

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eighty-Second Session
March 27, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8 a.m. on Monday, March 27, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Michelle Gorelow, Assembly District No. 35



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Connor Schmitz, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Fran Almaraz, President, Nevada Silver Haired Legislative Forum
Mark J. Krueger, Chief Deputy Attorney General, Bureau of Consumer Protection,
Office of the Attorney General
Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada
Coalition of Legal Service Providers
Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO
Richard P. McCann, representing Nevada Association of Public Safety Officers; and
Nevada Law Enforcement Coalition
Sue Bird, Private Citizen
Terri Laird, Executive Director, Retired Public Employees of Nevada
Garrett Gordon, representing Nevada Chapter, Community Associations Institute
Donna Zanetti, representing Nevada Chapter, Community Associations Institute
Lorrie Olson, Supervising Community Manager, Somerset Owners Association
Michael Kosor, Private Citizen, Las Vegas, Nevada
Sharath Chandra, Administrator, Real Estate Division, Department of Business and
Industry

Chair Miller:

[Roll was called. Committee policies were explained.] Before we get into the two bill hearings we have scheduled today, we have two bill draft request (BDR) introductions. Reminder, this is not a vote on where you stand on the bill, just a vote to turn it into a bill.

Our first is BDR 3-709, which revises provisions governing civil actions against a provider of health care for professional negligence.

BDR 3-709—Revises provisions governing civil actions against a provider of health care for professional negligence. (Later introduced as [Assembly Bill 404](#).)

Members, do you have any questions or discussion? [There were none.] I will now accept a motion.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO INTRODUCE
BILL DRAFT REQUEST (BDR) 3-709.

ASSEMBLYWOMAN MOSCA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Our second is BDR 14-729, which revises provisions relating to court programs for the treatment of mental illness or intellectual disabilities.

BDR 14-729—Revises provisions relating to court programs for the treatment of mental illness or intellectual disabilities. (Later introduced as [Assembly Bill 405](#).)

Members, any discussion? [There was none.] Not seeing any, I will accept a motion.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO INTRODUCE
BILL DRAFT REQUEST 14-729.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

With that, we will go ahead and get started on our first bill, [Assembly Bill 373](#), presented by Assemblywoman Gorelow and Fran Almaraz. Members, there was an amendment that was sent in about an hour ago; please make sure you check for that.

[Assembly Bill 373](#): Revises provisions relating to deceptive trade practices directed toward elderly persons. (BDR 52-773)

Assemblywoman Michelle Gorelow, Assembly District No. 35:

I am joined today by Fran Almaraz, president of the Silver Haired Legislative Forum, and Mark Krueger from the Office of the Attorney General. We are pleased to present [Assembly Bill 373](#) this morning. Our elderly population is more vulnerable to scams and frauds due to factors such as the sophistication of perpetrators, their declining cognitive abilities, social isolation, and limited financial resources. Those who target elderly persons with deceptive trade practices are taking advantage of their vulnerabilities and exploiting them for personal gain. Fraudulent activities that result in significant financial harm have a particularly devastating impact on the quality of their lives. Many elderly people have

limited resources to begin with—losing their savings or retirement funds can leave them without the ability to meet their basic needs or pay for necessary medical expenses. This can lead to further isolation and a decline in physical and mental health.

According to the Federal Trade Commission (FTC), in 2020 consumers who said they were 60 and older filed 334,000 fraud reports with reported losses of more than \$600 million. As the vast majority of fraud cases are not reported, these numbers include only a fraction of older adults harmed by fraud. Romance scams, prize stakeholder scams, lottery scams, and business impersonation scams cause the highest aggregate reported losses for older adults. Increasing the civil and criminal penalties for engaging in deceptive trade practices directed towards the elderly in Assembly Bill 373 will help to protect the vulnerable population from financial harm. I will now turn the presentation over to Ms. Almaraz, and then we will hear from Mr. Krueger.

Fran Almaraz, President, Nevada Silver Haired Legislative Forum:

[Ms. Almaraz referred to written testimony, [Exhibit C](#).] I represent Senate District 10. As the president of the Silver Haired Legislative Forum, I am pleased to present A.B. 373, which would increase the civil and criminal penalties for individuals engaging in deceptive trade practices targeting senior citizens. The Silver Haired Legislative Forum was created in 1997 to identify and act upon issues of importance to aging persons. The Forum strives to promote inclusive government by directly involving seniors in the legislative process. It is composed of 21 members, 60 years of age and older, who are nominated by Senators for appointment by the Legislative Commission. Forum members participate at public meetings, ask presenters questions, and discuss agenda items for future consideration. In the past, the forum has studied senior issues such as respite care for caregivers, improvement in the provision of long-term care services, protection of seniors from abuse and neglect, and homelessness among seniors in Nevada.

The forum may submit one bill draft request to each regular legislative session. At our forum meeting in July 2022, members learned there were over 62,000 reports of elder financial abuse and identity theft in Nevada in 2021 during a presentation from the Bureau of Consumer Protection in the Office of the Attorney General. The leading types of scams include those related to imposters, romance, sweepstakes, and technology support.

Financial exploitation has many faces, including: theft, identify theft, unauthorized use of credit cards, undue influence, deceptive and unfair business practices, and abusive debt collection practices. For senior citizens, financial exploitation is extremely hazardous to their health, well-being, and economic security. Numerous victims of such crimes have lost their entire life savings. It is estimated only 1 in 14 crimes against older people are reported. As a result of this presentation, the forum voted to send letters to the Governor, the Attorney General, and the chairs of the Assembly and Senate Committees on Judiciary with the recommendation to support efforts preventing and reducing scams and fraud of senior citizens in Nevada. After some discussion with Assemblywoman Gorelow, she agreed to carry this bill based on the forum's recommendation.

Assembly Bill 373 is straightforward and uncomplicated. Section 1 increases the maximum civil penalty if a deceptive trade practice is directed at an elderly person from \$12,500 to \$25,000. "Elderly person" is defined in *Nevada Revised Statutes* (NRS) 598.0933 as a person who is 60 years of age or older. Section 2, the core of the forum's recommendation, contains a tier of criminal penalties for engaging in deceptive trade practices that target a senior citizen, which are more severe than penalties imposed for deceptive trade practice in general. This would increase the penalties for scams and fraud against seniors by one step for each criminal penalty and double existing civil penalties.

In conclusion, elderly victims often cannot recover financially from scams and fraud, and as a result, can lose their homes, access to quality personal and medical care, and the most prized of possessions—their independence. Financial exploitation also undermines a senior citizen's self-confidence and trust in others. It is my belief A.B. 373 will serve as an uncompromising censure for those organizing and perpetuating scams and fraud that target senior citizens.

**Mark J. Krueger, Chief Deputy Attorney General, Bureau of Consumer Protection,
Office of the Attorney General:**

I am pleased to have met Fran Almaraz and to have presented to the Nevada Silver Haired Legislative Forum. I am appearing before you as a chief deputy to Attorney General Ford, who wanted me to express that the Office of the Attorney General supports A.B. 373 and appreciates Assemblywoman Gorelow for bringing this.

We submitted a couple of minor amendments to bring our statutory *parens patriae* protections for the residents of this state into deceptive trade [[Exhibit D](#)]. We have authority through judicial case law; however, this brings it consistent with the antitrust provisions which already include the *parens patriae* language. Additionally, we wanted to see an overall increase to general violations of the Nevada Deceptive Trade Practices Act (NDTPA) [NRS Chapter 598], which is the second amendment. This concludes my presentation. I am happy to answer any questions the Committee may have.

Chair Miller:

We do have some questions from the Committee.

Assemblyman Orentlicher:

Currently we have the same penalties whether a victim is disabled or elderly, and now we are having different penalties depending on if the victim is elderly or disabled. What is the logic for having different penalties for the elderly and the disabled, rather than raising them for both?

Mark Krueger:

Throughout the criminal statutory provisions, there is always an enhancement for crimes against elderly persons, the idea being that if you increase the punishment for crimes against the elderly, it should act as a deterrent because, as Assemblywoman Gorelow said, elderly

adults can become susceptible and become victims to criminal acts. Generally speaking, they have the financial means to be targets for bad actors to be able to take that money from them. I hope that answers your question.

Assemblyman Orentlicher:

I appreciate that logic. I am just not sure why it would not apply for the victims who are disabled.

Mark Krueger:

It generally does. The Nevada Silver Haired Legislative Forum was focusing on older adults. Based upon statistics from the FTC and the Consumer Sentinel Network they manage, which takes in complaints and where we get a lot of our statistics, older adults, rather than disabled adults, generally tend to be more victimized statistically.

Assemblywoman Cohen:

I have a question about the language in section 1, subsection 1, paragraphs (a) and (b), "directed toward"; "directed toward a person with a disability"; and "directed toward an elderly person." A lot of these scams are mass-marketed and so if I am sending out this mass-market scam, I know I am probably going to get some people who are elderly or disabled because they make up part of our community, but would I then be subject to this statute, or do I have to very specifically target? I am wondering if it should be "targeting," as opposed to "directed toward"?

Mark Krueger:

That is a good question. We can certainly look at that language. The way we look at it is that when bad actors are intentionally trying to go after a population segment, sometimes they are directed or targeted directly towards older adults; however, sometimes they are also targeted or directed towards a broader group of the population. When we are able to, on a large scale, identify these actors and bring civil actions against them, or criminal, we are able to figure out if there is an older person and we are able to charge these individuals with the higher penalties for that older population. The other population would also be charged the lower penalties. Does that make sense?

Assemblywoman Cohen:

I just want to make sure I get it. Even if I am not specifically targeting seniors, but I am casting a wide net and I catch some seniors, I would still be subject to this penalty?

Mark Krueger:

That is correct. When you say casting a wide net, it depends on the facts and circumstances of how you are perpetrating that fraud. These people who do perpetrate fraud do so sometimes with specific intent to go and get a certain population, like older adults. Sometimes they just go to try and get a group of people which they know, or should have known, will include older adults as well as other communities.

Assemblywoman Gorelow:

In many cases when you are talking about an email that is casting a wide net, a lot of times those perpetrators are out of state or out of country. This is looking for a lot more targeted types of scams, where someone might come in as a business and target elderly people so they can steal their identity, those kinds of things. The actions this bill seeks to address are more local versus some of those wider nets you are talking about, which are typically out of the country.

Chair Miller:

I would like to clarify this. Usually, "target" or "targeting" means a specific victim. Based on the two different responses, it seems from the first response, this is not about targeting the victim; it is more about a targeted intent, if the intent is to do harm or something like that. Are we focused on the intention or are we focused on the victim when it comes to "targeting"?

Mark Krueger:

I apologize for any confusion. Unfortunately, it is both a large attack on a group of population that may include older adults as well as individual actions against older adults. For example, what we are seeing in residential rooftop solar sales is the salespersons are going out and making their sales pitch to any group of population, but with older adults, they find if they are able to make a sales pitch to older adults, they can do a hard sale on them and are getting them to sign off on these solar contracts. When there is a three-day right of rescission that goes past, it is very difficult to get these older adults who went into these contracts out of them. That is a specific focus.

Whereas another type of example might be widgets. If you were trying to get certain people to buy widgets and you were doing it through mass mailings, emails, and phone calls, and you find that, Oh look, my sales of these widgets, which is false and deceptive and misrepresents what they are, is very effective against older persons. Then you might have success in that area. I hope that explains it, where it gives you two different examples of a general scenario and more of a specific.

Assemblywoman La Rue Hatch:

This is a very serious issue and there are widespread scamming operations targeting our senior populations. I also know many of those operations are based internationally. I am wondering what this could do to stop those operations.

Mark Krueger:

You are correct. There are some operations that are international, and there are some that are very difficult to find. We are working with our federal partners—FTC and other agencies—as well as other states to try and focus in on the international operations and other people who would attempt to commit fraud, particularly on elder adults. One of the things we have found is that with the FTC, with the increase in penalties, if we are able to locate some of these individuals and bring action against them, we will utilize state law along with our FTC counterparts in bringing that. So ultimately, the increased penalties would have an effect.

Assemblywoman La Rue Hatch:

Just to clarify, the perpetrator does not have to be in Nevada. As long as the victim is in Nevada, this could apply to them?

Mark Krueger:

Yeah. If the crime is committed in Nevada, even if the crime came from Nevada to a victim outside of Nevada, you could find the crime occurred in Nevada for criminal and civil jurisdiction.

Assemblywoman Newby:

Looking at section 2, subsection 4, which spells out categories of felonies, I see it also says what the fine for each of those would be. Hearing these scams can deprive seniors of savings which they cannot recoup resonated with me. To try to make these seniors whole, do these fines go toward the victim, or is there an additional process for seeking restitution?

Mark Krueger:

It is both. In a civil action, we can certainly get an order of restitution to make an older adult whole. In the criminal jurisdiction, the court can order restitution, and under Marsy's Law, generally speaking, that restitution is supposed to be paid first.

Assemblywoman Considine:

My question is on the civil penalties. I see the way that everything is written, that it is for the director, a group; would these penalties—at least civilly—be eligible for a private right of action? Say one elderly person goes to an unscrupulous car dealer, they deceptively sell her a car, something illegally goes wrong; do they have to go to your office to sue to get some of this relief or can they do so individually? I did not see a private right of action in here, and I am just trying to see if it has to be a group thing to get relief or if they can get it on their own.

Mark Krueger:

The private right of action is in another piece of NDTPA, the Deceptive Trade Practices Act, so it does not amend that. They would still have a private right of action, as well as the ability for the Office of the Attorney General to bring action—which a lot of times older adults do not have the financial wherewithal to bring their own private action, and we are happy to be able to do that to protect our residents, particularly our older adults.

Assemblywoman Summers-Armstrong:

I have a senior citizen mom. I was visiting her for her birthday and she is being bombarded—her phone and email beeps every hour, on the hour. She is 80. We just told her do not answer the phone, do not reply. There may be folks whose parents do not have that kind of involvement with their children. This is very sad that we even have to do this. How often has the Office of the Attorney General been involved with any of these international scams? Have you been able to effectuate any prosecution or recover any dollars in those

instances? Are we really casting this broad net to make sure our local businesses understand what the penalties are, so they do not allow themselves to fall into this trap and end up hurting our local citizens?

Mark Krueger:

You are correct in that these robocalls, which you identified in the example of your mother, are rampant. They are increasing. However, I have good news. We have been working with our state and federal partners and have been trying to further legislation federally that will try to reduce the number of robocalls that are being perpetrated among residents of this state and other states. We have been successful, actually. I do not have the statistics off the top of my head, but I do know we have had a joint multistate action which did finally recover and identify some of these people. It is difficult, no question about that. With our increasing resources and ways technology is working, it is going to be easier to trace back. There are certain hurdles we still have to make, but we are making progress in that area.

Assemblywoman Summers-Armstrong:

The second part of the question was, is the intent of this bill also to put our local businesses on notice?

Mark Krueger:

Obviously, all businesses that operate in the state of Nevada should be operating within the guidelines of the law. The intent is to apply to anybody who would perpetrate against somebody, but we have found that we have a very good partnership with a lot of local businesses here. We try to educate our corporate residents as well as our consumer residents. That education will teach them about the provisions of the law and make sure they are aware of it. Most of our local businesses are not trying to violate the law but when they do, they should be held accountable just as businesses outside, because ultimately it is people in this state who are harmed.

Assemblywoman Cohen:

I have a question that is not really addressed in the new language. I wanted to know what happens when the perpetrator is a senior or someone who is disabled; are they still subject to these enhanced penalties?

Mark Krueger:

The perpetrator could be anyone, any age, anybody at all. The perpetrator would be subject to any penalties that any other person would be subject to. If the perpetrator were an older person and they were targeting older adults, then yes, they would be held to these increased penalties.

Chair Miller:

Not seeing any further questions, I will open testimony in support of A.B. 373.

Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers:

The Nevada Coalition of Legal Service Providers represents most of the people who are in guardianships in Washoe and Clark Counties. We have about 20 attorneys who are doing that work full-time. In the lead-up to a guardianship, often our seniors are exploited. We appreciate this bill.

Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO:

On behalf of over 150,000 members and 120 unions, we are in full support of A.B. 373.

Richard P. McCann, representing Nevada Association of Public Safety Officers; and Nevada Law Enforcement Coalition:

Conceptually, we absolutely have to support—I have to support—A.B. 373 for three reasons. One, I represent law enforcement. This gives law enforcement another tool, an enhancement tool, to do their jobs. It also provides an enhanced private right of action by the Office of the Attorney General. All of that has been discussed today and that is a good thing. Two, I have an 87-year-old mother whom I care for. I have to take care of her; she is vulnerable, she falls into this category. Similar to what you have heard earlier, she gets calls and emails constantly. That crap has got to stop. It may stop because of something like this. Three, the one most obvious to you in the room—I am elderly, I fall into this category. Someday I may mentally fall into that category—if I am not already there. This kind of stuff here helps people. This is a good bill. We can discuss whether it should be "target" or "directed," I get that. Aside from that, conceptually, this is a good bill. It needs to pass.

Chair Miller:

Not seeing any further support testimony in Carson City, is there anyone in Las Vegas who wishes to testify in support of A.B. 373? [There was no one.] With that, we will move to phone testimony in support of A.B. 373.

Sue Bird, Private Citizen:

Speaking as an informed senior, unfortunately many of us have fallen for some of these scams. They come from so many different directions—emails, phone calls, people knocking at your door—and you are trying to beat them off as best you can. If you do get entangled in one of these scams, they are very difficult to get out of. It would be nice to tell someone, Leave me alone or you are going to have the high hand of the law against you. Please support this bill to protect me and all the seniors we know.

Terri Laird, Executive Director, Retired Public Employees of Nevada:

We represent close to 8,000 dues-paying members throughout the state in 17 chapters. By virtue of the fact that most of our members are over 60, we would like to go on the record in support of this bill. We have had many of our members fall prey to some of these perpetrators. We urge your support on this bill.

Chair Miller:

With that, we will move into testimony in opposition to A.B. 373. Not seeing anyone in Carson City, is there anyone in Las Vegas who wishes to testify in opposition to A.B. 373? [There was no one.] Is there anyone on the phone who wishes to testify in opposition to A.B. 373? [There was no one.]

[[Exhibit E](#) was submitted but not discussed and is included as an exhibit of this hearing.]

Is there anyone in Carson City wishing to testify in neutral on A.B. 373? [There was no one.] Is there anyone in Las Vegas wishing to testify in neutral on A.B. 373? [There was no one.] We will now go to the phones, is there anyone wishing to testify in neutral on A.B. 373? [There was no one.]

[[Exhibit F](#) was submitted but not discussed and is included as an exhibit of this hearing.]

I will now invite the bill presenters up to make closing remarks.

Assemblywoman Gorelow:

I appreciate your time in hearing this very important legislation. My copresenter would like to tell you a personal story about how this has affected her.

Fran Almaraz:

I have a little story to tell you about how scamming has affected my family. Last session, I was up here working. My husband was at home in Las Vegas and he got a phone call saying it was from the Internal Revenue Service saying we had to pay money and we had to pay it now. In our household, I am the person who does the taxes. I know they are paid, but this person was very convincing. My husband went to Walgreens and he bought a \$200 card which they told him he needed and he went back home. When he got back home, he got another phone call, Oh, I am sorry. You did not pay enough. We need another \$200. He went back to Walgreens and he bought another card, \$200. This happened a third time that very same day. He went back to Walgreens. By that time, the credit card company decided it was fraud and they put a hold on his card, so they did not get any more money.

The end of the story is, I took his phone. I put the names of every single person who may be calling him and advised him not to answer his phone unless one of these names pops up. He is a senior citizen. He was afraid. He did not want to tell me that I did not pay our taxes. This is just one instance of how people are scammed. Two hundred dollars is not a lot of money. To some people, \$200 means food or medicine. I just wanted to tell you that story and let you know that it could happen to anyone; and it happened to my family.

Chair Miller:

Thank you for sharing your story with us. We will now close the hearing on A.B. 373 and move on to Assembly Bill 309. This legislation is brought forward by Assemblywoman Hansen and will be presented by Garrett Gordon and Donna Zanetti.

Assembly Bill 309: Revises various provisions governing common-interest communities and condominium hotels. (BDR 10-960)

Assemblywoman Alexis Hansen, Assembly District No. 32:

This is a bill that I bring to you today on behalf of constituents and also as a business owner. I see this bill as a win-win where we can create a symbiotic relationship—which can sometimes be difficult—between a homeowners' association (HOA) community and the residents of the HOA. It brings together several factors: (1) it enfranchises more unit owners and homeowners to have a say-so in their elections; (2) it saves money and provides efficiency for the associations and their operations so they in turn can save unit owners and homeowners on their dues which are paid for operational expenses; and (3) it has robust due process provisions for the elected board members.

Today I am happy to have Garrett Gordon, a partner at Lewis Roca Rothgerber Christie, and Donna Zanetti, a partner with Leach Kern Gruchow Anderson and Song, and they both are representing the Community Associations Institute (CAI). I will turn the time over to them for the presentation.

Garrett Gordon, representing Nevada Chapter, Community Associations Institute:

Today I am representing the Community Associations Institute (CAI), which is an organization whose goal is to foster vibrant, competent, responsive community associations that promote harmony, community, and responsible leadership. Membership is open to all, including experts in every phase of association management. Community Associations Institute advocates and educates tirelessly for homeowners who choose to reside in homeowners' associations and condominium associations. This is the first time I have testified in front of the Assembly Committee on Judiciary this session, Madam Chair; so, just a few statistics.

Number one, there are approximately 3,584 associations in Nevada. Broken up in Washoe County and Clark County, Clark County now has approximately 2,884 associations and Washoe County has 539 associations. Certainly our state is full of associations. We believe this bill will do a couple of things: (1) increase the number of homeowners who participate in HOA elections—by providing an electronic option, participation will rise, and that has been shown across the United States; (2) reduce the cost of mailing, of stamps and paper—if an association decides to opt in to electronic voting; and (3) autopay. You will see a section in this bill which talks about autopay. Right now, if you want to pay your landscaper or other certain bills, you have to get a couple of signatures from the management company. I think all of us sign up for autopay for peace of mind and make sure that bill gets paid every month. This would allow associations to sign up for that method as well.

Twenty-seven states currently expressly allow for electronic voting, so this is nothing new. Those states include Arizona, Colorado, Connecticut, Maryland, Florida, New York, Delaware, Texas—a checkerboard all over the United States.

Secondly, this bill is not new to the Assembly. Last session, this bill came before the Assembly Committee on Government Affairs [Assembly Bill 313 of the 81st Session]. Yes, I have been doing HOA lobbying for the last ten sessions and some sessions I am in front of Judiciary, others I am in front of Government Affairs. It is nice, Madam Chair, to be in front of you this session. We did have great success with this bill last session in front of Government Affairs. Former Assemblyman and now-Senator Edgar Flores heard the bill, and I worked with now-Chairwoman Selena Torres on an amendment which added more due process rights into the bill along with some other tweaks; those amendments that I worked on with then-Vice Chair Torres are incorporated in this version. The bill passed committee and the bill came out of the Assembly with a vote of 40-2. It was not controversial, and I can say doing HOA bills for the last ten sessions, this is the first HOA bill we have not had anyone oppose in testimony or otherwise moving forward, because we think it makes sense.

Assembly Bill 313 of the 81st Session did not move forward in the Senate. We do believe we will have a different outcome this session. We are happy to answer any questions regarding the Assembly process last session. Finally, I will turn it over to Donna Zanetti, who will work through each section of the bill.

Donna Zanetti, representing Nevada Chapter, Community Associations Institute:

I am here on behalf of CAI's legislative action committee to testify in favor of A.B. 309. This bill will encourage member participation in the election process, give associations cost-saving options, and ensure a more efficient and complete transfer of association records.

Section 1 amends *Nevada Revised Statutes* (NRS) 116.31034, which provides for HOA elections by allowing the option of electronic balloting. Due to the NRS Chapter 116 requirements for staggered terms, elections are an annual event for HOAs. Currently, NRS Chapter 116 requires that each association produce, mail, and hand count paper ballots. It is an expensive process, as each ballot requires three envelopes of different sizes, a paper ballot, and a page of Nevada Real Estate Division [Department of Business and Industry] required disclosures, and position statements for each candidate. This all must be assembled and mailed through the United States Postal Service. Ballots must be returned to the association within 15 days. The outer return envelopes are validated to ensure the envelope can be identified to a unit and a unit owner. Then these return envelopes are opened at the annual meeting of the members and the paper ballots within are hand counted by a team of volunteers, all at the annual meeting. Typically, once all of the secret ballots have been separated from the two envelopes in which they arrive, one volunteer will read aloud the vote while another might make tally marks on a piece of paper.

It is a laborious process and despite everyone's best efforts at hand counting, it is frequently inaccurate. I personally attended a secret ballot count which had to be recounted twice because the tally did not agree. At the end of the process, the results are announced and the new board is seated.

Assembly Bill 309 will provide associations with the option to choose whether to use electronic balloting via an independent third-party provider or a voting machine like the ones used in state elections. If the association chooses an electronic balloting option, individual owners still retain the option to vote by paper ballot. According to the Office of the Secretary of State's website, more than 78 percent of Nevada voters participated in the 2020 presidential election. Even in recent off-year elections, more than half of Nevada's registered voters chose to participate. This is far from the case in HOA elections. It is a rare HOA and a rare HOA election where even half of the owners bother to vote. Before NRS Chapter 116 was enacted in 1991, owners had to show up at an annual meeting in person or by proxy to be nominated for a seat on the board and then to vote. As you can imagine, participation was pretty abysmal. Secret written ballots were an improvement, both in convenience and democratic participation.

Assembly Bill 309 is the next step down the road of increasing owner participation in the governance of their communities. Most of us pay less and less attention to our paper mail. Personally, I might empty my mailbox twice a week and most of it goes right into the recycling bin. We bank, we communicate, and we conduct our household business largely via email and the Internet. In recognition of that fact, this Legislature passed a bill to make email the default method of communication between HOAs and their members during the last session [Senate Bill 186 of the 81st Session]. The electronic voting options contained in this bill will allow associations to choose the process that is right for them by providing more efficient, cost-effective methods for conducting annual elections with appropriate safeguards to ensure the integrity of the election process.

Section 2 incorporates electronic balloting options into HOA removal elections. A removal election is how HOA members recall directors. Once owners submit a valid petition for removal of one or more directors, the directors are required by law to meet for the purpose of scheduling the meeting of the members at which removal ballots will be counted and the dates on which those ballots will be disseminated to the owners. Assembly Bill 309 adds the option for a director who is the subject of a recall effort to request a special board meeting to make a case for why he or she should not be removed. That meeting must be held before the meeting at which the secret ballots will be counted and announced.

Section 3 addresses NRS 116.311, which sets out the process for in-person and secret ballot votes by owners, as well as votes by absentee ballot and proxy. The statute specifies how such votes are conducted and what type of information proxies and ballots must contain. Assembly Bill 309 clarifies that elections and removal elections are two types of votes which owners may conduct without a meeting. That is already the case but the proposed amendment makes this clear. The bill also specifies the requirement for a voting machine and hours and times when that voting machine must be available, if an association chooses that option. If an association wants to use a voting machine, it must be one that is approved by the Secretary of State in accordance with NRS Chapter 293B. Once voting begins, it must be available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

Section 3 also specifies an owner's option to receive a paper ballot and sets forth the timeline for the owner to make that request, which is up to 5 days before the date on which the ballot will be counted. If the association has opted to use a voting machine, an owner may also opt out of using that voting machine and request a paper ballot. A new section, subsection 9(g)(4), addresses how the members' meeting at which electronic and/or paper ballots are counted shall be conducted and specifies that if paper ballots are being conducted, they must be counted in a way that any owners and attendants can readily observe the process.

Finally, section 3 specifies that if an association chooses electronic balloting, that association must use an independent third party, and that no one—not the board members, not the manager, not the owners, and not the declarant—can have access to the voting results before those results are announced at the members' meeting. If you are wondering whether there are any independent third-party providers that conduct online HOA elections, you can google that phrase and find there are multiple choices in the marketplace already for this service. This section also sets forth the standards for an online voting system. It must have the ability to authenticate the identity of the owner, ensure the vote remains secret and is not altered in transit, provide each owner with an electronic receipt, store the votes for later inspection by the Office of the Ombudsman or owners, count all lawful votes, and reject votes that are duplicates or are not from an actual owner.

Section 4 outlines an electronic voting process when owners vote by delegates rather than directly, amending NRS 116.31105. Section 5 extends an association's ability to make automatic payments for certain routine expenditures. Currently, an association may only set its utility payments up on autopay. Assembly Bill 309 would allow an association to pay other recurring bills, such as insurance premiums, Internet and telephone, the annual payment to the Ombudsman, and other service payments that are incurred monthly for fixed amounts. This will help HOAs avoid late fees and inadvertent service cutoffs, just as it does for each of us who chooses to use autopay as our banking service. Section 6 amends NRS 116A.620 to require that the Commission for Common-Interest Communities and Condominium Hotels adopt regulations to standardize how management companies transfer an association's books and records to another management company or back to the client. Sections 8 through 11 make changes discussed above to condominium hotels by amending the relevant sections of NRS Chapter 116B.

Thank you very much for allowing me the time to walk you through this bill. We are happy to answer any questions you may have.

Chair Miller:

We will now move to questions from the Committee.

Assemblywoman Mosca:

When it comes to the cost savings you were discussing, how much does it cost for the voting machine or to partner with a third-party vendor? Does it save a lot of money doing that instead?

Donna Zanetti:

It really depends on the size of the association. The online independent third-party providers have different pricing structures for their product. It may not be a cost-saving option if you are an association of 20 units, in which case the board still has the option to use paper ballots. But if you are an association of over 1,000 units, then the option to use a third-party provider to do the electronic balloting becomes much more feasible because of the size of your community.

Assemblywoman Gallant:

I appreciate having the option of doing electronic voting. When it comes to the voting machines for HOAs, the community could be in Henderson but the management company's office is all the way up in Aliante. The HOAs do not necessarily have an office space where they could securely place a voting machine, so if the intent of this is to make it easier for people to vote, maybe having a radius, like a certain amount of mileage, if they choose to do that voting machine, that it is within a few miles of the community so we do not have deceptive practices going on possibly by the current board members who want to maintain their power.

Assemblywoman Cohen:

In section 3, subsection 9, on page 13, the language that is struck is: "Unless prohibited or limited by the declaration or bylaws." Does that mean you are changing or getting rid of something from the covenants, codes, and restrictions (CC&Rs) which the members of an association have agreed to before buying their property?

Donna Zanetti:

First, I would say that a great deal of NRS Chapter 116 supersedes the declaration or the bylaws, the idea being that having its genesis with the Uniform Common-Interest Ownership Act, and each declaration and CC&Rs being somewhat unique, depending on the attorney who drafted them, in many cases NRS Chapter 116 will supersede and replace what is in the CC&Rs and declaration. This would say that you may conduct a vote without a meeting, and it would then now supersede anything to the contrary in the CC&Rs and the bylaws.

Assemblywoman Newby:

With the changeover to electronic voting, for those communities that have adopted that already, maybe in different states, have they seen an increase in participation from the homeowners, and if so, how much on average?

Donna Zanetti:

To be frank, I do not have that information. We will see if we can find any supporting or rejecting evidence for you.

Garrett Gordon:

If I may, Madam Chair, I will track down that information and provide it to the whole Committee for everyone's review.

Chair Miller:

Thank you for that.

Assemblywoman Considine:

Coming from the question asked by my colleague, since the change in this bill can override the CC&Rs, how does someone in an HOA know what is valid and what is no longer valid in their CC&Rs?

Donna Zanetti:

There is another provision in NRS Chapter 116 [NRS 116.1206] which says that when NRS Chapter 116 supersedes or replaces a provision within the governing documents, your governing documents do not have to be amended—they are deemed to conform. This sets up a situation where, yes, over time, your declarations and bylaws, because the Legislature has seen fit to amend NRS Chapter 116 every session—with the exception of once since it was adopted—over time, your declaration and bylaws will diverge from what the law requires. But the Legislature believed that it would be a burden to require associations to continually amend their documents in order to keep current with NRS Chapter 116. So, everyone from individual owners to board members to community managers—when you need to know how to act in terms of your HOA, you must read your governing documents, read the law, then harmonize the two to understand what is required of you—as an owner, board member, or a manager.

Assemblywoman Considine:

I appreciate that explanation, but it brings me to another question. When somebody moves in and they get that whole packet of information and they are told they need to read this, understand it, and agree to it, is there an addendum, is there a notice, is there an email that goes out that anything has changed, or even a letter saying, These are the rules and guidelines; however, you still have to check with the law. What is the notice for that?

Donna Zanetti:

Another portion of NRS Chapter 116 requires that when you sell your property, the seller must provide to the owner a resale disclosure packet [NRS 116.41095]. Within that packet is a statement set forth in the statute with language to the effect of: Did you know you are buying into a common-interest community? It is governed by both statute and your governing documents. Here are some of the obligations that you will be required to adhere to, and this is what it means to live in a common-interest community. So, you are given a heads-up before you have purchased—while you still have a chance to revoke that decision to buy within the community—that this is what you are buying into.

Assemblywoman Summers-Armstrong:

My question is about secret ballots. Why secret ballots if the only people who are able to vote are owners?

Donna Zanetti:

The idea of a common-interest community is that the owners by virtue of buying a lot or unit within that community are the members of the association. Therefore, they are the ones who get a say in its governance. For that reason, it is the owners who have the obligation to pay the assessments and not, say, their tenants. But they also have the ability to vote and have an influence on how their association operates and is governed. It is the tie between the ownership of the land and the membership in the association that gives the owners the power to vote in the governance of their community.

Assemblywoman Summers-Armstrong:

It appears this voting process really sort of parallels what we do in our municipal, state, and federal election processes. If that is the intent, please let me know. Also, I have been in several organizations which have now instituted online secret balloting. I am concerned if the only organizations that your legislation may limit access to reasonably priced secret balloting if you only do it with organizations that are for HOAs. I have done it for unions, and recently the NAACP [National Association for the Advancement of Colored People]. There are lots of organizations that are doing this. If you try to narrow it to organizations that are specific for HOAs, you might create an environment where the cost is prohibitive because it is too narrow. There should be some room to allow people to use a broader range if they have been checked into to find out, can you provide a secret ballot and what are your processes.

Donna Zanetti:

I am not sure I exactly understand your question. Certainly, what we would like to see with this bill is to give associations the opportunity to use the tools that so many organizations you mentioned now have, which is to conduct some balloting by electronic methods. It is a secret ballot, so we wanted to ensure the integrity of that ballot. That is a concern for owners within the communities, that no one have access to the ballots until they are officially opened and counted and that there is a method to go back and if you wanted to, as an owner, audit the votes to make sure that the results which were reported match what you yourself could count. For those reasons, I think there was an emphasis placed on having independent groups who could meet certain standards in order to ensure the integrity of the ballot. Associations still have the option to do it the old-fashioned way, if that is more cost effective for them or their constituency prefers that.

Assemblywoman Hardy:

On page 14, this is where it sets out the choice and options for the homeowner. It says in section 3, subsection 9(g)(1), the association shall provide a form to the owner that allows them to opt out of electronic balloting and receive a paper ballot. It is options; if they still want to vote with paper, that is fine; this is the process. The association has to give notice and then allow the homeowner to make that decision. Is that correct?

Donna Zanetti:

Yes.

Chair Miller:

I would like to clarify. The option for the voter—it is still their option. However, I think we are getting stuck on the option for the association, going back to the language that was struck out. We know this is permissive language that would allow associations to take advantage of the option of electronic voting, if they so choose. However, it does not seem optional for the members to vote on this option if it is not something where a meeting has to be held, because there could be, definitely would be, an increased cost to the association as well. It does not seem optional if all of the members do not get to vote for the option.

Donna Zanetti:

Currently, there are several options for associations to conduct a vote without a meeting. That is typical language you would see within a set of bylaws. Bylaws are sort of the operating instructions for your association, and that is where you are most likely to see, Here is how we conduct an election; here is how we hold meetings. So, in addition to what we are proposing to add in here today, which is electronic balloting, the law already provides for options for absentee ballots or proxy votes. There are several options already where you are going to vote in ways other than this secret written ballot process that is currently set out in NRS 116.31034 and NRS 116.31036. Homeowners' associations are representative forms of government. Owners annually elect directors from among their fellow members, once the declarant control period is done, to represent them and make decisions on behalf of them.

There are very few instances that are set in either NRS Chapter 116 or the governing documents where the owners directly vote on a matter. For the most part, day-to-day decision-making—such as which landscaper we hire, what attorney we engage, what insurance company we use—are all decisions made by the board on behalf of the owners, with the idea of operating within the constraints of the budget that has been adopted by the board and then ratified by the members. The bill does not give the owners a direct vote on whether or not to use a third-party independent provider for elections, but the members do have a say in whom they elect to the board and the budget they approve, within which the board is expected to operate.

Chair Miller:

And the directors would then be voting to select this option?

Donna Zanetti:

Yes.

Chair Miller:

Going back to my colleague's question, will the associations' members be notified of and given information about such a change?

Donna Zanetti:

Yes.

Chair Miller:

To be clear, it is not specifically only for the removal of a member of the executive board—this would include all ongoing votes and votes that would take place in the association going forward?

Donna Zanetti:

Yes.

Chair Miller:

We look forward to reviewing the data from the other states you mentioned. For now, when we are discussing increased participation, what actual issues or barriers to participation currently exist and how would they be resolved with this bill?

Assemblywoman Hansen:

We have someone on the phone who was going to be part of our presentation. Unfortunately, she could not be here because she woke up sick this morning. She will testify in support; but if you allow—being directly involved with an HOA in the Reno area—she may be able to answer this question.

Chair Miller:

Is she available now?

Assemblywoman Hansen:

You could check. She was going to call in and testify in support. I could notify her if she is not already on.

Chair Miller:

We will hold off for now to finish questions from members. It is Ms. Olson?

Assemblywoman Hansen:

Yes, Lorrie Olson with Somerset Owners Association.

Garrett Gordon:

Two additional points: The budget is approved by the board and goes out to the homeowners. If there was an election to use electronic voting, there would be a line item in the budget for that cost that would be disclosed to the homeowners on what the amount would be. On that front, I will add to my research project for this bill. Let me see if, in fact, in any of the other 27 states, the board approves this option or if there is some other process, and I will get that information back to you and the Committee as well.

Chair Miller:

That would be appreciated. Seeing no further questions, I will now open testimony in support for A.B. 309. We will go first to phone testimony.

Lorrie Olson, Supervising Community Manager, Somerset Owners Association:

I am a supervising community association manager who has practiced totally in the state of Nevada since 1999. I currently work part-time for the Somerset Owners Association, and I have a management consulting practice. In November 2022, the Somerset Owners Association mailed secret ballots along with two return envelopes to 3,335 single-family homes as is currently required by the NRS statute [NRS 116.31105]. The cost of that mailing was almost \$26,000. That equates to about \$7.80 per home. It took 26 volunteers a total of 45 minutes to open and tally the 995 ballots which were returned. That constitutes 30 percent of what was mailed out.

I would love to see a 50 percent return. That is a total of 11.7 people hours—12 hours to open 1,000 ballots. Since 2011, NRS 116.31068 has allowed homeowners' association members to opt in to choose not only electronic communications but to receive documents electronically. Currently in Somerset, 2,576 members have opted in writing to receive both communications and documents electronically. That is a very telling number. That is 77.2 percent of the HOA's members, which could have saved \$5 a day, about \$16,000 in mailing costs in 2022 alone, had they been given the option for online electronic mailing. It is an option. We do not want anyone to ever feel they are forced into having to vote electronically. We understand people have challenges and there are people whom it is not their thing. This bill will no doubt save HOAs thousands of dollars each year, which will definitely help to keep member assessments down. That is what our goal is: to save your constituents money. It will have a zero fiscal impact on any entity other than mailing houses and the management company.

Chair Miller:

If you could answer a quick question for me. I guess what I see happening in condos, and even homes as well, is whenever the owner is renting out that property, I know that in all or most cases, when it comes to elections and bylaws, those letters go to the address of the property and not necessarily where the owner may be. Do you have any idea how much of this is not being communicated or available to the owners because it is going to the property itself, and the renter may not be passing those notices to the owner? Do we have any idea how often that occurs and if that impacts participation?

Lorrie Olson:

No, I do not. When we receive the closing documents from the county, it directs us where to send the documents once we have that new owner in our system. We do everything we can to reach out to them and get them to give us that information.

Chair Miller:

I know, having seen piles of mail in the mailroom, there is a lot of stuff owners are not getting, and hopefully this would help with their participation and access. Thank you, Ms. Olson.

Michael Kosor, Private Citizen, Las Vegas, Nevada:

[Mr. Kosor read from written testimony, [Exhibit G](#).] I am calling in strong support for [A.B. 309](#). Madam Chair, to answer your question, I do currently serve on a large master association board in Las Vegas. During our last election—where there are approximately 9,000 homeowners—less than 10 percent voted. That is not uncommon. I believe this bill would be very useful in increasing participation. I would ask this bill, one provision—

Chair Miller:

Sir, the rules of our Committee dictate that if you are speaking in support, you agree with the bill one hundred percent as presented. If you would like to see any changes, then that would not be accepted as testimony in support. You are always welcome to reach out directly to the bill sponsor with any of those changes and suggestions. With that understanding, are you still testifying in support?

Michael Kosor:

Those were recommended changes that I hoped Assemblywoman Hansen would consider.

Chair Miller:

Sir, thank you, we are not taking any recommended changes, otherwise that would change your testimony from support to opposition. If you would like to remain in support, that will be without any changes.

Michael Kosor:

I will still remain in support.

Chair Miller:

Seeing no further testimony in support here in Carson City or Las Vegas, is there anyone on the phone who wishes to testify in support of [A.B. 309](#)? [There was no one.] With that, I will open testimony in opposition to [A.B. 309](#). [There was none.] I will now move to testimony in neutral on [A.B. 309](#). Seeing no one here in Carson City, is there anyone in Las Vegas who wishes to testify in neutral on [A.B. 309](#)?

Sharath Chandra, Administrator, Real Estate Division, Department of Business and Industry:

The Real Estate Division wishes to testify in neutral, and I am available to answer any questions the Committee has.

Chair Miller:

We will accept your testimony. Please proceed.

Sharath Chandra:

No comments at this time. We are ready to answer any questions if the members have any.

Chair Miller:

We do not have any questions but thank you for that. Seeing no further testimony in neutral, I will invite the bill sponsors back up for final remarks.

Garrett Gordon:

Our team just sent me some additional information, which I will forward to the Committee. There was a survey done in 2020 when these initiatives, as far as virtual voting, increased during the pandemic, and 51 percent of the survey participants confirmed that the communities saw an increase in participation when it went virtual. We have some data, and I will get that to the Committee.

Assemblywoman Hansen:

Thank you for the opportunity to bring this commonsense, hopefully a win-win, sort of bill to help homeowners and HOAs have more efficiency and enfranchise voters to participate in their community.

Chair Miller:

I will close the hearing on A.B. 309. Next, which is not on our agenda but since it is deadline day, we have three additional bill draft requests (BDRs) to introduce. With this, we are going to take one vote for all three BDRs. Again, just a reminder, this is not about anyone's position or vote on the bill, it is just about enabling the bills to be introduced.

BDR 56-1041—Requires certain medical facilities to allow certain patients who are terminally ill to engage in the medical use of cannabis at the medical facility. (Later introduced as [Assembly Bill 411](#).)

BDR 56-1054—Revises provisions relating to cannabis. (Later introduced as [Assembly Bill 413](#).)

BDR 5-492—Revises provisions relating to juvenile justice (Later introduced as [Assembly Bill 412](#).)

Members, is there any discussion? [There was none.] I will take a motion to introduce all three of these bill draft requests (BDRs).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO INTRODUCE
BDR 56-1041, BDR 56-1054, AND BDR 5-492.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

We will now move on to the last order of business for today: public comment. [Public comment was heard.] With that, I will close public comment. As we are expecting more BDRs this afternoon, this Committee stands in recess [at 9:35 a.m.].

[Meeting resumed behind the bar of the Assembly at 11:35 a.m.]

We have one bill draft request to vote on.

BDR 7-895—Revises certain fees collected by the Secretary of State. (Later introduced as [Assembly Bill 433](#).)

I will entertain a motion to introduce bill draft request (BDR) 7-895.

ASSEMBLYWOMAN NEWBY MADE A MOTION TO INTRODUCE
BILL DRAFT REQUEST 7-895.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

We are expecting a few more BDRs by the end of the day. This meeting stands in recess [at 11:37 a.m.].

[Meeting reconvened behind the bar of the Assembly at 6:02 p.m.]

Good evening, everyone. We will be voting to introduce three additional bill draft requests.

BDR 16-315—Revises provisions relating to visitation with offenders in a correctional institution or facility. (Later introduced as [Assembly Bill 452](#).)

BDR 11-1072—Revises provisions governing the adoption of persons with special needs. (Later introduced as [Assembly Bill 453](#).)

BDR 14-1067—Revises provisions relating to legal services for indigent defendants. (Later introduced as [Assembly Bill 454](#).)

May I have a motion to introduce these three bill draft requests (BDRs)?

ASSEMBLYWOMAN SUMMERS-ARMSTRONG MADE A MOTION TO
INTRODUCE BDR 16-315, BDR 11-1072, AND BDR 14-1067.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN GALLANT, GRAY, AND
HARDY WERE ABSENT FOR THE VOTE.)

Thank you, everybody. We will stand in recess for now [at 6:04 p.m.].

[Meeting adjourned by Speaker Yeager on the floor of the Assembly at 6:52 p.m.]

RESPECTFULLY SUBMITTED:

Connor Schmitz
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated March 27, 2023, submitted and presented by Fran Almaraz, President, Nevada Silver Haired Legislative Forum, in support of Assembly Bill 373.

[Exhibit D](#) is a proposed amendment to Assembly Bill 373, submitted by the Office of the Attorney General and presented by Mark J. Krueger, Chief Deputy Attorney General, Bureau of Consumer Protection, Office of the Attorney General.

[Exhibit E](#) is a letter dated March 26, 2023, submitted by Aviva Gordon, Chair, Legislative Committee, Henderson Chamber of Commerce; and Emily Osterberg, Director of Government Affairs, Henderson Chamber of Commerce, in opposition to Assembly Bill 373.

[Exhibit F](#) is written testimony, submitted by Catherine Nielsen, Executive Director, Governor's Council on Developmental Disabilities, regarding Assembly Bill 373.

[Exhibit G](#) is written testimony dated March 27, 2023, submitted by Michael Kosor, Private Citizen, Las Vegas, Nevada, in support of Assembly Bill 309.