislature should establish something like that if there was.

Senator Hansen:

We did it as a maximum of five years, what you just said. Okay. Last question. How many times can people reapply? Because I have heard there has been abuses of this where people will apply and then reapply and it is approved and they reapply again and it will be 15 to 20 years and they still have not put it to a beneficial use. Do you guys have any kind of procedure? What I do not see in this is what triggers your guys' practice of denying an extension? Out of every 100 applications for an extension, what percentage do you guys actually say no to?

Mr. Wilson:

Thank you, again, Senator Hansen. There is no limit on the number of extensions that the State Engineer could approve, though each application for an extension of time does have to be reviewed for the statutory criteria that there is good faith and reasonable diligence of bringing out water to beneficial use. In terms of denial, we have denied. In the past, there are two potential avenues, either denying the extension and then that takes us down a process that we have to provide a 30-day notice as if they had missed the due date, and then provide them an opportunity at that point and then it would become canceled, and then it would from there go through the administrative process, which is the State Engineer's process for an appeal, and then they could appeal that to the district court if they feel aggrieved by the decision. The other avenue is at any time under NRS 533.395 if the applicant or, excuse me, the holder of the water right does not appear to be acting in good faith and reasonable diligence to place the water beneficial use, the State Engineer can request that they provide that evidence, and if it is unsatisfactory, we could then cancel it at that point as well.

Senator Hansen:

I think that covers it. I do have some other questions on beneficial use, especially beneficial use for wildlife and how you guys define that, because there is some questions people are

using it for that purpose but without really any beneficial use that has been shown. So anyway, Madam Chair, that was all my questions, and so if nobody else wants to . . .

Chair Jauregui:

Are there any other questions up there, Senator Hansen? Because it does not look like there are questions down here, and we would be ready for a motion if you are ready.

SENATOR HANSEN MOVED TO APPROVE R012-26.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Thank you so much for being here to answer our questions today. We are going to go ahead and move on to regulation R029-26, a regulation pulled by Assemblymember Backus for the Board of Wildlife Commissioners. It looks like they are there and ready.

Assemblymember Backus:

Thank you so much, Madam Chair.

Alan Jenne, Director, Nevada's Department of Wildlife (NDOW):

Good afternoon, Madam Chair. I have got Jake Kreamer here as a subject matter expert out of the Law Enforcement Division.

Assemblymember Backus:

Thank you so much, Madam Chair, and thank you, Director Jenne, for being with us all afternoon. And I feel bad because I am going to break it down probably just to one quick question. There may be a follow-up. But I was curious with respect to the new definition of *sight*, which I do believe is helpful, except with respect to the terminology of the sight has to be attached to the firearm or the bow. I was curious if this definition then would exclude anything like vision goggles or anything that may not be attached, obviously to the device that is being used for hunting.

Jake Kreamer, Game Warden Captain, NDOW:

Thank you for the question. This only applies to attached devices to weapons and firearms, because you have to . . . What we are trying to do is limit unfair case practices when wildlife harvest, and that requires a weapon of some sort. If it is not associated directly with the weapon, it does not have any impact on that, on the take of the animal at that point.

Assemblymember Backus:

Thank you so much for that. That is kind of what I understood it to be until I started researching about the electronic sights and noticed that goggles are now being utilized, and as technology advances, I anticipate we will probably have USB connections to our device

that we use in hunt. Thank you for that. Sorry to keep you guys around all day. Madam Chair, if no one else has any questions, I would move to approve R029-26.

Chair Jauregui:

If there are no other questions, then I am going to take Assemblymember Backus's motion.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R029-26.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Thank you so much.

Director Jenne:

Thank you.

Chair Jauregui:

Now we are going to move on to our last handful of regulations. We have five regulations for the NIAA. We have R020-25, R021-25, R033-26, R092-26, and R101-26. Looks like we have the NIAA here ready to answer questions. Assemblymember Backus, do you want to kick us off with R020-25?

Assemblymember Backus:

Happy to do that, Madam Chair. Thank you so much. Thank you, Executive Director, for waiting with us this afternoon. Starting with R020-25, my question with respect to this regulation, and most of my questions will be in the lens of what has been going on in the news with respect to a lot of our Clark County School District public high schools that have elected to separate themselves from participating in the NIAA. They are going "independent," and I put that in quotes because I am still not sure exactly what that means. My questions kind of will be tailored to that. With respect to this regulation, one of my concerns was with Section 3. Are these independent school schedules then precluded to participating in their own tournament or what does that look like just given the language of Section 3 under R020?

Timothy Jackson, Executive Director, NIAA:

Good afternoon. This regulation really does not have anything to do or any application towards schools going independent. This regulation aligns us with the NFHS [National Federation of State High School Associations] standards to clarify what "sanctioned" events mean. For example, this last weekend, there were basketball tournaments in the State of Nevada. Some of those teams that competed were club teams. Some of those teams that competed were high school teams. High school teams cannot compete against club teams. What we look for is to ensure that the teams are playing in sanctioned high school events. If it is not sanctioned, they cannot play that team.

Another example—Assemblymember Hafen, you are looking at me—I can give you a great example. Schools in Florida can play against club teams. Their high school association allows it. When our schools go to play, if they go to California to play in a volleyball tournament, we ensure that they are playing sanctioned members of their association. They go play Saint Thomas Aquinas, very big, powerful school in Florida. They are members of their association. This clarifies that so a school does not go play a team that is not sanctioned. The NIAA gets all the necessary documentation regarding the tournaments, who is hosting it, and we clarified it, and we made it more clear. What we do not want to have happen, our schools go and play against unsanctioned teams, like club teams.

Assemblymember Backus:

So just to clarify that, I just want to make sure that we are not setting a situation that we are precluding one of our schools that have gone independent from playing one of the schools that is not independent. For example, I am an alum of Clark High School, and I am going to pick on my colleague's school that he graduated from was Gorman. That would not preclude them from playing one another in a tournament?

Executive Director Jackson:

Absolutely would not. They are both members in good standing of the NIAA.

Assemblymember Backus:

Thank you for that.

Chair Jauregui:

Members, any other questions? I am going to start with Senator Scheible and then I will head to you.

Senator Scheible:

I am curious, and I am sure there is a lot of history here, so maybe you can just briefly explain to us why other jurisdictions may allow their school teams to play against club teams and we do not allow that in Nevada.

Executive Director Jackson:

Some states do not have enough members. They do not have enough teams. They have different rules and regulations. Each state has its own independent body that regulates their schools and they do a lot of different rules. Example, some states have public schools only in their association. Some schools have a private school association. Some allow charter schools, others do not. What we want to make sure is we are clear with our schools that if you go to another state, we need to make sure we know who you are playing so that you are playing a sanctioned team and do not get yourself in violation of our regulations. I equate it to speed limits. We have a speed limit in Nevada that is capped at a certain amount. You go to another state; they have a speed limit, too. It may be 85. We do not allow our schools in Nevada to play schools that are not members of their association and members in good standing because we want to make sure all of our kids are playing against kids that are like our Nevada students.

Another issue that arises is if you have a team that is a prep school . . .

Senator Scheible:

Can I stop you for a second? But if our team were in a state with an 85 mile per hour speed limit, they would be allowed to follow that speed limit, right?

Executive Director Jackson:

I guess that was not a very good example. I apologize. What I am trying to say is we want them to play high school teams, much like the high school teams we have here. Some schools have kids that are 19, 20, 21 years old. They are prep schools. They are not members of their association. We also do not know what rules they are following if they are not a member of their association, and we also make sure that they play by the same similar rules that we also play by.

Senator Scheible:

Okay, I think I understand. Thank you.

Chair Jauregui:

Thank you, and I am going to go to Assemblymember Hafen next.

Assemblymember Hafen:

Thank you, Chair. I am going to kind of go off onto a little bit of the smaller sports. The lacrosse program, just getting up; it is in its infancy. My concern is how this is going to affect them when there may not be enough school teams available for them to play and maybe they do need to be playing in some club teams. Can you just kind of touch on that and hopefully ease some of my concerns there?

Executive Director Jackson:

I know there will not be a lot of teams, but there are more than enough. There are enough teams that have said they are going to participate, especially in California and Utah, which they can play those teams from those states. We have divisions in the state that have fewer teams playing in them, in those divisions, and we still manage to get the games, get the tournaments. We have already had conversations with California and with Utah. They are prepared for our kids to come and participate against them. They are looking forward to it. They actually are happy we are sanctioning it. They are going to be playing us as well. Our schools are going to have those opportunities. They have an 18-game season, max. If they only have eight or nine schools in their area, they can play a home and away, and they would make sure they had enough games.

Assemblymember Hafen:

Okay. And then, Chair, one quick additional question? There is nothing in here prohibiting the parents from forming their own club team with the same kids that are on the school team and bypassing all of this, correct?

Executive Director Jackson:

Absolutely nothing preventing it. Currently, it is happening right now. We have club teams in almost every sport that go out and play club schedules against non-high school teams. Yes.

Chair Jauregui:

Senator Scheible.

Senator Scheible:

I think I am still struggling just a little bit with why we are trying to, it sounds, correct me if I am wrong, sorry. What we are trying to do is we are trying to say a group of students from Clark County School District go to California to play whatever school in California. We want to make sure that the team in California would be eligible to play in the NIAA if they were a Nevada school?

Executive Director Jackson:

That is a great way of putting it. Yes. We are making sure that the school they play follows the NFHS rules, which is the governing body for all high school athletics, and that they are following their state rules and our state rules, and they all line up. What we are trying to prevent is playing teams that are not high school kids. They may be young adults.

Senator Scheible:

That was going to be my question. Have there been specific problems with our students traveling out of state and then encountering 19-, 20-, 21-year-olds on the opposing team?

Executive Director Jackson:

Yes, it has occurred, because they went to a tournament that had two divisions—a high school division and a club division—and when they played, they had played a club team, and they should not. It occurred last year. We had a team in volleyball go do it in another state. We have had a basketball team do it in another state. What we want to make sure is that the schools understand that if you are going to travel to another state to play, make sure you let us know because it is my job to sanction that event. I go check out the event and I ensure that, hey, you know what, you can play. If it is not good, I let the school know, hey, if you are going there, make sure you inform them you can only play teams in this category and not teams in this category.

Senator Scheible:

Okay. I guess I am just a little bit concerned about creating these lists of approved and disapproved teams that maybe have already been approved by their home state, but we are only going to allow our students to play the teams that have 12 members, not teams that have 12 members and 2 backups. We are only going to allow our teams to play teams where all of the kids were 15 by October 1, and they have kids who did not turn 15 until November 1. I am just a little bit worried about the idea of having these super specific rules for who our kids do and do not play, really in general, but especially when there is a governing body that is overseeing the team in another state.

Executive Director Jackson:

This has been going on for decades, the sanctioning process. We are just cleaning it up so that it is more clear and easier for schools to say we are going here to play. We need to know so we can clear it up and clarify that everything is above board and they are playing by the high school rules that we have with cocurricular activities. This is not new.

Senator Scheible:

Okay. Thank you.

Chair Jauregui:

Any questions in Carson City? I do not see any. Assemblymember Backus, would you like to make a motion?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R020-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Let us open the discussion on R021-25. Assemblymember Backus.

Assemblymember Backus:

Thank you so much, Madam Chair. I went ahead and pulled this after we had heard some of the testimony this morning from public comment about . . . And I know this has always been a struggle. I feel like this has been an ongoing conversation for the last 30 plus years since when I was in high school with kids transferring to other schools in the community to play sports. So, I want to take a look at this, taking a step back, because when I look at this proposed reg, 021-25, I immediately saw Section 2, subsection 1 that allows for a waiver. If a student is moving from schools that they could, in certain circumstances, get a waiver that would allow them to play, which made me feel comfortable looking at children who may be in our foster care situation where they have no choice but may have to change schools within the same school zone. Am I understanding that correctly, first, that now the NIAA is offering a waiver to students, under certain circumstances, that cannot have to sit out 180 days and could play, upon a transfer under certain circumstances?

Executive Director Jackson:

Ms. Sgroi is on with me as well. If I misstate, Cate, would you please step in? Thank you. In the situation you just gave us with the foster care placement, that child would automatically become eligible in that situation because we would not hold that against a child. Court placements, foster care placements, child safety situations, those waivers have always existed, and they will continue to be utilized. What this one-time transfer, what R021-25 does, is it moves us into compliance and aligns us with AB 184 for all students. Not charter schools, not private schools, not public schools—all students would have an opportunity to have a one-time transfer. We have not had that, and we have been working towards it. So, 184 allows a charter school student to do it anytime they are moving to a lottery system, 9 through 12. But a public school or private school student could only do it during their freshman year prior to the start of their sophomore year. This now allows them to do that as well. It equalizes the field. Everybody has that one opportunity. This is a leap forward for us, and I am very excited about this. Cate, is there anything that I left out on that?

Cate Sgori, Assistant Director, Student Eligibility and Compliance, New School Membership, NIAA:

Just to piggyback on that. This is a national thing that we are seeing in many states, both legislatively and through state associations pushing for a one-time transfer. Just like Mr. Jackson said, we are just trying to create equity across all school types, all school programs, and for all students 9 through 12 to align with AB 184 but also to extend that even further to allow everyone one transfer to any school type throughout their high school career.

Assemblymember Backus:

And then, Madam Chair, I have a separate question on this. Thank you. Under Section 3, when I looked at this, it seems like we are implementing a new set of rules for a time when a student may not be able to transfer and those would be in situations like, and I thought subsection (b) made sense, is if you are receiving training by a coach. I always think of the situation like tennis, for example. I feel like there is, or there was back in the day when my cousin was going to school, that a coach, I think it was Liberty, he was the coach of the high school, but he also gave private tennis lessons. If a student that was going to Canyon Springs or another school within the Clark County School District and was getting private lessons from this tennis coach, but then all of a sudden pops up wanting to go to the school that he is a coach at the public school, is that kind of what Section 3 was trying to preclude those kind of, and I am going to do air quotes, "recruitment-type" situations?

Executive Director Jackson:

Yes. That is 100 percent correct. We have a regulation, it is called the Oregon Rule, which does not allow a student to follow a coach. They can receive that training from the coach. They can go to a camp hosted by that school. They can do anything of that nature, but they cannot then transfer over to that school because that is a form of recruiting and we do not allow recruiting in Nevada for high school athletics, for athletic purposes.

Ms. Sgori:

If I could just state this is not new. If you take a look at Section 11 in the same file number, NAC 385B.716, that language is pulled from that regulation. What we are simply doing here is separating it from our transfer rule and putting it in its own regulation so that it is more considered a recruiting regulation versus a transfer regulation. It was simply just a reorganization of the regulation that is not new.

Chair Jauregui:

Members, any other questions? Seeing none in Las Vegas, do we have any in Carson City? Assemblymember Backus, would you like to make a motion?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R021-25.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

We can go ahead and open discussion on R033-26. Assemblymember Backus, when you are ready.

Assemblymember Backus:

Thank you, Madam Chair. This was just something that kind of fell because I did not realize this was coming up. We have had the wonderful opportunity of having the Nevada Interscholastic Activities Association in our Sunset Committee, as well, and one of the things we have been having discussions about is not really expanding the members, but I noticed in here, the regulation includes contemplation of adding a Legislator appointed by the Legislative Commission who serves in an ex officio capacity, a nonvoting member. Just quickly, maybe like a 30-second, why this was added.

Executive Director Jackson:

Because we need to have a conduit to you, and we do not. We have a conduit to all of our schools by our liaisons. We have a 1A, a 2A, a 3A, a 4A, and a 5A liaison, and they communicate that information back. During the last legislative session, the one thing I learned, and I learned very clearly, was, we do not have an open line of communication with our Legislators and we need to so that when you have questions, you know where to go and you can get the answers. And that is why we thought this would be a very valuable person to be on our liaison committee, to be there with us on our meeting days, can bring back any concerns, bring back any questions, and that is why we were pushing for this. I will be honest with you, it was a push that I made very strongly to our Board that we needed this.

Chair Jauregui:

Members, any other questions? Seeing none, would you like to make a motion, Assemblymember Backus?

Assemblymember Backus:

I will go ahead and make a motion, but it may be futile. I would move to approve R033, but this may be a caveat that we may revisit legislatively next session maybe.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R033-26.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Let us move on to open discussion on R092-26.

Assemblymember Backus:

Thank you so much, Madam Chair. With respect to this one, this kind of aligns with the same situation with our football teams going independent. My quick question was, I guess,

if you could just explain why it is that we are now separating out the difference between nine football games or the seven football games in a tournament. Because I would assume, and I do not want to assume, but I thought those that would maybe even play in the nine games would still be able to play in the tournament. What was the purpose of that?

Executive Director Jackson:

I can tell you that there is no regulation like this anywhere in the country that we could find. Football is a unique beast in the fact that it has a requirement between games before you can play again. You must have . . . I use the word *sleeps*. You must “go to sleep” five times between football games. If you play on Friday night, you go to sleep Friday night, Saturday night, Sunday night, Monday night, Tuesday night, the earliest you can play again is Wednesday. Basketball, baseball, softball, all of our other team-bracketed sports do not have that requirement. You can play a basketball game at 9:00 in the morning and play another one at 1:00 in the afternoon. We have no limitations on that. Football does not have that. It was brought to our attention that perhaps we should put that in, that would allow schools to field a tournament in football. Well, in order to do that, you would have to have at least two weeks of football available, so that would change the game limit numbers from nine individual games to seven. We wrote a regulation that would allow for that to happen.

It also coincides with the advent of Clark County School District going in independent status. They can run a tournament, if they so choose, at the end of the season, the last two games, of some sort. It is not a state championship. It cannot be called a state championship because it is not a sanctioned state championship event. State championship is run by the NIAA. That is our territory; that is where we reside postseason. This would have to occur during the regular season, and it would only be two games maximum. The most teams that could participate in it would be four. There are situations where we see this in other schools, districts across the country. They might have a city league championship. They call it that; we would not. We are the state championship for Nevada. But that is what this would be. It allows for additional opportunities for students to get recognition much like a volleyball tournament does.

Am I a fan of this? Personally, no, I am not. I am a football purist. We play nine football games during the regular season, then we go to the postseason. I am worried about a few aspects of it that I think would need to be cleared up, especially the days between competition. I do not think it should be rushed, but at the same time, regulatory, I think it is something that should be explored. With that being said, I will yield to any questions.

Assemblymember Backus:

Thank you so much for your candor. I have to admit, I am not a fan of it either. I would probably kick this. I just think there is just so many things up in the air right now with this independent, and I do not want to preclude a situation where now they are getting cut back. I mean, I just know there is a lot that is being worked out.

Executive Director Jackson:

I agree, Assemblymember.

Chair Jauregui:

Thank you for answering questions. Members, at this time, I am going to go ahead and defer this regulation, R092-26. Thank you for answering the questions and for your honesty.

I am going to go ahead and bring open discussion on the last regulation, which is R101-26. I am sorry, our second to the last regulation. I have R094-26. Assemblymember Hafen, when you are ready, you can go ahead and start with your questions.

Assemblymember Hafen:

Thank you, Chair. I am trying to understand the need for subsection 4. I think I understand the intent behind it, but my concern is that it is limiting a student that if they are held back for any other reason other than academics, that they are going to then ultimately lose eligibility. I hate to see students lose eligibility because I know how much I enjoyed it in school. And I am going to give an example. When I was in school, I had a classmate who got cancer, had to go through treatment, and missed most of the year. I would hate to see someone that goes through something like that now be stripped of a year of eligibility. And I do understand the intent behind what you are doing, but I just need to feel a little bit more comfortable that if a kid goes through something traumatic like that, that they will be able to get back into their sports and not lose that that year of eligibility.

Executive Director Jackson:

I am going to defer to Cate Sgroi, Assistant Director, for this. She has worked very hard on this regulation, and she can address those questions.

Ms. Sgroi:

Thanks, Mr. Jackson. In the example that you gave, that would not qualify under this regulation. They would qualify for a hardship in that circumstance, same as a student that was already enrolled in high school. They would get an additional year of eligibility if they missed a year for a hardship, such as what you explained.

The intent of this regulation is mostly from our parents and our community members that have come to us in many situations asking for some kind of regulation to deter students from retaining for athletic purposes in middle school to get bigger, stronger, faster, because then those students are competing with their students who do not do that, and now they are a year older than them and they are competing for those same spots on the team and they are seeing this unfair advantage. And then, many parents are feeling that they need to hold their kids back voluntarily for athletic purposes because everybody else is doing it. This has come from the community to us.

And really, the intent here is it is a family choice to hold your child back, but if you are going to hold your child back for reasons other than academic failure where they are actually being retained based on school district policy or state policies, then they must actually retake the courses that they took in that year. They should be retaking eighth grade courses in eighth grade if they are being retained in eighth grade versus taking all high school credit being retained in eighth grade and then entering ninth grade with a full slate of six credits for high school and being a year older than every other kid and they are already kind of a year ahead. That is the intent of this. There is always hardship submissions that can be submitted to us in certain circumstances like you mentioned, so that would not preclude a student in that circumstance to have their full four years of eligibility.

Assemblymember Hafen:

Thank you. Quick follow-up? Thank you for that explanation. I understand the intent, and I just want to clarify. So, there is a medical issue with the student, they would be eligible

for a hardship. Would that also extend to an immediate family member? Say that a parent became sick and they were having to tend to them, would they also then be eligible for a hardship?

Ms. Sgroi:

We look at every hardship individually. I will not give you a yes on every single situation that is similar to that, but if a student is out of school due to their own sickness or a family member's sickness and they are missing all that classwork, that would certainly be taken into account, into consideration when we are looking at their eligibility. I cannot say yes in every single circumstance, but yes, if they are out of school for that and that is the reason that they are retaking a grade level, that would most likely fall within a hardship.

Assemblymember Hafen:

Perfect. Thank you and thank you, Madam Chair.

Chair Jauregui:

Any other questions? I do not see any down in Las Vegas. Any in Carson City? I do not see any. Assemblymember Hafen, would you like to make a motion?

ASSEMBLYMEMBER HAFEN MOVED TO APPROVE R094-26.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

And now on to our last regulation, R101-26. Assemblymember Backus, when you are ready.

Assemblymember Backus:

Thank you so much, Madam Chair. Just one quick question. Either of you can explain why this was implemented. I just wanted to make sure that it was not a means to preclude or punish any of our schools that have gone independent.

Executive Director Jackson:

Actually, this has been in the works for many, many years. As the former scheduler for southern Nevada, this was the bane of my existence. I will be quite honest and frank with you. You are 15 minutes from the start of the game. You have just gotten out of court, Assemblymember. You are screaming down the road to watch your child play basketball, and the team that is supposed to show up does not. And the officials are there, the fans are there, the tickets have been sold, and they just canceled the game. We had no recourse for that. And so, what we had to put into place was a policy and a procedure for the regulations for changing the cancellation of games with the increasing concerns regarding these last-minute cancellations by member schools and the subsequent cost to your opponents. We have agreements, as our schools all do, with the officials that say that if the game is canceled within a certain window, the officials are paid. Well, if that game is canceled and you try to reschedule it, you just incurred double the cost for your officials because you

have to redo it again. This has nothing to do with independent status. This is actually brought forth more so by our public school members who are saying, "Tim, we need our other schools that are supposed to come play us to show up. We cannot have them canceled at the last minute."

Assemblymember Backus:

Let me ask a follow-up to that cause I did not think it from that lens, but what if, because it is a 24-hour notice and I know some of the sports, let us say, for example, tennis, where you really have a lot of independent individuals and if someone gets sick or even if the football team, everyone catches a flu or stomach flu because they all ate or food poisoning. Is there—I do not see anything in here, and I may be mistaken—anything where they can like get a waiver or have like a justifiable excuse for the untimely cancellation?

Executive Director Jackson:

Absolutely. There is a situation in there where we allow for the Executive Director to make a decision. I have made that decision before and said, listen, we understand. You had the flu outbreak, your bus broke down.

Assemblymember Backus:

And I appreciate that. I always forget about our school districts, and I should remember this that have to travel across like Elko County to play each other, so I appreciate that. Thank you so much. I have no further questions.

Chair Jauregui:

Members, any other questions? Seeing none in Las Vegas or Carson City, Assemblymember, would you like to make a motion?

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE R101-26.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Members, that wraps up Agenda Item IV. We are halfway through our agenda. Let us go ahead and move on to Agenda Item V, which is the summary of an audit report presented to Leg Commission by . . . We have Mr. Crossman up in Carson City.

AGENDA ITEM V—SUMMARY OF AN AUDIT REPORT PRESENTED TO THE LEGISLATIVE COMMISSION'S AUDIT SUBCOMMITTEE (NRS 218G.240)

Chair Jauregui:

The Legislative Commission's Audit Subcommittee did hear this report on April 15, and it was approved by the Committee, and we have Chair Backus here with us in case any of us have questions. Mr. Crossman, when you are ready.

Mr. Crossman:

Thank you, Chair. I will be brief. The statewide *Single Audit Report* for Fiscal Year 2023 was filed with the Federal Audit Clearinghouse in September of 2025 and has been publicly available since that time. Statute requires me to present that to the Audit Subcommittee as well as the Legislative Commission. That is a big report. The packet looked too big today already, so we did not include the 500 pages that is in that report, but it is available on our website.

Just a little bit of quick background. A single audit is performed under contract with the firm Eide Bailly. The statewide single audit incorporates audits of the state's financial statements as well as the state's compliance with requirements related to federal funds. The Fiscal Year 23 report was very late being issued due to various delays on the state's side due to deficiencies with State Controller's Office's staff and state agencies' financial and accounting staff. A detailed presentation by my office as well as the auditor's was made at the April Audit Subcommittee meeting referenced previously, reviewing the results of the audit and discussing the related delays. In the interest of time, I will not go through that report today.

One thing I do want to note quickly before I conclude is that Eide Bailly did issue their audit opinions on the state's Fiscal Year 2024 financial statements last Friday, and the state's financial statements in the *Annual Comprehensive Financial Report*, or ACFR, have been released. This is a significant portion of the statewide single audit, which we expect to have completed and issued in about a month's time.

The letter in the packet (Agenda Item V) from the Audit Subcommittee and Chair Backus recommends that the Legislative Commission accept this report, and I would be happy to answer any questions if there are any. Thank you.

Chair Jauregui:

Thank you, Mr. Crossman. Members, do you have any questions for the Chair of the Subcommittee, who we have here, or for Mr. Crossman? Seeing none. I know that Mr. Crossman referenced that they did not include the entire 500-page report, but you could find that on the Audit Division's website. And I do want to thank Mr. Crossman, having chaired the Audit Subcommittee before, I know how much work him and his Division do, so thank you for all of the work that you guys do throughout the years, not just on the annual audit, but also for all the individual audits as well.

Committee members, I would accept a motion to accept the report as submitted and presented to the Commission.

SENATOR NGUYEN MOVED TO ACCEPT THE STATEWIDE *SINGLE AUDIT REPORT* FOR FISCAL YEAR 2023 AS SUBMITTED AND PRESENTED TO THE LEGISLATIVE COMMISSION.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

That moves us on to Agenda Item VI, which is the approval of early session hires for the 2027 Legislative Session.

AGENDA ITEM VI—APPROVAL OF EARLY SESSION HIRES FOR THE 2027 LEGISLATIVE SESSION

Chair Jauregui:

We have with us our Interim Director, Roger Wilkerson, to present the list of early session hires. Mr. Wilkerson.

Mr. Wilkerson:

Thank you, Madam Chair. In your packet, you will see our first slate of early session hires for your approval (Agenda Item VI). This is a standard agenda item for the Legislative Commission around this time of the interim to allow us to start bringing the folks we need to make the regular session happen on board and getting them trained and in place in time for session. There will likely be at least one additional set of early session hires coming at a future meeting, and these include positions for both the Carson City and Las Vegas campuses. Based on our first experience with having both campuses operational during the 2025 Session, I am happy to answer any questions the Commission may have. Thank you, Madam Chair.

Chair Jauregui:

Thank you, Mr. Wilkerson. Commission members, do you guys have any questions? Yes, Senator Titus.

Senator Titus:

Thank you. Thank you, Madam Chair. I do have one question regarding the location. You mentioned that some of these hires will be in the south and some in the north. I certainly understand the Research Division and those in the Legal Division, as we have members throughout the state. It is not as important, so to speak, where they are doing the research on the computers, et cetera, et cetera. I am wondering about the location of the Legislative Police Officers that you are hiring and the explanation for additional security when we are not in session yet, and where are these Police Officers located?

Mr. Wilkerson:

Thank you, Senator Titus. Those are really spread between north and south campuses. This building right here, we have security entrances coming in. We have screeners. We have officers out there right now.

Senator Titus:

I understand that, but the reason for . . . During session, this place certainly can become a madhouse, and we have lots of people in and out. I understand that, but can you explain the reason now for the increase of six Legislative Police Officers, two screeners, four officers? Are we having more people now as we are ramping up, to cover that? I am just wondering about those hires.

Mr. Wilkerson:

Actually, Senator, these will be requested for session, not now.

Senator Titus:

For session, you mean?

Mr. Wilkerson:

Yes.

Senator Titus:

So, these hires are for session?

Mr. Wilkerson:

Yes.

Senator Titus:

They are not starting now?. Okay, thank you. The way it is titled "early session hires" led me to believe that you are hiring these folks "now" as opposed to waiting till session starts, say January, when we ramp up.

Mr. Wilkerson:

And it may be that that is just a bit of a misnomer. This is our "early request" may be a better way of putting it.

Senator Titus:

All right, very good. Thank you for that clarification. Thank you, Madam Chair.

Mr. Wilkerson:

Thank you.

Chair Jauregui:

Thank you. Any other questions? Okay, I would be looking for a motion to approve.

SENATOR NGUYEN MOVED TO APPROVE THE LIST OF EARLY SESSION HIRES FOR THE 2027 LEGISLATIVE SESSION.

ASSEMBLYMEMBER BACKUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Committee members, that brings us to Item VII on the agenda, which is the appointment of members to committees and similar entities.

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

Chair Jauregui:

I will again hand it over to our Interim Acting Director, Mr. Roger Wilkerson.

Mr. Wilkerson:

Thank you, Madam Chair. In your packet, you will see recommended appointments for three bodies this afternoon: the Board of Directors for the corporation for public benefit that administers the Nevada Youth Legislature; the Committee on Public Lands; and the Silver Haired Legislative Forum (Agenda Item VII).

For the first entity, unfortunately, a vacancy was created on the Youth Legislature Board by the recent passing of the late Senator Woodhouse, and the Chair of the Board has asked the former Youth Legislator, Dillon Moss, to be appointed to fill that vacancy for a term ending on June 30, 2027.

For the second entity, one of the seats on the Committee on Public Lands is reserved for a person recommended by the Inter-Tribal Council (ITC) of Nevada. The ITC has made the recommendation for Mr. Patrick Burt to be appointed to this seat.

And finally, Senator Dondero Loop has nominated Mr. Paul E. Larsen to fill the vacant seat for Senate District 8 on the Nevada Silver Haired Legislative Forum.

I am happy to answer any questions you may have or to phone a friend as necessary. And if you wish to proceed with this appointment, the appropriate motion would be to move to approve these appointments. Thank you, Madam Chair.

Chair Jauregui:

Any questions for Mr. Wilkerson? Seeing none, I would be looking for a motion to approve.

ASSEMBLYMEMBER BACKUS MOVED TO APPROVE THE FOLLOWING APPOINTMENTS: DILLON MOSS TO THE BOARD OF DIRECTORS FOR PUBLIC BENEFIT FOR NEVADA YOUTH LEGISLATURE; PATRICK BURTT TO THE COMMITTEE ON PUBLIC LANDS; AND PAUL E. LARSEN TO THE NEVADA SILVER HAIRED LEGISLATIVE FORUM.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Committee members, that brings us to Agenda Item VIII, which is the appointment of the Director of the Legislative Counsel Bureau.

AGENDA ITEM VIII—APPOINTMENT OF THE DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU

Chair Jauregui:

I do want to take a moment as Chair of this Committee to say a few words here if I can. As Chair, I get the authority to appoint a new Acting Director and I can make a recommendation to this body to appoint a new Director, and ultimately, it is this Commission's vote that approves a new Director. And it is no secret that I am not coming back to the Legislature as a Legislator. And so, I did not think it was appropriate for me to decide the future of the Legislature's and Legislators' leader and who they would get to work with hopefully over the next many sessions. I thought it would be best to appoint a bipartisan committee made up of leadership from both chambers who are also going to be returning members to go through a selection process. I could not be more pleased with the selection committee's recommendation to appoint Mr. Asher Killian to serve as the next Director of the Legislative Counsel Bureau.

As Majority Leader, I have had the opportunity to work closely with Mr. Killian and have seen firsthand the integrity, the professionalism, the steady leadership that he brings to every challenging situation we encounter, and I think you all know that there are many of those. He has consistently earned my trust, and I know the trust of Legislators on both sides of the aisle by approaching his work with fairness, humility, and unwavering commitment to this institution rather than to any individual, any one chamber, or any party.

The Legislative Counsel Bureau is one of the most important institutions in Nevada government and its success depends on leaders who understand not only the law but the responsibility of serving the Legislature with excellence, and I firmly believe that Mr. Killian embodies that responsibility. He leads with quiet confidence; he treats people with respect; and has a remarkable ability to navigate even the trickiest issues, always with joyful composure.

I am proud to support his appointment, and I encourage my colleagues to do the same. And before I open it up to a motion, I would like to ask any of the members if anyone else would like to say any comments. I know there were a few members on this Commission who also sat on that selection committee. I am going to turn it over to Senator Nguyen.

Senator Nguyen:

Thank you, Chair. I just wanted to thank you. I did have the honor and privilege to serve on that subcommittee and that selection committee, along with Assemblymember Elaine Marzola, Assemblymember Mosca, Assemblymember Hafen, Senator Steinbeck, and Senator Angie Taylor also served on the subcommittee. We did have the opportunity to review several applications that did come in as a part of that selection process and interview a couple of those individuals that rose to the top. But I will say, that it was a unanimous decision that came out of that subcommittee's work and interview to make that recommendation for Mr. Killian. With that, I would say that I am equally supportive and excited about the process and that your trust in that subcommittee to be able to put together that . . . I do not know if Assemblymember Hafen has any other comments to make in retrospect.

Chair Jauregui:

Assemblymember Hafen.

Assemblymember Hafen:

Yes, Madam Chair. I did want to thank you first and foremost for allowing the subcommittee to make the decision and do the interviews, and I will echo your comments that I do not think there is a better individual for the job. I have seen, even though we may not disagree with some of our colleagues, I have seen Mr. Killian give expert advice to some of our colleagues, and just really looking forward to hopefully serving with him in the next legislative session as Director and know that he will do a fantastic job for our state. Thank you.

Chair Jauregui:

Any other members? Seeing none, I would like to accept a motion to accept the recommendation to appoint Mr. Asher Killian as the new LCB Director.

SENATOR NGUYEN MOVED TO APPROVE THE APPOINTMENT OF ASHER KILLIAN AS DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU.

ASSEMBLYMEMBER HAFEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Jauregui:

Congratulations. Thank you, Committee, for allowing me to take that point of privilege to just make a few remarks. I do not want to close this agenda item out without taking a moment to thank Mr. Roger Wilkerson, who also, when we were in need of an Acting Interim Director, so graciously stepped up and fulfilled those duties over the last few months. So, a big thank you to Mr. Wilkerson for fulfilling that role. Could not have done this without you during that time, so thank you.

Members, this brings us to our last agenda item, which is Agenda Item IX, our second period for public comment.

AGENDA ITEM IX—PUBLIC COMMENT

Chair Jauregui:

Like the first period, we will begin with public comment down in Las Vegas. We will move to Carson City, then we will move to the telephone lines. I would like to remind everyone that you are limited to two minutes for public comment, and we will begin down here in Las Vegas. Anyone who wishes to give public comment, please fill the witness table. I would like to remind you to please clearly identify yourself, spell your name for our Secretary, and then you can begin your public comment. We will start down here in Las Vegas.

Denise Morua-Cowie, Owner, Counterforce Solutions, Las Vegas, Nevada:

Thank you. I own Counterforce Solutions, a security company here in Las Vegas, Nevada. I want to sincerely thank you all for your time, and your questions, and your willingness to listen regarding the matters of the PILB today. It means a great deal to those of us in the industry to know that the public safety and thoughtful decision-making remain the priority. I want to thank you all for what you have done today. Thank you.

Chair Jauregui:

Thank you for your public comments.

Andrew Cowie, President, Nevada Association of Certified Firearms Instructors:

We made it through another one, did we not? For Mr. Killian, congratulations. Thank you. Loved everything we heard. The real work begins now and the easiest way to communicate is just to communicate simply. When you guys go to sleep tonight, please know you made a difference. You kept your streets safer today, 100 percent. But during the testimony or the remarks that we heard from Mr. Saladino, the easiest way to communicate is just to tell the truth. You guys have uncovered one part of that truth today. But there was a part where he was either inept or he lied to you. He told you that armed guards go through the same process that unarmed guards do. They do not. That was a lie or maybe bad legal advice, yet again.

Assemblywoman Miller, the answer is no. Security instructors do not get mental health training. We do not get red flag training. We do not carry body cameras when every armed guard should have a body camera. We do not have red flag laws training for armed security officers or any security officers for that matter. The focus that you heard on the PLIB side was the shotgun, the AR, the pistol. That is only one part. But the decisions happening here today, it is imperative that that be only put to the side as a last resort. If the Las Vegas Metropolitan Police Department can reduce officer-involved shootings through education and training, we can do the same with security by providing them sex trafficking education and awareness, red flag laws, suicide prevention, and things of that nature.

I look forward to working with this body, and thank you again for the decisions you guys made here today. It would not have been achieved without you, so thank you guys for your service.

Chair Jauregui:

Thank you for your public comment. Is there anyone else in Las Vegas? Okay, we will move to Carson City. Is there anyone in Carson City? Seeing none, AVH, may we please go to . . .

AVH:

Thank you, Chair. If you would like to participate in public comment, please press *9 on your phone to take your place in the queue.

Sunny Valencia, previously identified:

Hello. I spoke in the opening comments. I would like to thank you for passing . . . I am assuming . . . I had to leave the meeting, so I think that you guys passed regulation R094-26. I am hoping that that is enough. That is what I am worried about after talking to Miss Cate Sgroi before this. I do not know if that will be enough, but I just wanted to make a record that I might be back, and I think that it should be that if you are zoned for a particular school, you should be eligible to play sports there. So, if what we covered today did not cover it, then I am hoping that I can work with you guys to find some other way to make it eligible for kids to be able to play because it just seems punitive for kids who are just regular kids to have to follow all of these crazy rules that might work in certain situations. But, anyway, that there is definitely holes in it. And I would also like to just really quick say, Mr. Killian, I enjoyed . . . I have had a little bit of a conversation with him, and I think you guys have made a great choice. Thank you.

Chair Jauregui:

Thank you for your public comments, and you will be happy to know we did pass that regulation. AVH, next caller, please.

AVH:

Chair, there are no more callers wishing to participate at this time.

The following written comments were submitted for the record:

- Emidio Gonzalez Jr., Nevada State Legislative Chair, Brotherhood of Locomotive Engineers and Trainmen (Agenda Item IX A); and
- Jamila Bush, President, Reno Postal Workers Union, AFL-CIO (American Federation of Labor and Congress of Industrial Organizations) (Agenda Item IX B).

Chair Jauregui:

Okay, thank you. Thank you, AVH. Thank you to everyone who makes this Committee meeting run smoothly, and thank you Committee members. With that, our meeting is adjourned, and we will see you in August. Thank you.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 5:17 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	Caryn Solie, Government Affairs Co-Chair, Nevada Dental Hygienists' Association	Public Comment
Agenda Item II B	Michael English, Special Education Teacher, Clark County School District	Public Comment
Agenda Item II C	Nikki Bailey-Lundahl, Vice President, Nevada Mining Association	Public Comment
Agenda Item II D	T. Bird, Retired Electrical Lineman	Public Comment
Agenda Item III	Tarron L. Collins, Office Services Coordinator, Director's Office, Administrative Division, Legislative Counsel Bureau (LCB)	Draft Minutes of the Meeting Held on April 28, 2026
Agenda Item IV A	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Request to Continue a Regulation Not Adopted Within Two Years After Submission by the Public Utilities Commission of Nevada, LCB File R030-23
Agenda Item IV B	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Administrative Regulations
Agenda Item IV B-1	Asher A. Killian, Legislative Counsel, Legal Division, LCB	Corrected Adopted Regulation of the State Environmental Commission, LCB File R034-26
Agenda Item V	Daniel L. Crossman, Legislative Auditor, Audit Division, LCB	Letter from the Audit Subcommittee of the Legislative Commission
Agenda Item VI	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	List of Early Session Hires for the 2027 Legislative Session

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item VII	Roger Wilkerson, Deputy Director, Director's Office, and Chief, Administrative Division, LCB	Appointments of Members to Committees and Similar Entities
Agenda Item IX A	Emidio Gonzalez Jr., Nevada State Legislative Chair, Brotherhood of Locomotive Engineers and Trainmen	Public Comment
Agenda Item IX B	Jamila Bush, President, Reno Postal Workers Union, AFL-CIO (American Federation of Labor and Congress of Industrial Organizations)	Public Comment

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