

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-second Session  
May 8, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:32 p.m. on Monday, May 8, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Edgar Flores, Chair  
Senator James Ohrenschall, Vice Chair  
Senator Skip Daly  
Senator Pete Goicoechea  
Senator Lisa Krasner

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Natha C. Anderson, Assembly District No. 30  
Assemblywoman Venicia Considine, Assembly District No. 18  
Assemblywoman Sandra Jauregui, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Jered McDonald, Policy Analyst  
Heidi Chlarson, Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Kelly Gaines, President and CEO, Nevada Subcontractors Association  
Annette Magnus, Director, Battle Born Progress  
Nat Hodgson, CEO, Southern Nevada Home Builders Association  
Paul Schwarz, Vice President, Human Resources and Safety, Hirschi Companies  
Jorge Macias  
David Cherry, City of Henderson

Senate Committee on Government Affairs  
May 8, 2023  
Page 2

Kelly Crompton, City of Las Vegas  
Cyrus Hojjaty  
Christine Hess, Executive Director, Nevada Housing Coalition  
Josh Hicks, Nevada Home Builders Association  
Chelsea Capurro, Nevada Subcontractors Association; Las Vegas Urban Chamber of Commerce  
Dan Morgan, CEO, Builders Association of Northern Nevada  
Kanani Espinoza, Nevada HAND, Inc.  
Paul Catha, Culinary Workers Union Local 226  
John Sande, Nevada Builders Alliance; Nevada State Apartment Association  
Glen Leavitt, Nevada Contractors Association  
Mendy Elliott, Southern Nevada Regional Housing Authority; Nevada Rural Housing Authority; City of Fernley  
Ezene Jaffa, Nevada REALTORS  
Verna Lynn Willis, Asian Community Resource Center  
Peter Guzman, President, Latin Chamber of Commerce Nevada  
Joanna Jacob, Clark County  
Cadence Matijevich, Washoe County  
Nicole Rourke, City of Henderson  
Nic Ciccone, City of Reno  
Brian Lee, Executive Director, Nevada State Education Association  
Brady Easterling, American Federation of State, County and Municipal Employees  
Calen Evans, President, Washoe Education Association  
Chris Daly, Nevada State Education Association  
Dylan Keith, Vegas Chamber  
Alejandro Rodriguez, Nevada System of Higher Education  
Jennifer Berthiaume, Nevada Association of Counties  
Stephen Wood, Nevada League of Cities and Municipalities  
Mendy Elliott, City of Fernley  
Kent Ervin, Nevada Faculty Alliance  
Lynn Chapman, State Vice President, Nevada Families for Freedom  
Michael Ryan  
Dora Martinez, Nevada Disability Peer Action Coalition

CHAIR FLORES:

We will open the hearing on Assembly Bill (A.B.) 189.

Senate Committee on Government Affairs  
May 8, 2023  
Page 3

**ASSEMBLY BILL 189 (1st Reprint)**: Revises provisions governing construction start times in certain counties and cities. (BDR 20-232)

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

I worked on A.B. No. 290 of the 80th Session. My mission was to create a safer work environment on construction sites. We were successful in passing A.B. No. 290 of the 80th Session which created the Occupational Safety and Health Administration (OSHA) Registry to help combat the growing problem of fraudulent OSHA cards.

Then I worked on A.B. No. 249 of the 81st Session that prohibited common-interest communities from restricting the hours construction work may begin if they were later than those adopted by the governing body of a county or city, but only during the summer months. Creating a safe environment for Nevadans who work outdoors is a priority for me.

I am here again tackling a growing problem on construction sites. Because Nevada has two of the fastest warming cities in America, our outdoor workers face the invisible threats of heat exhaustion and heat stroke. Those in the construction industry are uniquely susceptible to heat-related injuries. The work comes with inherent risks which are amplified by exposure to direct sunlight during the hottest months of the year. The Centers for Disease Control and Prevention website states,

Construction workers are at risk of death, injuries, illness and reduced productivity resulting from heat exposure on the job. Between 1992 and 2016, 285 construction workers died from heat-related causes and it resulted in more than a third of all U.S. occupational deaths from heat exposure. It is possible that heat-related deaths were undercounted due to misclassification. Heat-related deaths have had an upward trend that corresponds with an increase in average summer temperatures during the same time period. Approximately 75 percent of these fatalities occurred during the summer months, June, July and August.

Nonfatal heat injuries are far more prevalent. A study conducted in North Carolina showed heat-related injuries as the most common cause for an occupational emergency room visit. Injuries from heat exhaustion or heat stroke can result in cognitive impairment, dizziness, sweaty and slippery hands, slowed

response time, muscle fatigue, cramping, nausea or vomiting and clouded eyewear that blocks vision.

The risks are obvious when these individuals are working with hammers, power saws, nail guns and welding and propane torches and doing so suspended several stories in the air or on the roof of a home. While everyone is affected, cement masons are most at risk. They are ten times more likely to die than the average construction worker, followed by roofers who are seven times more likely to die than the average construction worker. According to the National Institute for Occupational Safety and Health, one of the most effective ways to combat this is to schedule higher risk jobs for cooler parts of the day. That is the goal of A.B. 189.

KELLY GAINES (President and CEO, Nevada Subcontractors Association):

The Nevada Subcontractors Association (NSA) is made up of 150 residential contractors, subcontractors, construction vendors, suppliers and other businesses and the thousands of workers they employ in southern Nevada, some of whom are here today in support of A.B. 189.

The NSA's No. 1 priority in the construction space is to create and adhere to safety standards to protect employees and still have a positive impact on Nevada's economic development. As early as March 2021, Nevada OSHA had been developing a regulation to address heat illness. Public hearings, stakeholder meetings and workshops were held. I reference the Informational Statement of Adopted Regulations as Required by NRS 233B.066 (Exhibit C) which provides the explanation of the need for adopted regulations to address heat illness,

The most common time of day for these injuries and illnesses is from 12:00 p.m. to 4:00 p.m., which is during the hottest part of the day. The top three occupations were service, transportation and material moving, and construction.

In April 2022, federal OSHA announced the launch of a National Emphasis Program (NEP) to protect millions of workers from heat illnesses and injuries. In June 2022, Nevada adopted the federal NEP in modified form. It has already been identified by federal and Nevada OSHA that excessive exposure to high temperatures can create safety concerns. However, federal and State programs

did not include any regulations regarding changing the time frame of working in the hottest part of the day.

Restrictions on construction start times or noise ordinances still expose workers unnecessarily to extreme heat during southern Nevada's high temperature months and the inability to complete full workdays because employers do not force their employees to work in these elements.

The passing of this bill will give them the ability to work full-time hours while limiting their exposure during high heat indexes thereby reducing the safety risk of people that help build Nevada.

ASSEMBLYWOMAN JAUREGUI:

This bill will only apply to declarant-controlled communities. That means it will only apply to new home construction communities where the community is still builder-owned as defined by declarant-controlled and only during April 1 through September 30.

As soon as a homeowner moves into a new build residential community that makes the community homeowners association-controlled versus declarant-controlled, this bill will no longer apply. This gives construction workers and subcontractors the ability to start work early during the extreme hot summer months at a job site where the community is still owned by the builder. This bill does not apply to local governments that do not address construction start times in their local ordinances.

SENATOR OHRENSCHALL:

I like the bill. Has there been any consideration to either starting earlier or even not having a restriction so if the work has to be done during the night in a declarant-controlled community under construction, it could be done when it is coolest and safest and most productive for the workers.

ASSEMBLYWOMAN JAUREGUI:

I have chipped away at this problem every session. I look forward to continuing to do so. I want to be respectful of those homeowners who are still in communities so I would like to start with this to see how it works and revisit some of that during the next Legislative Session.

ANNETTE MAGNUS (Director, Battle Born Progress):

We know heat-related injuries are real. My husband works in safety at a major corporation in Las Vegas doing heat mitigation. He also works with OSHA and other Nevada organizations to keep people safe and healthy. During his work, his limit during the day, because of the heat and the humidity in buildings, is approximately 80 degrees Fahrenheit. That is when they start doing heat and heat stress monitoring. This is something I have learned a lot about in my household over the years because my husband talks to me a lot about this. This bill is an excellent idea for workers and people who are out in extreme heat doing this work. Please pass this important bill.

NAT HODGSON (CEO, Southern Nevada Home Builders Association):

The Southern Nevada Home Builders Association (SNHBA) supports A.B. 189. The SNHBA's members are known as the "declarant in here." It is the right thing to do for worker safety. These are the declarant's homeowners, so they are respectful of it. It is a great way to start as the Majority Leader talked about, just taking one little bite to do something to help our workers' safety. I urge your support of this bill.

PAUL SCHWARZ (Vice President, Human Resources and Safety, Hirschi Companies):

Hirschi Companies is a subcontractor in Las Vegas with a little over 600 employees, the majority of whom work outside every day in the elements. Hirschi Companies supports this bill because it is vital to its employees' safety.

My primary responsibility as vice president of human resources is not only to build a culture of respect in our workplace but a culture of safety as well. This bill is not only important to safety but also to the recruitment of the future workforce.

I speak often at several high schools in Las Vegas and attempt to educate our youth about the many opportunities in the construction trades. The topic of safety comes up every time. We discuss not only the technology, the policies and the investment construction has into making the workplace safe, but also the time they work. I tell students they are going to be required to work outside in the hottest part of the day. That is a tough sell.

JORGE MACIAS:

I work for Silver Lake Construction. The president of the company, Brett Willis, is a good boss. He is a boss who is worried about his people. He always tries to find a way to protect his people, especially when we pour concrete in the summertime. Sometimes it is a nightmare, especially when we cannot start working until 7:30 a.m. and the heat is really bad. That is why I support A.B. 189. We are asking for help.

DAVID CHERRY (City of Henderson):

The City of Henderson opposes A.B. 189 because it limits the ability of local governments in southern Nevada to determine the appropriate start times for construction activities in communities such as the City of Henderson. The City appreciates the bill's sponsor for allowing it to share its concerns about A.B. 189 prior to today's hearing. The City shares the goal of the bill's proponents when it comes to protecting construction workers in southern Nevada who provide a tremendous service to the residential housing and commercial products they produce.

At the same time, the City has a responsibility to all residents of the community to find a proper balance between preserving the quality of life and facilitating commercial activity. For informational purposes, Henderson's ordinance allows most construction activities to take place between 6:00 a.m. and 6:00 p.m. While the amendment captured in the first reprint of the bill narrows the scope to declarant-controlled common-interest communities, these are often located next door to existing neighborhoods where residents may have concerns about construction work being allowed to begin at 5:00 a.m., seven days per week during the months specified in the bill.

In addition, the bill would preempt the City's ability to restrict times for disruptive activities such as blasting, which is subject to an ordinance separate from other construction activities that limits when it can occur. The City already has an exemption process in place allowing work to begin outside the established time periods. In the City's view, the process whereby a building official makes determinations regarding exemptions on an individual basis works well and allows staff to consider specific circumstances to make an informed decision based on variables such as weather, proximity to existing residential development and other impacts.

During the first House hearing on A.B. 189, the Chair of the Assembly Committee on Government Affairs requested information on how often the City of Henderson grants exemptions for construction activities to begin before 6:00 a.m., the permitted start time under its municipal code. For the period covering January 2022 to March 2023, the City granted three exemptions and denied one exemption. A pathway exists that has been successful for the majority of those seeking an exemption that will allow for an earlier start time on the types of construction activities in the City of Henderson being discussed.

I urge the members of the Committee to leave decisions about construction start times in the hands of local government in southern Nevada and not to adopt a one-size-fits-all approach on this issue.

KELLY CROMPTON (City of Las Vegas):

I will say ditto, adding the preemptive language is the City of Las Vegas's biggest concern.

CYRUS HOJJATY:

I was going to testify in support, but now that I heard opposition, I am unsure about this. Worker safety is important and hopefully something gets done. Hopefully, we can look at opposition comments and make some changes.

The urban heat island effect is important. I am glad to see that some bills are being done to mitigate the effects. Something that can be done to mitigate the effects is to remove parking mandates because if a certain number of spaces are mandated and there are many empty parking lots, that has an impact on temperature.

SENATOR KRASNER:

I see that the bill has been amended so it only impacts the hot summer months. It gets up to about 115 degrees Fahrenheit in Las Vegas during the summer months. Obviously, the building and construction industry is important to Nevada. I do not want to see anybody die because they are working in this hot 115 degree weather in the middle of the summer. What does the City of Henderson propose?

MR. CHERRY:

I apologize if it was not clear in my testimony, but the City of Henderson has an exemption process. If a construction company wants an exemption to start



work at 5:00 a.m., it can fill out a form and the local building official can evaluate why it is making this request. The bill would take away that authority. The City is trying to balance the quality of life of its residents with the need for commercial activity.

The City has a specific ordinance for disruptive activities like blasting. Most people do not want blasting in their neighborhoods at 5:00 a.m. I am not in the construction industry, so I cannot tell you how often blasting would take place in a new home construction site. This preemption would take away the City's ability to have that separate ordinance on those types of activities.

In addition, there is a blanket ordinance that says construction can be done between 6:00 a.m. and 6:00 p.m. without an exemption. An exemption could be granted for other times. The City has that authority, but this bill would take that away during the months of April through September.

SENATOR KRASNER:

Even though the bill specifies only during the summer months, do you still have concerns?

MR. CHERRY:

The concern is with the preemption. The City of Henderson has a process whereby someone who wants to start earlier than 6:00 a.m. can come forward and make the case that there is a reason and a need for that. Building officials will then determine how disruptive it will be and who is living in proximity. With the amendment, it will be a narrower set of circumstances. Many times, new construction takes place in an area with not many residents, so it is not going to be as disruptive. On the other hand, maybe it is an infill project with a smaller number of houses, but everybody around it are existing homeowners who are not expecting to have construction activity taking place for months as early as 5:00 a.m.

It is a balance. We can strike that balance by allowing local government exemption processes to remain in place for the months in the bill. The City of Henderson has a year-round exemption that is available now. However, it will be used most often during the hot weather months if weather is the concern.

One of the requests the City had was regarding time. A construction company needed to work under an expedited time schedule. It requested an earlier start

time so it could get more construction activity in under the allowed time period. It is just a matter of allowing the City's building official to make the decision as opposed to a statutory one-size-fits-all.

ASSEMBLYWOMAN JAUREGUI:

We heard from the City of Henderson that it has a process, but we did not hear that other local governments have a process. I commend the City of Henderson for approving some projects to start earlier. However, we need to make sure that every worker in southern Nevada, whether in the City of Henderson or the City of North Las Vegas, has that same safety, the same ability to start earlier because it is 115 degrees at 7:00 a.m., 8:00 a.m. or 11:00 a.m.

We should not be adding more red tape and have to go through a process to get something that should be automatic when it comes to worker safety. Workers should be able to show up to an environment that is safe for them to work in. We know that the two fastest-warming cities in America are in Nevada, Reno and Las Vegas. If we continue to warm up at this pace, I am happy to hear that the City of Henderson is willing to consider a 3:00 a.m. or a 4:00 a.m. start time.

SENATOR DALY:

I just want to be clear. Your bill does not take away a local government's process. It can still give exemptions earlier than 5:00 a.m. as it always has for the same reasons or deny them, whichever it might be. The bill does not take away its process at all. It just moves its flexibility back one hour.

ASSEMBLYWOMAN JAUREGUI:

Correct. That is the point I was trying to make. I am happy to see that the City of Henderson is willing to consider start times earlier than 5:00 a.m. if it continues to get hotter.

CHAIR FLORES:

We will close the hearing on A.B. 189 and open the hearing on A.B. 213.

**ASSEMBLY BILL 213 (1st Reprint)**: Revises provisions governing residential zoning. (BDR 22-250)

Senate Committee on Government Affairs  
May 8, 2023  
Page 11

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

Over the last 18 months, I have been working on 2 housing bills with stakeholders from every area of housing. People who are normally opposed have come together to support the same bills. Coming to a consensus is difficult, but we have done the tough work. We have listened to everyone and produced bills that are the products of honest, open communication and compromise. We are all giving a little and getting a little.

I call A.B. 213 the Housing Modernization Act. Earlier today, I had the honor of presenting A.B. 298 in the Senate Committee on Commerce and Labor which creates the pilot rent stabilization program for seniors.

**ASSEMBLY BILL 298 (1st Reprint)**: Revises provisions governing housing.  
(BDR 10-249)

The Housing Modernization Act is one of the most important bills as it relates to housing supply in this Session. Assembly Bill 213 means more affordable housing units, market rate units, entry-level housing for homeownership opportunities and single-family residential housing so that every Nevadan has the opportunity to have a place to call home.

Building more affordable housing units is not enough. It is true, we need more affordable housing units, but we cannot keep families in them. The goal should be to take families in affordable housing units, transition them into market rate units, then into entry-level home ownership units so they can start building equity and wealth. According to the Habitat for Humanity's evidence brief,

Low income households and households of color have limited access to homeownership because of barriers such as a limited supply of affordable housing and restricted access to credit and systematic inequities. For those low income households and households of color, homeownership can be a catalyst to wealth building. Home equity accounts for over half of their net wealth.

If we are not helping our families build generational wealth through homeownership, then we are contributing to building a pattern of generational poverty. I am committed to ending that cycle.

In 1965, President Lyndon Johnson said,

Many elements matter to the success and the stability of our Great American society. Education matters a great deal, health matters, jobs matter, equality of opportunity and individual dignity matter very much. But legislation and labors in all of these fields can never succeed unless and until every family has the shelter and the security, the integrity and the independence and the dignity and the decency of a proper home. We must make sure that every family in America lives in a home of dignity and the neighborhood of pride, a community of opportunity and a city of promise and hope.

This is what I hope for every Nevadan as well; that they live in a home of dignity and a neighborhood of pride, a community of opportunity and a city of promise and hope. Assembly Bill 213 will help increase inventory and by speeding up the application to permit process, it will directly impact the cost associated with delays.

CHRISTINE HESS (Executive Director, Nevada Housing Coalition):

The Nevada Housing Coalition is a Statewide nonprofit to advance and promote affordable housing for all Nevadans.

Nevada has 485,850 renter households. Just over half, 52.3 percent, or more than 250,000 of those Nevada renter households are paying more than a third of their household income on their rent. This would be considered unaffordable. This means their ability to access the food they need, medical care and education are compromised and their ability to save for a home, that wealth-building opportunity, is also compromised.

Affordable housing is complex, but one of the low hanging fruits that is before you today is in section 12 of A.B. 213, which requires large jurisdictions to prioritize and incentivize affordable housing projects. This will move affordable housing projects to the front of the line and encourage incentives at the local level to get these projects across the finish line and meet the community's needs.

I point out one program that I heard made a difference. That was the Clark County red flag team. I will not go into details, but it was initially created to support projects moving through the process with the County and the Bureau

of Land Management. It acted almost as a concierge-type service where a project had an internal team with one-on-one interface and before the fact knowledge to reduce the amount of time to review and complete the project.

The language in A.B. 213 recognizes, of course, that all jurisdictions have their own processes and allows them to prioritize affordable housing as it makes sense for them. This is a win-win. As many of you know by now, I am a big proponent of data to inform and help decision-makers, all of you, as you consider various barriers and solutions.

One solution is subsidized housing. The number of subsidized housing units, including those with rent restrictions or project-based rental assistance, is 37,000. This inventory is tracked and managed by the Nevada Housing Division. I know this number, where units are located geographically and even what income levels are being served because of the consistent annual reporting of local governments and the highly skilled economist of the Nevada Housing Division who compiles the annual housing progress report, per statute, and distributes it annually. Knowing this data has been critical for the Nevada Housing Coalition and its members to identify barriers and opportunities to address the needs of Nevadans who need housing that just does not pencil for the market.

However, we cannot build our way out of the affordable housing crisis with subsidized units only. Increasing supply will help, but we need to be building housing that our communities need, housing for all Nevadans. We must also engage the private market.

If I focus in on *Nevada Revised Statutes* (NRS) 278.0105 which defines affordable housing and three different tiers for households with incomes up to 120 percent of area median income, what is our need? How does it look geographically? What income levels are we building now? Where are our biggest gaps?

As I mentioned earlier, I can give you this information about our subsidized housing because of the inventory tracking and management by the Nevada Housing Division. How do we the Coalition, we the State, support all the Nevadans that need different options? I want to thank my local government partners and the Nevada Housing Division for helping me see that this

information is already available, and perhaps we are just not compiling it and sharing it like we do our subsidized housing data.

Section 1.6 of the bill will capture existing reporting in a format similar to the affordable housing progress report. This report will capture the eight components already required in the housing element of master plans. By aligning the two reporting timelines and elevating both reports to the Advisory Committee on Housing, our communities and leaders, like you, can easily access data to support and inform critical decisions around land use, funding and programming. It allows me, as a solutions focus advocate, to make sure I am supporting two of our critical partners in this work, local governments and developers, while continuing to center on Nevadans in need.

The Nevada Housing Coalition supports the Housing Modernization Act and is committed to its successful implementation and being a helpful resource and partner. The Coalition looks forward to building a more resilient Nevada by building housing to serve all Nevadans.

JOSH HICKS (Nevada Home Builders Association):

The Nevada Home Builders Association is the Statewide advocacy organization for the home building industry consisting of the Southern Nevada Home Builders Association and the Builder's Association of Northern Nevada. The Association supports A.B. 213.

Beginning at the end of the bill, sections 13 and 14 are statements of legislative intent which explain the goal of the bill. The idea is to find ways to make the land use process for residential housing more efficient and expedient. Doing so will bring a greater supply of homes to market, not just affordable homes, but market rate homes as well. Supply and demand are big forces on housing prices. Nevada struggles with housing prices because it is a popular State and many people want to come here. Demand is high. Bringing supply to market and appropriate supply in different categories is extremely important to control pricing. Sections 13 and 14 talk about the importance of supply.

There are two parts to this bill, one is data collection and measurement, and the other is action. Section 1.3 is part of data measurement. This section would require public reporting of the processing times for land use applications. It will help people understand how long it takes and why it takes so long or not so

long. We can look at this in the future and see if any fixes need to be made to make sure the process is running as smoothly as possible.

Section 1.3, subsection 3, on page 3, line 19 of the bill has a technical change in the proposed amendment ([Exhibit D](#)). The word "preliminary" is being stricken so the application measurement process tracks all applications, not just preliminary applications.

Section 1.6 of the bill contains the new report that would be required to be submitted to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. It tracks NRS 278.150 which is the housing element included in a master plan. For the most part, local governments are already tracking this information. That was done intentionally in partnership with local governments asking to make that an easier report to compile. It will provide a lot of inventory and forward-looking thinking about what local governments are doing about housing, affordable housing in particular, but market rate housing as well.

The difference between this report and the housing element in the master plan is that this emphasizes a look forward to market rate housing into the future as well as affordable housing. This is an annual report to be posted by September 15 of each year. Section 2 of the bill contains conforming changes.

Section 3 of the bill is a modification to NRS 278.02327. That statute has been in place for many years and deals with the time frame in which land use applications are reviewed for completeness. That is not to say they are reviewed for correctness. This is a review for completeness.

We spent a lot of time on section 3 as you can tell by the language. Local governments have made many requests for this, and we have tried to accommodate them to make sure they have time to adequately review land use applications for correctness. We do not want to see applications being stalled out for long periods of time just to be reviewed for completeness. We want applications to be complete when submitted by the development community so they can be processed and move forward quickly.

The proposed amendment, [Exhibit D](#), makes some changes to this section. The change in subsection 1 of section 3 clarifies that this does not apply to

applications for building permits, only applications for land use changes. We are talking about the planning process, not the construction process.

Section 3, subsection 2, line 10 on page 5 of the bill contains a rule for a completeness review of a land use application within three working days. The proposed amendment would change that to ten working days. That was done after consultation with local governments that have asked to make sure they have adequate time within their resources to conduct a completeness review.

Page 5, line 19 of the bill talks about what happens if the application is rejected because it is incomplete. This would require the local government to provide a specific description of the problem so the applicant can fix it and resubmit it.

Section 3, subsections 3 through 6 deal with the completeness review. If the local government misses its completeness review, this application is deemed complete, which means it moves forward; it does not mean it is correct.

We are amending section 3, subsection 4. Subsection 4 is the rereview of an application rejected for being incomplete. That review has to happen within three working days; this amendment changes it to five working days. That is a shorter period of time than ten days for the first review because, presumably, the applicant has been given some direction on what needs to be fixed and has done so. Therefore, it requires a shorter period of time.

Section 3, subsection 5 allows a preliminary application process. Local governments have used and asked for that. This is a codification and is designed to make sure applications are complete in the first place once they are submitted. Hopefully, it makes the burden easier on local governments. It also has language stating the local government cannot use that to circumvent the process because we do not want applications being held up indefinitely.

Section 5 of the bill deals with elements that must be adopted by any local government that includes a housing element in its master plan. These are action items chosen from a menu to promote affordable housing within its community. This section has one small change to its substance, which is on page 7, line 2 of the bill and includes multistory housing. The idea is to ensure infill development considers multistory housing as a way to address the affordable housing issue.



Section 5, subsections 3 and 4 of the bill move many of the reporting dates to the fiscal year because they were on the calendar year. That would be easier to deal with for future Legislative Sessions if we need to talk about these kind of things.

Sections 7, 9 and 10 of the bill deal with different types of applications that are provided, tentative map, parcel map or final map applications. The changes make the current time frames for processing those maps that are applicable to a county are applicable to a city within the county. It brings the municipalities into the same time frames the county has to follow.

Section 12 requires a local government to devise an expedited method to process affordable housing projects to get them to the front of the line so that the most critical need can be taken care of first.

Section 16 has different effective dates. In particular, website reporting was moved to January 1, 2024, to make sure local governments have adequate time to create the website needed for reporting.

ASSEMBLYWOMAN JAUREGUI:

This bill will bring more homes online with an increased supply and inventory. Whether that is affordable housing units, market rate units, apartment units or homes for people to buy, the more supply we have the more that helps with the affordability of homes.

I have spent about 17 years in housing, both in the public and private sector. I have seen firsthand what delays can do to the cost of housing. If a project that was supposed to be ready for move in within 4 months is delayed 24 months, that cost per door, whether it is an apartment or a home, goes up significantly. Speeding up the application-to-permit process will help achieve what we are all looking to achieve this Session, which is affordable homes for the people we represent.

SENATOR DALY:

Section 1.6, subsection 1, paragraph (e) talks about impediments. What are the impediments other than lack of inventory?

ASSEMBLYWOMAN JAUREGUI:

That might be a question for an affordable housing developer or one of the local governments.

SENATOR DALY:

Perhaps someone could follow up with me.

In section 5, subsection 1, paragraph (i), what is transit housing? Are you trying to transition someone from low income into regular housing? It says you can provide some incentives. If you are going to provide that to apartments, what types of incentives have been used? Is it monetary? There are other implications when incentives are given.

MR. HICKS:

The meaning of transit-oriented housing emphasizes residential developments near transit hubs such as a bus station so as to minimize impacts on parking and transportation.

With respect to financial incentives, local governments have leeways to do this. Different local governments might have different financial incentives. They might be fee waivers or things like that. Local governments can give you some good examples. That is usually what you see in those kinds of examples.

MS. HESS:

There are different types of incentives. Access to transit is important with affordable housing. Many tenants in affordable housing need services because they may or may not have access to a car. Incentivizing the location of affordable properties with access to transit would be considered a plus and something we hope local governments are doing. That menu item is reported in the affordable housing progress report as an item used to incentivize the type of housing their communities need.

On your question about the analysis of any impediments, I am happy to get you that information. Some of the policies we are talking about this Session regarding opportunities like the Housing Modernization Act to track and incentivize affordable housing are looking to help with some of the impediments that have been identified. I can provide you with a list of typical impediments or some that our communities are feeling.

Senate Committee on Government Affairs  
May 8, 2023  
Page 19

SENATOR DALY:

Thank you. Could you also provide some of the incentives that may have been used? I would be interested to find out we are talking about.

Section 15 says the unfunded mandate does not apply. Why are you doing that? I am assuming that you are assuming there is going to be an impact higher than \$5,000 to local governments.

MR. HICKS:

When this bill began, there were fiscal notes on it from local governments that needed extra resources to comply with portions of the bill. Many of the amendments through the first reprint and through the amendment proposed today have been designed to mitigate those challenges for local governments, giving more time for reviewing applications for completeness and giving more time for effective dates on things.

That was initially included because it was unclear exactly what impacts there might be. We have tried hard through many meetings with local governments to address their concerns and allow them to do this as they stand now. Hopefully, we have addressed a lot of their concerns.

MR. HODGSON:

The Southern Nevada Home Builders Association supports A.B. 213. This bill will provide transparency, predictability and accountability for everything involved in the application process for projects. This is not just for jurisdictions' accountability, it is also for the developer, the engineers and everything else because when something is measured and is out visibly, then one can manage it and hopefully improve it. I urge your support of A.B. 213. This bill will bring more supply and more efficiency to the market.

CHELSEA CAPURRO (Nevada Subcontractors Association; Las Vegas Urban Chamber of Commerce):

The Nevada Subcontractors Association and the Las Vegas Urban Chamber of Commerce support this bill and urge the Committee to support it as well.

DAN MORGAN (CEO, Builders Association of Northern Nevada):

The Builders Association of Northern Nevada supports A.B. 213. This bill will provide numerous benefits Statewide. It will create predictability and accountability in the planning process and will ultimately have a positive impact

Senate Committee on Government Affairs  
May 8, 2023  
Page 20

and help ease supply and demand issues, which are significant throughout the State, specifically in northern Nevada.

The provisions of A.B. 213 will improve the ability for developers and home builders to deliver housing to the State's residents in a much more effective and efficient manner, thus assisting in the effort to increase the housing supply throughout Nevada. We request your support of A.B. 213.

MS. MAGNUS:

Battle Born Progress supports A.B. 213 which will streamline building processes across the State. We need to have better land use planning in this State by ensuring deadlines are applied to counties and cities. Making the process more transparent can ensure Nevadans know how our land is being used and for what it is being used.

We are also excited to see the emphasis being put on infill and hope to see more of this work to help us start creating more affordable housing across the State. Please support A.B. 213.

KANANI ESPINOZA (Nevada HAND, Inc.)

Nevada HAND, Inc., is the State's largest nonprofit, affordable housing developer. Both county and city governments have been partners with Nevada HAND, Inc. It appreciates their partnership with their existing affordable housing incentives and looks forward to continuing those partnerships for southern Nevada.

Nevada HAND, Inc., is the developer that supported the bill in the Assembly. It will follow up on your question related to the impediments of affordable housing development with Ms. Hess from the Nevada Housing Coalition.

PAUL CATHA (Culinary Workers Union Local 226):

The Culinary Union supports A.B. 213. Nevada has an affordable housing crisis. The State must expedite the production of additional affordable housing as much as possible while maintaining the health and safety of Nevadans. If the State is going to resolve its housing crisis and ensure Nevadans have sufficient water in coming years, housing must be built more densely. Expediting and easing the production of affordable and higher density housing is sound public policy. Nevada's housing crisis is a responsibility of every level of government,

Senate Committee on Government Affairs  
May 8, 2023  
Page 21

and every level of government has a responsibility to ensure speedy approval of affordable housing production.

While the Culinary Union is supportive of other efforts to ensure that the burden of the housing crisis does not fall in the backs of working class Nevadans, it also recognizes the need to prepare a path out of this housing crisis and recognize this bill is an important part of that effort. The Culinary Union urges the Committee to support and pass A.B. 213.

JOHN SANDE (Nevada Builders Alliance; Nevada State Apartment Association):  
I say ditto to what Mr. Catha just said.

GLEN LEAVITT (Nevada Contractors Association):  
I say ditto to those who came before me.

MENDY ELLIOTT (Southern Nevada Regional Housing Authority; Nevada Rural Housing Authority):

One of the questions we always ask is about the cost of affordable housing and why expeditiousness is important. A developer will have \$1 million into a project before even turning the first dirt. It has been taking so long from a regulatory standpoint as well as the local jurisdiction. It is not because jurisdictions do not want to do it, many times they do not have the staff. More importantly, to help families ease on down the road as it relates to housing, the first thing we need to do is build inventory.

Senator Daly, we will provide some of the incentives and impediments developers are having as it relates to this bill.

EZENE JAFFA (Nevada REALTORS):

It gives me great hope that so many stakeholders from so many different sides of the aisle are working together and agree on this. Assessing Nevada's housing needs and planning for the future is a critical piece to address the Nevada housing market. Nevada REALTORS urge your support on A.B. 213.

VERNA LYNN WILLIS (Asian Community Resource Center):

The Asian Community Resource Center supports A.B. 213. Housing is a top concern at the Asian Community Resource Center. Assembly Bill 213 will provide for faster construction of homes and a greater understanding of what Nevada's housing needs are. The more homes we can build, the more stable

prices become, which helps the entire community. The Resource Center believes in greater transparency between local government and the housing industry which this bill provides.

PETER GUZMAN (President, Latin Chamber of Commerce Nevada):

The Latin Chamber is closely connected to Nevada's housing economy because there is a direct link to our business community. Nevada business owners and the entrepreneurial community need housing, and A.B. 213 will strengthen timeline predictability for our builder members and speed up projects. The Latin Chamber is excited about the prioritization of processing affordable housing projects. It hears all the time that Nevada needs affordable housing. The way to do that is by unleashing and creating the speed in which projects can get done.

Another high point of A.B. 213 is assessing the opportunities for additional housing and articulating community needs. An action plan for maintaining and developing affordable housing is crucial to the housing conversation. Assembly Bill 213 is a bold bill that will increase the housing supply in Nevada. The Latin Chamber urges your support.

CHAIR FLORES:

I have received a letter of support ([Exhibit E](#)) from Aviva Gordon and Emily Osterberg on behalf of the Henderson Chamber of Commerce.

JOANNA JACOB (Clark County):

Clark County does not oppose the goal or intent of this bill. However, representing the largest local government handling the volume of applications that it does, this bill will have a fiscal and an operational impact.

When the County receives a land use planning application, it is under some strict timelines to get that to a hearing before a planning commission or its Board of County Commissioners. That timeline is very robust.

You have seen the work your staff does to get agendas published and amendments in and those types of things. The County is constantly moving. For example, work begins in July to get something on the calendar for the September 5 Planning Commission meeting. There is a filing period and a manager review filing period. All the applications from July 3 to July 12 have one day for manager review, then staff processes the agenda. July 31 is the

Senate Committee on Government Affairs  
May 8, 2023  
Page 23

administrative deadline. Notices must be mailed to residents by August 2. The town board then meets from August 8 to August 10 for residents' input on any proposed application. Then there will be a public meeting.

The three-day timeline originally proposed in this bill was put into NRS at a time when there were 100 planners working in Clark County. During COVID-19, the County was down to nine planners. This still takes me aback because the same constraints the State workforce has are being experienced by the County. Today, the County has 18 planners doing that work. On average, 1,700 applications go through the planning department. We have had a senior planner application open under continuous recruitment for more than 700 days. These are the people who might be able to help expedite this review.

This will have a significant operational impact on the County, not only to meet the timelines as proposed, it will give it some additional flexibility, but planners will be the ones compiling the reporting which the County must do.

Senator Daly, you asked about the fiscal impact. The County asked for flexibility in the implementation of that reporting which is January 1, 2024. The County must make changes to its software in order to accomplish this.

CHAIR FLORES:

Is there an amendment or additional language?

Ms. JACOB:

No additional amendments, but I have one comment. The County is doing the fee reduction waivers, the incentives that Senator Daly had asked about. I would be happy to share that memo.

Senator Daly, the County reduces its own enterprise funds. It has a 50 percent reduction if one meets certain area median income with a deed restriction up to 20 years to make sure it is affordable. That has been codified. The County can use this incentive program. It can also use its sewer fees to meet the requirements of section 12.

CADENCE MATIJEVICH (Washoe County):

Regrettably, Washoe County opposes A.B. 213. I will try not to repeat the comments of my counterpart from Clark County, but I will put on the record that Washoe County also agrees with the legislative intent of this bill. In no way

should our opposition be reflective of not supporting those important declarations. The County agrees with that. In fact, at a workshop in January, the Washoe County Commission, as part of the focus on the strategic plan, has specifically directed its planning team to look for incentives for affordable housing.

The County is appreciative of the work that has gone into the amendments and the concession made, but as Ms. Jacob said, there is an impact to the County's planning staff. It too is looking for planners. There is an impact on both the reporting side and the processing of these applications.

NICOLE ROURKE (City of Henderson):

The City of Henderson thanks the sponsor of the bill and the proponents for working with it through numerous amendments. The City is still tweaking some language with them, but we appreciate the effort and the intent behind the bill.

The City's planners are working hard. It has a ten-day turnaround. It appreciates bringing that forward in order to go to public hearing, but that is an addition to that process. It is thankful for that amendment especially and appreciates continuous work on this bill.

NIC CICCONE (City of Reno):

I echo the comments about having vacancies in the Planning Department. I also want to point out that the City of Reno has allocated around \$5 million to those enterprise fee waivers and continues to process affordable housing applications as quickly as possible.

MS. CROMPTON:

I too would like to echo my appreciation to the bill's sponsor for the many meetings we have had with her and stakeholder groups but also individually to go through some of the intricate details of how our organization processes some of these applications. We are grateful for keeping intact the preliminary application process.

The City of Las Vegas has a thorough process in which it gathers all departments at one time, building, fire, planning and anything else that might touch that application. It is a quick and easy process for the applicant.



The City has about 12 incentives on the books it can offer affordable housing applicants. It uses the majority of those incentives to ensure affordable housing projects are in the City of Las Vegas because housing is an important aspect of what it is doing for its constituents.

MR. HOJJATY:

I am sort of support and neutral. I was not sure about what the bill was going to do. I wanted to hear opposition but now that I hear the bill, there is a lot I support about it.

We should speed up the process of affordable housing. It is a serious crisis. We are grateful this bill has been going forward. It will address the housing situation better than other bills.

However, I wish we could understand what caused the problem in the first place. About 10 or 15 years ago, we were in a financial crisis. Rents were about half of what they are now. We did not make any changes that could have prevented this crisis, such as low interest rates by the Federal Reserve, hedge funds buying up housing after foreclosures and the tough permitting process which this bill loosens up.

Construction is not keeping up with demand. We have a lot of builders complaining that lumber, labor and materials are factors. When housing is being built, we do not see a lot of 400-square-foot units such as casitas and hotel room-sized apartments being built. That is an important factor.

CHAIR FLORES:

The Committee has received a conceptual amendment ([Exhibit F](#)) from Brigitte Solvie, a property owner in the Rural Neighborhood Preservation area in Clark County.

We will close the hearing on [A.B. 213](#) and open the hearing on [A.B. 172](#).

**[ASSEMBLY BILL 172 \(1st Reprint\)](#)**: Revises provisions governing collective Bargaining for local government employees. (BDR 23-700)

ASSEMBLYWOMAN NATHA C. ANDERSON (Assembly District No. 30):

[Assembly Bill 172](#) requires local government employers to provide recognized employee organizations contact information of employees in the bargaining unit

that organization represents. This information would be provided for all members of the bargaining unit, whether they are members of the organization or not. The information would be name, work location, work contact information, personal mailing address and telephone number. An employee may opt out if they do not wish to provide that information. That is clarified in one of the bill's amendments.

The timing and dates for providing this information are expected to be January 1 and July 1 of each year. However, organizations can decide to have different timelines during their bargaining process.

As a local association leader, I received that information monthly from the organization I had the honor to represent. I was often able to have discussions with the employer or management as to whether an individual was a member of the organization. As public employees, they have to be defended. To find out if they are a member or not is helpful.

However, I receive that report monthly because of the mutual respect between the two organizations. When I found out that others were not able to receive it, even after a request had been made, it upset me because this is a sign of professionalism. It is a sign of mutual respect between both the union or association, whichever one might be a member of, and management. It is a way to show we can work together.

This bill is being proposed to streamline the request and clarify that this information should not be based on how well the leadership of the two organizations get along. In other words, it should not be based upon personality; it should be based upon the priority of helping employees.

**BRIAN LEE (Executive Director, Nevada State Education Association):**

In Nevada, public employee unions are under a legal obligation to represent everyone in their bargaining units, regardless of their membership status. However, the unions do not receive the necessary information to contact these individuals and ensure bargaining policies and representation of the members of the bargaining unit are met.

In the federal, private sector union environment, the National Labor Relations Board (NLRB) ruled that private employers have to provide contact information to everyone for everyone in the bargaining unit. This was established as early as

1966 in the Excelsior Underwear, Inc., case and went on in the Prudential Insurance Company of America case in the United States Court of Appeals for the Second Circuit. It was explicitly stated in the NLRB decision regarding Harco Brake Systems/Industries.

Therefore, every private employer in the State that has a union is required to provide the same bargaining information. However, despite the Nevada State Education Association's (NSEA) legal obligation, it does not receive this information from all of its employers.

The NSEA has contracts requiring contact information, but there is no obligation under Nevada law to require employers to reach a contractual agreement with its employee organizations to provide that information. If an employer refuses, the NSEA is unable to force the information. This would be a default rule that would provide the necessary information for public employee unions to represent bargaining union members which the NSEA is legally obligated to represent.

ASSEMBLYWOMAN ANDERSON:

Since the presentation and passage of the bill in the Assembly, conversations have continued with many different organizations about this issue. That is what the two proposed amendments are based upon. The first proposed amendment ([Exhibit G](#)) comes from Clark County. It has to do with clarifying in section 1, subsection 3, paragraph (a), that if individuals would like to opt out, they are able to do so. In other words, if one does not wish to have one's personal information given to the association, one is able to do so in writing and it would not be provided.

The second proposed amendment ([Exhibit H](#)) comes from the American Federation of State, County and Municipal Employees (AFSCME). With AFSCME, it goes a further because it is asking that the topic of parking becomes a mandatory item of bargaining if needed. It is in a different section of NRS 288.

State employees who work at the University of Nevada, Las Vegas (UNLV), and the University of Nevada, Reno (UNR), have to pay for parking. The current practice of negotiations means the topic can be brought up from one side and the other side can say that is a great idea, but it is not mandatory, and the topic

is over. That is exactly what is happening because of permissive language. It is not a mandatory part of bargaining, and we are asking it to be so.

When I was talking about it with some people who are employees of the university system, I heard parking ranges from \$70 if it is a motorcycle and from \$250 to \$600 per year for other vehicles. That is a sizable amount when one considers what public employees are paid. At this time, there is no way for these employees to be able to address the issue in negotiations. I believe adding this item would show we understand the importance of transportation for employees. Realistically, parking at work is a basic commodity and employees should not be burdened with this extra expense to do their jobs.

This would allow for the conversation to take place. It is not stating that it has to happen. It is not stating that it has to be on site. It is not stating the parameters of where this parking would be. Instead, it is simply opening the door so the conversation can take place as one of the benefits that employees could have.

BRADY EASTERLING (American Federation of State, County and Municipal Employees):

Being able to afford and maintain a road-legal vehicle, especially in Nevada, is challenging for many people. The situation is that employees are essentially paying their employers for the privilege to drive to work. In reality, employees who spend several years at UNLV or UNR will pay back thousands of dollars to the employer in the form of parking fees. That must be addressed.

We are not putting forward an amendment that guarantees free parking for public employees. This simply makes it a mandatory subject of bargaining so the bargaining team has the ability to negotiate for it.

ASSEMBLYWOMAN ANDERSON:

We ask for your consideration of A.B. 172.

SENATOR DALY:

Once the labor organization or the representing organization gets the information, what are they allowed to do with it? This is sensitive information and some people do not want it out. There are internal processes and purposes for that. However, I did not see anything in the bill that it must be kept

confidential and not sold to anyone. No one brought it up. Did you consider that?

ASSEMBLYWOMAN ANDERSON:

It has not been brought up. That information is used for correspondence to let people know what benefits are being offered. It is not sold to anyone.

MR. LEE:

The NSEA has a fiduciary duty to its members and to members of the bargaining unit to protect their information as labor unions do. They are corporations within Nevada that have obligations. Most labor unions in the State are *Internal Revenue Code* 501(c)(5)s which are membership organizations or labor organizations.

The NSEA takes care to ensure members' information is not resold and is protected from cyberattack and a variety of different things. I can only speak on behalf of the Nevada State Education Association.

SENATOR DALY:

I am familiar with those rules. However, the NSEA is also receiving information on people who are not members for a variety of different reasons. Does its duty extend to those who are not members? It should be limited to internal use for legitimate business purposes; not that any legitimate organization would do those types of things. I hope they would not. However, it should be made clear that once personal or confidential information is received, it should not be free to do whatever one wants with it if that is the context one is receiving it under.

ASSEMBLYWOMAN ANDERSON:

Thank you, Senator Daly, for bringing that forward. I would be open to amending that language to make sure it is clear that it is not for those purposes. Thank you for bringing up that oversight that was not clarified in the bill.

I want to make sure it is clear that parking is for Statewide organizations not for local government collective bargaining, although, that is a smart thing for that to become part of. However, we are concentrating mostly on State organizations as they are most affected and impacted by the parking issue because of how expensive it is to park at the universities.

MS. MAGNUS:

Battle Born Progress supports A.B. 172. Labor unions should have access to workers in the bargaining units they represent because when this information is readily available, unions can focus their efforts on outreach and representation of those workers as soon as possible so they can represent the contracts the best way possible.

Battle Born Progress also agrees with the amendment language. Having gone to UNLV, I know how expensive parking at the universities can be. You should not need to pay for parking to do your job and this should absolutely be a part of employee bargaining. Battle Born Progress urges your support of A.B. 172.

CALEN EVANS (President, Washoe Education Association):

The Washoe Education Association (WEA) represents certified professionals in the Washoe County School District. The role unions play in advocating, supporting and representing the workers in this State cannot be understated.

The WEA is obligated to provide fair representation for all workers who fall within its bargaining unit, and it takes that duty seriously. To provide fair representation to every member of the bargaining unit, unions need to know who is represented and how to communicate with these employees. When employers are unwilling to provide basic contact information for employees represented by the union, there is no way to carry out the responsibilities of fair representation. Unions are the cornerstone of the working class, and legislation that helps support union employee collaboration is crucial.

The added amendment regarding mandatory subjects of bargaining further strengthens worker rights. The WEA is appreciative of that added language in this bill. Assembly Bill 172 helps to address an important issue. The WEA encourages your support of this legislation.

MR. CATHA:

The Culinary Workers Union Local 226 supports A.B. 172. The Union believes in all workers' rights to collective bargaining and that the State should ensure public sector labor unions have the information necessary to fulfill their duties as required by the law. As someone intimately familiar with the Excelsior lists of worker information referred to by Mr. Lee, I can confirm his comments about private sector unions are correct. The Union urges the Nevada Legislature to support and pass A.B. 172.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association supports A.B. 172 so public sector unions can fulfill their duty of fair representation to every employee in the bargaining unit. I ditto what others who came before me have said.

There was opposition to this bill in the Assembly, particularly about concerns of members of the bargaining unit being able to opt out as well as making sure this information does not become a public unintentionally through this bill. Language has been crafted to enable us to find common ground.

DYLAN KEITH (Vegas Chamber):

The Vegas Chamber appreciates the sponsor making this an opt-out process; however, the Chamber has concerns with the privacy and security of public employees' information, including their home addresses, personal cellphone numbers and personal email addresses. An opt-out or opt-in would be more essential.

ALEJANDRO RODRIGUEZ (Nevada System of Higher Education):

The Nevada System of Higher Education (NSHE) thanks the bill's sponsor for alerting it about the proposed amendment. The NSHE team is still reviewing the proposed language and looks forward to working with her as the process moves forward.

Ms. JACOB:

I worked on this amendment with the bill's sponsor and other stakeholders because Clark County has a large number of bargaining units and collectively bargains for this information and exchange of data. It wanted to make sure, since it was a larger change to the statute overall, that it would work for the County as well.

Senator Daly, to respond to your question about if information is maintained and if there is a better way to do it. I will take a suggestion, but the County has a large number of employees in the field who do not have a dedicated work location. Because it is a "shall" report, if the County has the information, the County will report everything it does.

Clark County has an ordinance that protects employee confidentiality. It discloses job title, salary, job department assignment and duties, but holds other information private. The County is trying to strike the balance with this

Senate Committee on Government Affairs  
May 8, 2023  
Page 32

amendment on how it could continue to do that but also ensure that Assemblywoman Anderson and Mr. Daly understand the intent of what they are trying to do.

The only other clarification not discussed is a change to bargaining units of 100 or fewer. The County has some small units including those who work on the trams at the airport. There are ten people in that unit. If they wanted to bargain for exchanging data, they would be able to do so and that would be administratively supportive. The County is neutral on the bill with the amendment.

JENNIFER BERTHIAUME (Nevada Association of Counties):

The Nevada Association of Counties is neutral on A.B. 172 with the amendment from Clark County.

STEPHEN WOOD (Nevada League of Cities and Municipalities):

The proposed amendment from Clark County addresses many of the concerns the Nevada League of Cities and Municipalities had about the privacy and confidentiality of the personal information of local government employees. The League is neutral on the bill with the proposed amendment.

MENDY ELLIOTT (City of Fernley):

I ditto what has already been said, and with the proposed amendment, the City of Fernley is neutral on A.B. 172.

MR. CHERRY:

I ditto everything that has been said by my local government colleagues.

CHAIR FLORES:

We will close the hearing on A.B. 172 and open the hearing on A.B. 219.

**ASSEMBLY BILL 219 (1st Reprint)**: Makes various changes to the Open Meeting Law. (BDR 19-781)

ASSEMBLYWOMAN VENICIA CONSIDINE (Assembly District No. 18):

Assembly Bill 219 is a response to A.B. No. 253 of the 81st Session concerning Nevada's Open Meeting Law (OML). The intent of that bill was to keep the benefits of remote technology we learned through the COVID-19 period in place. It was beneficial to many people who felt they had access to their



government for the first time and felt some ownership. We wanted to ensure that those items that allowed people to take part in their government would remain available. That bill passed unanimously in both houses.

Throughout the Interim, I was contacted by people from around the State who mentioned issues with the OML and A.B. No. 253 of the 81st Session. Assembly Bill 219 is a response to those issues. I want to be clear that law before A.B. No. 253 of the 81st Session already allowed remote technology meetings and neither of these bills change that. These were issues brought to me separately.

In the Assembly version of this bill, it had more things in it. I met with many stakeholders on this. I did a lot of amending and produced a bill that balances everything, at least the goals of it, and I removed most if not all of the opposition.

Section 1 covers public comment. Section 1, subsection 1 provides that comment may occur at the beginning of the meeting and again at adjournment or after each item on the agenda on which action may be taken.

Section 1, subsection 2 allows for general public comment on any matter. Section 1, subsection 3 allows a public body to take additional public comment beyond what is listed in section 1, subsections 1 and 2.

Section 1, subsection 4 covers what happens when a meeting is continued beyond one or more calendar days. This issue was brought to me by several people. If a meeting is continued and there are days in between that meeting, there were no public comment periods available. This bill adds public comment requirements in situations where it is a multiday meeting and there are days in between the days that the meeting is continued. Public comment will be taken at the beginning of each day the meeting is held and again before the meeting recesses or after each item on the agenda before the public body acts on the item.

Section 2, subsection 3, paragraph (d), subparagraph (8) on page 5 states if a meeting uses remote technology and does not have a physical location where members of the general public can attend and participate, clear and complete instructions are to be given for a member of the public to call in. One of the issues brought to me multiple times was that it was unclear, and people did not

know how to find that information. This requires that information to include the telephone number, the identification number or other access code for a meeting that is completely remote.

Section 2, subsection 4, paragraph (a) on the bottom of page 5 requires the posting of a notice of the meeting at the principal office of the public body or at a physical location where the meeting will be held. Assembly Bill No. 253 of the 81st Session allowed for a significant lack of public posting on these meetings. I received a specific request to have the notice posted at the location where a public meeting will be held.

Section 3, subsections 3 through 5 on pages 9 and 10 require that a meeting considering a contested case or regulation requires a physical location where members of the public are permitted to attend and participate. This came out of requests to require certain meetings to have a place for members of the public to attend and be physically involved.

The original iteration of this bill required in-person meetings with some of the members of the public body was heavily objected to. The result of that is to have a physical location for the meeting where members of the public are permitted to attend and participate and further include the clear and complete instructions that must be given for a member of the public to call in and provide comment. The information must include a telephone number, an identification number or other access code, and it must be read verbally. This would be required when there is a contested case or regulations that are being determined by a public body.

SENATOR OHRENSCHALL:

I appreciate the bill and your past work. It was monumental in terms of us being able to keep public meetings going through times of crisis and allow the public to participate with the benefit of technology.

SENATOR DALY:

Section 1, subsection 1 says public comment must be taken at the beginning of the meeting before any items on which action may be taken or heard by the public body, and again before adjournment of the meeting. Does that mean public comment can be taken at the beginning and again at the end on items on the agenda or that public comments can be taken on each individual item when

it comes up? Section 1, subsection 2 says "Regardless." At the end of the meeting, public comments would be taken on issues not on the agenda.

I just want to make sure I am not confusing the two. I have seen different public bodies do it different ways. I am trying to figure out if there will be two public comment periods on the agenda or one while an item is actually coming up.

ASSEMBLYWOMAN CONSIDINE:

If I read this too many times, I get confused too. The answer, succinctly, is all three. Of the things I have learned in two sessions carrying OML bills is I do not know if there is a one size fits all for the bodies across the State, considering they are so diverse in sizes, locations and everything else. The compromise we reached was if a body chooses to have public comment at the beginning, it needs to have it at the end or, if it chooses, it can have it after each item. It can be done one way or the other, and it could do both ways if it wanted to. We wanted to give as much flexibility as possible.

The second is a public body must allow the general public to comment on any matter not specifically included as an action item on the agenda at some time before adjournment of the meeting. That means it could go through section 1, subsection 1, paragraphs (a) or (b) on page 2. They can do it either way.

Section 1, subsection 2 says no action may be taken upon a matter raised during a period devoted to comments by the general public unless it has been on an agenda. Does that answer your question?

SENATOR DALY:

I think so. What is the subject of the public comment? I have seen public bodies do it in different ways. We need to make sure it is clear.

ASSEMBLYWOMAN CONSIDINE:

The idea is to ensure we have options for public comments on items on the agenda in front of the body, but also require a time for people to talk about things not on the agenda.

Maybe I am missing what you are talking about, but this was to cover it both ways. One way is everything is on the agenda and when people can comment

on it, but also, at the time the meeting takes place, there must be a time for people to give public comment on items not on the agenda.

SENATOR DALY:

I have often seen where a time limit of three minutes or some other time is given for public comment. However, I have also seen, and we might want to think about this in the future, not that we want to stifle public comment or anything, where people start to use it as a tool. There are three hours of public comment, 90 people come and each takes his or her three minutes and each says the same thing repeatedly at every meeting. I did not see any time limits for public comments in the bill. At some point that might have to be addressed.

HEIDI CHLARSON (Counsel):

If a public body is going to provide a limitation, such as a time limitation on public comment, that has to be on the agenda itself. As far as this subject matter, obviously, there are first amendment implications in limiting what people talk about. However, even under the first amendment, public bodies, pursuant to the OML, are allowed to limit public comment. If somehow the public comment is not relevant to the jurisdiction of the public body, and if it is willfully disruptive, even under current law, the public body may limit public comment.

SENATOR GOICOECHEA:

Many of my questions have been answered in the last couple of conversations, but I was concerned about having public comment on every agenda item because some of them might be bid awards that someone might want to comment on. But with the "or," I am comfortable with it. Having sat on a county commission for 16 years, I know about public comment, and I know some of them can go long.

Typically, in local government, you do not see a movement to limit public comment. I have never heard that one cannot talk about an agenda item or the action taken. Having public comment at the start and the end of a meeting is all that is required under this bill.

MS. CHLARSON:

I just wanted to point out for the record and to hopefully avoid any confusion, section 1 of the bill, in part, is a bit of a reorganization of the requirements under the OML for public comment.

On page 4 of the bill starting on line 36, some bracket language continues on to page 5 to line 10. In drafting the additional piece, the Assemblywoman requested relating to continuation of meetings and what public comment is required when a meeting of a public body is continued, we had to do some reorganization. The new language in section 1, subsection 4, starting on page 3, could not be worked in easily as to where the existing provision of the public comment requirements are. I apologize for the confusion it may have caused as far as it appearing as if there are changes to the public comment periods. The requirement that a public body take public comment at the beginning and at the end or after each item is in law. The language on page 3, section 1, subsection 2 starting with "Regardless" is also in law. Some of the language might appear to be new because it is being reorganized. It is not necessarily a new requirement of the OML. The language in section 1, subsection 4 is the new language.

SENATOR KRASNER:

This bill is wonderful. The public will appreciate this bill and having clear instructions to call into a meeting.

MS. MAGNUS:

Battle Born Progress supports A.B. 219. Giving Nevadans multiple options to provide public comment, especially if a meeting takes more than a day, will make our governing bodies more transparent and accessible to the public, especially in local governments where the decisions being made deeply affect people's lives. We need to make sure the public has every opportunity to participate and make it easier, not harder. Battle Born Progress has seen this play out in the wrong way at a Clark County School District Board of Trustees meeting. This bill is critical. Please support A.B. 219.

MR. KEITH:

The Vegas Chamber supports this bill. It improves constituent and stakeholder access to prevent commissions and boards from meeting without providing instructions on how to give public comment, which is necessary in creating functional policy.

KENT ERVIN (Nevada Faculty Alliance):

The Nevada Faculty Alliance (NFA) supports A.B. 219. It cleans up items related to the move toward virtual and hybrid meetings, but the NFA particularly

appreciates the clarification about public comment on each day of a multiday meeting.

A certain board in which the NFA regularly advocates for faculty issues holds multiday meetings on a single agenda. At one of those, in the full spirit of the OML, the deputy attorney general for the board advised the chair to add a public comment at the end of the first day, even though it was not on the official agenda. On the next day of the meeting, the NFA was expecting a similar public comment period at the beginning of the meeting on that day, but a different deputy attorney general present that day indicated it was not necessary to have additional public comment periods for a multiday meeting, even if the meeting was agendized on noncontiguous days over weeks or months.

Assembly Bill 219 will provide clarity and allow public input on each day of a multiday meeting.

MR. HOJJATY:

I support this bill. I will ditto previous comments. Public participation is important.

LYNN CHAPMAN (State Vice President, Nevada Families for Freedom):

We all hear about transparency in government. That is one of the key parts of any free society. United States law encourages government agencies to make their records and meetings available to the public. Public notice of meetings as well as meetings held openly are encouraged. Nevada's OMLs were enacted in 1960.

Assembly Bill 219 encourages public participation in local government by voicing opinions, grievances and personal stories that may be helpful in making decisions for towns, cities, counties and the State. We need to discourage chairs of government bodies of various agencies from denying public participation or making it difficult for the public to participate, which has happened in the past.

Giving the public the opportunity to speak before a meeting begins, before a vote on an agenda item and after a meeting at the end of each day, even if the meeting goes for more than one day, is a huge improvement over Nevada's open meeting laws. Also, being able to interact with government agencies online makes it easier for everyone to participate if they so wish.

Senate Committee on Government Affairs  
May 8, 2023  
Page 39

We should always keep in mind that governmental agencies are there to run our towns, cities, counties and the States for the public. Working together is best for our society, and good open meeting laws are essential.

MICHAEL RYAN:

Assembly Bill 219 improves the Open Meeting Law. It provides for more defined opportunities for the public to participate in local government, school boards and other meetings. Please vote yes on A.B. 219.

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

The Nevada Disability Peer Action Coalition supports this bill. I do not drive, and one of the good things we do as disabled constituents is to be able to call in. I am so grateful for the sponsor of the bill that provides a phone number because not everybody knows how to use Zoom where you have to have an Internet connection.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Government Affairs  
May 8, 2023  
Page 40

CHAIR FLORES:

The Committee has received a letter ([Exhibit I](#)) in support of A.B. 219 as amended from Ann Sweder and a statement letter ([Exhibit J](#)) from Reno City Council member Jenny Brekhus.

We will close the hearing on A.B. 219. This meeting of the Senate Committee on Government Affairs is adjourned at 5:42 p.m.

RESPECTFULLY SUBMITTED:

---

Suzanne Efford,  
Committee Secretary

APPROVED BY:

---

Senator Edgar Flores, Chair

DATE: \_\_\_\_\_



<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 189	C	4	Kelly Gaines / Nevada Subcontractors Association	Presentation Reference Document
A.B. 213	D	15	Josh Hicks / Nevada Home Builders Association	Proposed Amendment
A.B. 213	E	22	Senator Edgar Flores	Letter of Support, Henderson Chamber of Commerce
A.B. 213	F	25	Senator Edgar Flores	Conceptual Amendment from Brigitte Solvie
A.B. 172	G	27	Assemblywoman Natha C. Anderson	Proposed Amendment from Clark County
A.B. 172	H	27	Assemblywoman Natha C. Anderson	Proposed Amendment from AFSCME
A.B. 219	I	40	Senator Edgar Flores	Letter of Support from Ann Sweder
A.B. 219	J	40	Senator Edgar Flores	Statement Letter from Jenny Brekhus