

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

**Eighty-second Session
April 5, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:35 p.m. on Wednesday, April 5, 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:

Senator Dallas Harris, Senatorial District No. 11
Senator Melanie Scheible, Senatorial District No. 9
Assemblywoman Cecelia González, Assembly District No. 16
Assemblywoman Heidi Kasama, Assembly District No. 2
Assemblywoman Selena La Rue Hatch, Assembly District No. 25
Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Michael Parker, Executive Director, Oregon Treasury Savings Network
Dave Young, Colorado State Treasurer, Colorado Department of the Treasury
Erik Jimenez, Chief Policy Deputy, Office of the State Treasurer

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Maria Moore, Director, AARP Nevada
Sara Evans, Vice President, Supervisory Unit, Service Employees International
Union Local 1107
Kent Ervin
Jonathan Norman, Nevada Coalition of Legal Service Providers
William Pregman, Battle Born Progress
Francisco Morales, Latin Chamber of Commerce Nevada
Al Rojas
Tray Abney, National Federation of Independent Business
Emily Osterberg, Henderson Chamber of Commerce
Katrin Ivanoff
Leslie Quinn
Susan Proffitt
Paul Moradkhan, Vegas Chamber
Patrick Burt, Vice Chair, Washoe Tribe
Marty Beeden
Kariann Kailani John
Aurdina Yellow Hair
Deonn John
Adrienne Jim
Stephanie Mushrush
Lisa McDonald, Secretary-Treasurer, Dresslerville Community Council
Dwight George
Tziavi Melendez
Tatyana Jim
Ila Yazzie, Vice Chair, Las Vegas Paiute Tribe
Deryn Pete, Chair, Las Vegas Paiute Tribe
Nicholas Ralph, Director, One Source Action
Jennifer Cantley, President, One Source Action
Meg McDonald
Stacey James
Michelle Maese, President, Service Employees International Union Local 1107
Jeri Burton, Coexecutive Director, National Organization for Women, Nevada
Chapter
Matthew Wilkie
Jim Degraffenreid
Serrell Smokey, Chair, Washoe Tribe of Nevada and California; President,
Intertribal Council of Nevada
Mercedes Krause

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Warren Graham, Chair, Duckwater Shoshone Tribe; Vice President, Intertribal
Council of Nevada

Sara Marz

Delmar Stevens

Alex Neal

Amber Joiner

Maggie Carlton

Natalie Wood, National Conference of State Legislatures

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada

Randy Robison, City of Las Vegas

Annemarie Grant

John Abel, Las Vegas Police Protective Association

Troyce Krumme, Las Vegas Metro Police Managers and Supervisors Association

Pamela DelPorto, Executive Director, Nevada Sheriffs' and Chiefs' Association

Beth Schmidt, Las Vegas Metropolitan Police Department

Mike Cathcart, City of Henderson

CHAIR FLORES:

We will open the work session with Senate Bill (S.B.) 2.

SENATE BILL 2: Revises provisions relating to emergency management.
(BDR 36-237)

JERED McDONALD (Policy Analyst):

I will give a brief presentation of S.B. 2 and its proposed amendment ([Exhibit C](#)).

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 2.

SENATOR DALY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GOICOECHEA WAS EXCUSED FOR
THE VOTE.)

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MR. McDONALD:

The next bill in the work session is S.B. 3, heard on February 8, 2023, as noted
in the work session document ([Exhibit D](#)).

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SENATE BILL 3: Revises the membership of the Nevada Commission on Homeland Security. (BDR 19-236)

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 3.

SENATOR KRASNER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

The next bill is S.B. 5 with its work session document ([Exhibit E](#)).

SENATE BILL 5: Authorizes the Division of Emergency Management in the Office of the Military to use money in the Emergency Assistance Account for certain additional purposes. (BDR 36-239)

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 5.

SENATOR GOICOCHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

Senate Bill 8 was heard on February 15, 2023, as noted in the work session document ([Exhibit F](#)).

SENATE BILL 8: Revises provisions relating to juvenile justice. (BDR 23-262)

SENATOR DALY MOVED TO DO PASS S.B. 8.

SENATOR GOICOCHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

The next bill is S.B. 16 with its work session document ([Exhibit G](#)).

SENATE BILL 16: Revises various provisions of the Charter of Carson City.
(BDR S-350)

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 16.

SENATOR DALY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

Senate Bill 18 is the next bill with its work session document ([Exhibit H](#)).

SENATE BILL 18: Revises provisions governing required meetings of planning commissions in certain counties. (BDR 22-307)

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 18.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

Senate Bill 19 was heard on March 6, 2023, as noted in the work session document ([Exhibit I](#)).

SENATE BILL 19: Revises provisions relating to local governments. (BDR 21-397)

SENATOR DALY MOVED TO DO PASS S.B. 19.

SENATOR KRASNER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

Senate Bill 23 and Proposed Amendment 3519 are next in the work session document ([Exhibit J](#)).

SENATE BILL 23: Authorizes an amendment of a redevelopment plan to include the removal of an area from a redevelopment area under certain circumstances. (BDR 22-367)

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED S.B. 23 WITH PROPOSED AMENDMENT 3519.

SENATOR KRASNER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

The next bill is S.B. 25 with its work session document ([Exhibit K](#)).

SENATE BILL 25: Implements process for long-term planning for state office space. (BDR 28-217)

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 25.

SENATOR DALY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. McDONALD:

Senate Bill 26 is the final bill with its work session document ([Exhibit L](#)).

SENATE BILL 26: Revises provisions relating to public works. (BDR 28-211)

SENATOR DALY MOVED TO DO PASS S.B. 26.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR FLORES:

We will open the hearing on S.B. 305.

SENATE BILL 305: Provides for the establishment of a retirement savings program for private sector employees. (BDR 31-933)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

Fourteen to 15 states already have the program presented in S.B. 305. Most people will not save money if they cannot save directly out of their paychecks. Approximately 44 percent of Nevadans do not have that opportunity. To save money in a tax-advantaged account, they would have to go to a financial institution, open an individual retirement account (IRA) and contribute posttax dollars. At the end of the year, they would receive a form from their financial institution to file with the IRS to have that contribution taken off their taxable income. I have several degrees, and I could barely get that done. We cannot expect the average Nevadan to go through that hoop, especially when many people are living paycheck to paycheck.

I offered a document ([Exhibit M](#) contains copyrighted material. Original is available upon request of the Research Library.) prepared by the Georgetown Center for Retirement Initiatives which explains the benefits to Nevadans if this program is implemented. If people do not start saving, our social programs will be in trouble in 30 or 40 years. The needs of a continually growing population will not be met. Decisions made to move away from working 30 years for a traditional pension and toward the individual's responsibility to save left some people behind.

This program costs nothing to the State and businesses. It is run on the fees of the participants. This will be an opt-out program. People will have at least 90 days to take their money out penalty-free if they decide they do not have the resources to contribute to the plan. They will also be able to go online and switch their election to zero percent and maintain whatever balance is in the account. It works just like programs many of you and I have through our jobs. We can decide to increase our contributions or decrease them to zero. This program will benefit Nevadans. It is essential to do this sooner rather than later.

When the pandemic happened, none of us were prepared. Unemployment lines increased because people had no savings, no cushion. Imagine if a bill like S.B. 305 had been passed four years prior to the pandemic. It would have been easier for people to get through.

MICHAEL PARKER (Executive Director, Oregon Treasury Savings Network):
Oregon passed a bill similar to S.B. 305 several years ago. Oregon's program has been in operation since 2017. There are nearly \$200 million in assets in the program, representing about 120,000 first-time savers. They are younger, 25 to 35 years old, and probably not thinking about retirement. This program allows them that opportunity.

Oregon has an opt-out program like the one proposed in S.B. 305. People in Oregon's program have about 60 days to opt out. Approximately 70 percent of those presented with this program stay in the program. That is a 30 percent opt-out rate. Other states are close to doing the same thing. It is significant that people are now understanding the importance of savings.

The Oregon program continued to operate during the pandemic. Some people had to withdraw their money which was great. A month and a half or two months later, everything normalized. People did not stop contributing. They took some money out but kept contributing. The program gave them that cushion. We do not require people to use their money just for retirement. Some people need a nudge to start saving. They are not going to walk down to the local bank and open an IRA. History and research prove that.

This program is not a burden on employers. The Pew Charitable Trusts conducted a study for Oregon. Nearly 85 percent of employers were happy with the OregonSaves program. Oregon is constantly working with its providers to

make it easier for employers. This is important because employers are the key to getting this program going. It is a simple process for them to facilitate.

DAVE YOUNG (Colorado State Treasurer, Colorado Department of the Treasury):
The State of Colorado recently launched the Colorado SecureSavings program. The bill establishing this program was signed into law following the 2020 Colorado Legislative Session. The program was established to close the retirement savings gap Mr. Parker and Senator Harris talked about that could leave an estimated 1 million Colorado workers behind. That is about 40 percent of its private sector workforce.

Colorado SecureSavings is a state-facilitated retirement program for private sector employers and their employees. Employers with five or more employees in Colorado that have been in business for two or more years are required to either register for Colorado SecureSavings or provide a private retirement plan for their employees.

Since the passage of that bill, the Colorado SecureSavings Program Board and Treasury staff have been working through the implementation stages to design an easy tool for Colorado businesses to use to help their employees save. The benefits for the employers are many. There is no cost to the employer. The program is compatible with payroll processes, and signing up requires little administrative time. It is also easy for employees to manage their accounts, including deductions and investment choices. The account is portable and allows employees to move their accounts if they change jobs.

Implementation of the program officially began in January 2023. Notices were sent out to businesses, depending on the size of the company. The website makes it straightforward for employers to get into the program with three easy steps. Business owners register for the program, upload their payroll information and keep their employee records up to date. The same website also makes it easy for savers to manage their accounts in a similar way as described by Senator Harris and Mr. Parker.

This program is a meaningful opportunity to increase financial literacy about retirement programs and help people save for their future. It has significant benefits for both employers and employees. I often say it is always a good day to start saving. Waiting to start saving means losing out on the power of

compounding your earnings and setting yourself up for a less comfortable financial future. I urge you to support S.B. 305.

SENATOR HARRIS:

Kim Olson who is the senior officer on the retirement savings project at The Pew Charitable Trusts has submitted her written testimony ([Exhibit N](#)) supporting S.B. 305.

CHAIR FLORES:

I have had an opportunity to engage in these conversations in prior Legislative Sessions, but I appreciate you bringing it back. It is important. The pandemic brought forth how important it really is.

SENATOR GOICOECHEA:

Is there a requirement that employers with five or more employees must enroll in the program? I did not see that in the bill. Is it similar to Colorado's program?

SENATOR HARRIS:

Yes, Senator, eventually all employers will be enrolled into this program. It will likely be on a rolling, phased basis getting the larger companies enrolled first. The implementation time line will be dictated by the Office of the State Treasurer and the board that will be set up to administer the program.

ERIK JIMENEZ (Chief Policy Deputy, Office of the State Treasurer):

In Proposed Amendment 3566 ([Exhibit O](#)) to S.B. 305, the rollout for the time line will be at the discretion of the program's board of directors. As Senator Harris mentioned, the intention is, to the extent possible, to enroll all businesses not providing retirement savings options to their employees. The exact schedule would be up to the board.

SENATOR DALY:

I have not seen this before, but I support it. It is a good idea. The bill does not target employers who already have these types of programs or a pension plan. Could they still enroll at some point?

SENATOR HARRIS:

The definition of covered employer is one that has not offered a savings program within the current or two immediately preceding calendar years. We are not trying to replace existing pensions, 401(k)s or any other savings programs

offered by an employer. We want to capture businesses that have not been able to offer a savings program for whatever reason. This bill changes nothing for employers already offering this type of benefit.

SENATOR DALY:

Section 23, subsection 7 of S.B. 305 states contributions must be made "in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee." Once every ten days after the person is paid could mean that the employer is making this contribution twice a month. It would be easier if contributions were made monthly. Typically, with most collective bargaining agreements for contributions the employer makes, they are due by the fifteenth and are late by the twenty-fifth of the following month. This is how most of these programs work.

Why is it ten days? Is this going to be changed?

SENATOR HARRIS:

I am open to looking at that. I am not committed to that time period. What is important, though, is that employees do not lose the ability to save and collect interest because the employer is holding the contribution for too long. We want to make sure it is done on a regular basis. Employers can hold contributions for 30 or 40 days and the employee loses interest on that money.

MR. JIMENEZ:

We will review that. You brought up a good point. We would advocate for implementation flexibility. We are open to the number of days, but we would like to see some level of regularity as to when payments are made.

SENATOR DALY:

I am just suggesting how it might be easier. Many of the programs I am familiar with have monthly contributions. I understand your point as well. You want to get the contribution in the bank for the employee as quickly as possible.

Section 20, subsection 9 of the proposed amendment, [Exhibit O](#), says "adopt regulations." Is the regulation process provided under *Nevada Revised Statutes* (NRS) 233B, which is the Administrative Procedure Act? Would the board adopt rules and regulations and create a summary plan description that would be sent out as in most any other type of programs like this? I did not know if "regulations" is the right word to use.

SENATOR HARRIS:

I agree. This is not intended to go through the NRS 233B process. Nevada Revised Statutes 233B explains who this applies to. Just using the word "regulations" would not necessarily place this under the Administrative Procedure Act. However, I am happy to use "rules" if you like.

SENATOR DALY:

There is a list of exemptions under NRS 233B. Since this is a new program, it may not be exempt. The bill would have to clarify that this program is not included under NRS 233B. The board of trustees will create plan descriptions. In trust funds, the board of trustees can interpret and make amendments and those types of things. Then there are federal rules and how participants must be notified. I was just pointing out that "regulations" may not be the word you want.

SENATOR HARRIS:

Thank you, Senator Daly, we will definitely look into that and consult with the Legal Division.

SENATOR DALY:

You should specify somewhere in the bill that contributions into the plan would be recognized as a bona fide benefit under the definitions of benefits in NRS 338 regarding prevailing wage projects. It would be a bona fide benefit and you want to make sure people can get credit for that on their certified payroll, union or not.

MR. JIMENEZ:

I know better than to try to out argue the Senator on NRS 338. However, Taft-Hartley union pension plans would be exempt from this bill and its definition. We will look at that to determine if there needs to be some definitional language of what that benefit is.

SENATOR DALY:

You are missing my point. In 2019, the Legislature defined bona fide benefit in NRS 338. Employers on public works jobs were trying to say that an employee's paid gym membership was a bona fide benefit. We want to promote this program; we want employers to do that also. I know this is not exactly a 401(k) or pension plan, but it is a model of one. You might check with the Labor Commissioner if it is not already covered. If not, you want to make sure

that it meets the definition of a bona fide benefit so people can take credit for it as meeting their prevailing wage requirement, union or nonunion. Pensions, health plans and vacation time are covered as bona fide benefits if they are in a collective bargaining agreement. If not, you want to make sure that construction employers can get credit for having their employees participate.

SENATOR HARRIS:

I will look into that as well.

SENATOR DALY:

It may be a nonissue. It was just a suggestion.

SENATOR GOICOECHEA:

According to the proposed amendment, [Exhibit O](#), there is no exemption no matter what the size of the business. If there is one employee, it must participate unless the employee opts out.

SENATOR DALLAS:

Under the current version of the bill, that is correct. Although I will remind you, it is free to the employer to enroll the employee. We have also offered an option for a similar plan through a chamber of commerce. There are a couple of options; it does not have to be the State program.

SENATOR GOICOECHEA:

I am concerned about the agriculture sector. Someone might have one or two permanent employees and three people helping in the summer. I can see the permanent employees being enrolled, but part-time summer or harvest help could be problematic. The paper trail concerns me. Farmers and ranchers are not good with the books.

SENATOR HARRIS:

The person must have been employed for 120 days. That should help with some of those temporary employees. They would not be a covered employee under the definition in this bill.

SENATOR GOICOECHEA:

I see it also says an employer must be in the business for three years. I just hope employers do not lay off people at 119 days.

SENATOR DALY:

If someone leaves employment, can he or she roll his or her contributions into another exempt account? Can someone remain a participant and just leave the contributions in the program? Is that an option? It would only be portable if it can be rolled into something else, if the employer has a different plan. If someone goes from one participating employer to another participating employer, will the contributions from the new employer go into the same account? Is that how you envision it working?

SENATOR HARRIS:

Yes, that is how I envision it working. The account will remain regardless of where someone moves. Even if no contributions are being made, the money will be drawing interest. If one leaves an employer and goes to a new employer that offers a plan, one does not have to roll it over if one does not want to. It would operate just like it would with a private employer's plan.

VICE CHAIR OHRENSCHALL:

The language in the amendment on page 7, section 23, states each covered employer shall automatically enroll the covered employee in the program or in a similar program offered by a trade association or chamber of commerce. Do you envision the programs managed by trade associations and chambers of commerce will have the same financial safeguards for retirement funds as the State program.

SENATOR HARRIS:

I do not intend to amend a chamber's program. This bill will not require them to offer anything different. Many of these programs are often just holding Vanguard offerings or some Fidelity offerings underneath it. Generally, many of those financial safeguards are in place when that plan is offered. There are many federal regulations regarding those plans. I am not concerned about how well run those programs are.

Oregon and Colorado were here to give an example of how other states are doing it. Nevada will likely join another state instead of going it on its own, which will help lower fees for every participant. It will use the power of numbers.

MARIA MOORE (Director, AARP Nevada):

I have submitted written testimony ([Exhibit P](#)) in support of S.B. 305.

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SARA EVANS (Vice President, Supervisory Unit, Service Employees International Union Local 1107):

The Service Employees International Union Local 1107 (SEIU) represents 18,000 people in northern and southern Nevada. It understands the need for programs designed to help people save for retirement. The SEIU Local 1107 supports this bill, and it urges the Committee to support it as well.

KENT ERVIN:

Based on my experience as a member of the Nevada System of Higher Education's Retirement Plan Advisory Committee since 2006; two terms on the Nevada Public Employees Deferred Compensation Program committee appointed by Governor Brian Sandoval and reappointed by Governor Steve Sisolak; and from following the Public Employees' Retirement System (PERS) in my Nevada Faculty Alliance role and marrying into PERS, for myself, S.B. 305 is a good idea. Individual retirement savings are important. Social security is not enough, and most small businesses cannot manage a good separate plan.

Studies show how important auto enrollment is for successful retirement plan design. This is about human behavior with finances. People need a nudge even when they know they need to save. Any extra step can be an obstacle to signing up. Of course, opting out and discontinuing contributions should be available and easy. It should also be easy to start contributing again.

Small businesses are often ill-equipped to offer a defined contribution retirement plan on their own. If they do try, they are likely to be directed to a high-expense plan through a financial adviser who gets paid by commission, or so-called revenue-sharing from investment companies. A state-sponsored plan can leverage its size to reduce expenses, which is a major drag on retirement savings. Please support S.B. 305.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):

Before I took this position, I was in education law and then in the Children's Attorneys Project, representing kids in foster care. After those children graduate, they can stay with their attorneys until they are aged 21. However, they will still call their attorneys for advice about finances.

If there are any barriers to those kind of clients in setting up retirement plans, it stifles that desire which can continue for 20 years in which they are not

investing or saving. It becomes a mental block. Removing a barrier and allowing people to be auto-enrolled in savings will create a significant impact.

For example, one of my cousins is a union sheet metal worker. He has a retirement program through his union. I talked to him about Vanguard and saving money. It was such a hurdle to get him to sign up that I ended up sitting down with him and doing it for him, anything to remove barriers.

Finances are a trigger for people because they are pressed at every turn with the issues of life and everything from rent to groceries. I appreciate this bill and thank the sponsor.

WILLIAM PREGMAN (Battle Born Progress):

Battle Born Progress supports S.B. 305 to create the Nevada Employee Savings Trust. Retirement savings are becoming more and more scarce. As a result, those at retirement age may have insufficient resources to sustain their retirement. That means more reliance on social services, meaning the taxpayer essentially subsidizes the lack of employer-sponsored retirement benefits. That is a poor use of taxpayer dollars which would otherwise be spent supporting working families, improving our public education system, creating jobs and fixing the State infrastructure, among other things. This is a good bill with bipartisan support. Battle Born Progress urges the Committee to pass it.

FRANCISCO MORALES (Latin Chamber of Commerce Nevada):

The Latin Chamber of Commerce supports S.B. 305. It is a commonsense piece of legislation because it will allow Nevadans to become financially independent, begin saving for retirement and ensuring they have money for their golden years. The Latin Chamber of Commerce appreciates Senator Harris and all the work that has gone into this bill and urges the Committee's support.

AL ROJAS:

I am an investor. I came from a real estate family, and I have always invested in real estate. I have never had an IRA. I worked as an engineer for many years, and I never really saved. I do not understand why someone would want to start a savings account. If you are saying there are expenses with an IRA and Fidelity, I understand the reasoning on starting a savings account.

However, I recommend there be a provision for somebody who is going to be a first-time home buyer or does not own a home that money can be withdrawn

without penalties to buy a home or buy a first home. That is your best investment. On average when one buys a home, one is leveraging oneself. The home's value grows at an average rate of 6 percent a year.

Your best investment in life for retirement is having a home. When you retire, as I have, you have one, maybe two, maybe three homes because real estate has been proven to be the best hedge against inflation.

I appreciate Senator Harris. She has a lot of foresight. She cares about the community. Even though we are on extreme opposite sides of the political spectrum, I support her on this, and I ask that maybe she consider having a provision for a first-time home buyer to withdraw money without penalty as a down payment for a home.

TRAY ABNEY (National Federation of Independent Business):

The National Federation of Independent Business (NFIB) appreciates the intent of S.B. 305 to help employees, especially lower wage earners, save for retirement. However, a state-run retirement plan that applies to all businesses in the State, no matter the number of employees, would be tremendously challenging for a small business to implement and maintain due to high employee turnover. The amended language does help with employee turnover just a bit, which NFIB appreciates.

However, NFIB shares the same concerns Senator Goicoechea mentioned earlier. Offering paid leave, retirement benefits and other perks help businesses retain their valued employees. A small business that primarily hires young, inexperienced workers, who after a few years move on to bigger companies, would have a difficult time complying with this bill.

Over the past few sessions, the NFIB has historically opposed this type of bill primarily because it is an opt-out program. The NFIB has not had a chance to poll its members with this new amendment language. It needs to do that and continue to work with the Senator.

The NFIB is concerned that its members do not have the tracking systems in place to deal with this program. The average number of member employees is four to eight. It would be one more form or item to deal with at the State level. A better option for small businesses to help their employees is to start a

self-directed IRA. Employees can take that plan with them no matter where they work.

The NFIB appreciates that chambers of commerce plans have been added to the amendment. Offering a retirement savings plan will help attract and retain talent, and larger companies that do not have high employee turnover will be in a better position.

The NFIB opposes this bill because of the burden it places on small businesses.

EMILY OSTERBERG (Henderson Chamber of Commerce):

The Henderson Chamber of Commerce has over 1,800 members, most of whom are small business owners.

The Henderson Chamber of Commerce appreciates the intent of this bill but is opposed to S.B. 305 as written. Businesses should not be forced to take part in a public retirement option if they do not want to. In addition, a retirement system should not be publicly managed by the State. This is a private sector service that is best suited for administration in the private sector.

KATRIN IVANOFF:

Hi, this is Katrin Ivanoff aka Mrs. Fix-it. I am calling in opposition of this bill because any bill that has an exemption for union employees, government employees should not see the light of day. If this is such a good deal, why are the government employees exempt? Do you think they do not deserve all these "goodies" that come with this bill?

What else are you going to ... People have to be adults, and people have to be responsible for their own actions. They should do their own savings. Tell me one thing that the government got involved that is running amazingly. Health care? DMV, lines to the wazoo, waiting time. People never have good experience in the DMV. All the good experience people have is with private employees in private section.

You guys killed one quarter or more of the small businesses in Nevada to COVID. Now you want to put another bill that is going

to put your boots on top of the small businesses next. That is appalling to me. Instead of seeing how you can help our constituents, your constituents, instead of seeing how you can help people to create more small businesses, you are just looking for a way to have them not even want to do a small business. I think it is very unfair. If that bill is so good, why you examine yourself?

Thank you and have a lovely day.

LESLIE QUINN:

I am in opposition to S.B. 305. Some of the biggest reasons is, I had a father-in-law, [who] is passed away now, that GM, a huge company, General Motors, he lost his pension because of them.

You know, the GM is one, General Electric, Ford, Boeing, AT & T, DuPont, United Parcel Service, Exxon, Lockheed-Martin, United Technologies, Northrop [Grumman], Johnson and Johnson, Pfizer, Raytheon, 3M, Honeywell, Exelon, Caterpillar, Delta Airlines, Citigroup, Merck, Verizon, Bank of America, Berkshire Hathaway, all these companies have the largest pension obligations and yet our government is trying to do this and offer this to their constituents.

I believe government's purpose is to make sure that the people, we, the people, have our constitutional rights. They should not be getting in any type of what it looks like to me, a communistic program. They should not be setting up a retirement program. You are not our financial advisors. We are our own financial advisors.

I oppose this, and I hope that you will too. We do not need you to be big government or our big brother. Pretty soon the government is going to want to give us our allowance as well as shut off our retirement or bank account if we do not have the proper social score. Please vote no on S.B. 305.

And the last thing is that I agree with Mr. Al Rojas. The best investment anybody can make on Earth is Earth. If we people can

buy properties, that is going to be their best investment here. So, buy property. I am a real estate agent, and I agree with that message.

SUSAN PROFFITT:

I am the vice president of the Nevada Republican Club. I am going to speak for myself, though.

I do not agree with this. It sounds great and there are people that really do not know how to invest but you know what, you are not our parent. I agree with the last caller. A lot of people who have saved all their lives have lost it all when they trusted whoever was holding it. And I am sorry, but I do not trust the government anymore. I really do not. Not after they waged war on us, you know, and we do not need bigger government. I mean, have we not learned anything from GE who shafted their employees out of billions?

The government is not a savings and loan, and the last thing we need is another government agency. High employee turnover means many people are going to leave the money on the table and forget it is even there. And, you know, they are not going to be reminded from anybody in Las Vegas. That is just not going to happen.

And I agree with the lady who said, you know, you can grab our money. I mean, if you do not pay your taxes on time, you guys are going to come in and take it. I mean, without telling us. This is wrong, it is just wrong. I do not agree with it. You need to stay out of our homes, our bank account and our medical. Please do not pass this. Thank you.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber is neutral on [S.B. 305](#) with the proposed amendment, [Exhibit O](#). I thank Senator Harris for meeting with stakeholders and having this conversation with the Vegas Chamber and other groups regarding the intent of the bill. I also thank AARP and its team for leading negotiations for the Chamber to be able to come to this compromise.

Many chambers of commerce had concerns with a similar version of this bill in the last several sessions because of public offerings versus private offerings. However, the proposed amendment, [Exhibit O](#), finds a middle ground so the Chamber can move forward with a neutral position.

Section 7 of the bill outlines which employers would be excluded. For example, public sector employees or employees in a plan administered by the Railway Labor Act or the Taft-Hartley Act would not be in this program. This is primarily directed to private sector employees. Most private sector employees are paid every two weeks, so that part of the consideration is about making contributions in those timelines.

In full disclosure, the Vegas Chamber does have a regulated plan.

SENATOR HARRIS:

Although this is a State program, the government will not have the ability to withdraw funds from anyone's account. Most states have put out a request for proposal which means inevitably a private company will do a large portion of the administration. There will only be one or two State employees who will be responsible for administering the program. But the nuts and bolts will be taken care of by a private company or, if Nevada joins another state, the company running that state's underlying program.

While it seems this may be burdensome, if you have ever met Treasurer Zach Conine you know that he will get this right and make it as simple as possible for every employer to participate in this program. Also, there is no punishment or enforcement mechanism in this bill. If people make mistakes, there is not going to be some hammer that comes down on them. We just want to make sure we are capturing as many Nevadans as possible in this program.

CHAIR FLORES:

I have received a letter in support ([Exhibit Q](#)) of [S.B. 305](#) from Brian Graff of the American Retirement Association, a letter in opposition ([Exhibit R](#)) and State-Sponsored Retirement talking points ([Exhibit S](#)) from Neal L. Waters, Nevada Chapter of the National Association of Insurance and Financial Advisors.

We will close the hearing on [S.B. 305](#) and open the hearing on [S.B. 391](#).

SENATE BILL 391: Revises provisions relating to governmental entities.
(BDR 20-936)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

You may be a little confused about why you are seeing this bill. Did we not already do this? That is what I thought until I heard the news when a certain former president came to visit Minden. They were talking about Minden's sundown siren. I called my colleague Assemblyman Howard Watts and asked if we had not done something about that. Why is it still sounding?

The truth is crazier than fiction. It turns out that Minden decided that instead of ringing it at 6:00 p.m., it would move it up to 5:00 p.m. and call it good.

I do not think any Legislator in this building, regardless of political spectrum, appreciates when the Legislature sends down a clear directive with clear intent, whether it be a city, county or Joe Johnson, it is intentionally circumvented.

I have two newspaper articles, one from the *Denver Post* ([Exhibit T](#) contains copyrighted material. Original is available upon request of the Research Library.) and one from the *Reno Gazette-Journal* ([Exhibit U](#) contains copyrighted material. Original is available upon request of the Research Library.) I will highlight the article from the *Reno Gazette-Journal*, [Exhibit U](#). The first sentence states, "Minden says it will not silence its so-called 'sundown siren,' even if the Nevada Legislature passes a law meant to make the town do just that." Guess what, Minden did exactly what it said it would do. So, we are back again, and I am not pleased about it. I did not want to have to bring this bill. My colleague took care of it. However, we must come down with a heavier hand.

Senate Bill 391 says do not ring it no matter what size your city, county or town. Do not ring it unless there is an emergency. It can be rung on a holiday. Except for these other circumstances, this thing has to be shut off.

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

When the Legislature passed A.B. No. 88 of the 81st Session and amended into that a provision to put an end to the use of sundown sirens in our State, I was excited. The provisions within that bill were comprehensive to try to address hurtful and discriminatory symbols and legacies of our past. This Body took a comprehensive and holistic approach to address that and move forward; yet there are still aspects that linger today.

This has been a frustrating issue because there was some resistance and defiance in some of the statements made while that legislation was being considered. Then after it was passed, the intent was misrepresented. My position always was to give some weight, authority and respect from State government to tribal government. I have learned there has been a lot of difficulties in the relationship between tribal government and the relevant local government officials. Tribal sovereignty has not been given proper respect. The changes made when that law was passed are not aligned with its intent. Because of that, it is important for us to come back and take another crack at this and hopefully get the job done. I wanted to provide some background as the sponsor of the legislation in the Eighty-first Session and why I signed on as a cosponsor for this bill.

PATRICK BURTT (Vice Chair, Washoe Tribe):

I would like to begin with honoring my ancestors as well as future generations, elders and youth who are in Carson City, online and at the Sawyer Building in Las Vegas. We all support S.B. 391.

For many Washoe people experiencing the blatant racism and prejudiced social climate of Minden, the daily siren at 6:00 p.m. is a deafening trigger. It is ironic then that on April 5, 1917, 106 years ago, Ordinance No. 6 was passed unanimously by the Board of Commissioners in Douglas County. This ordinance mandated that Indians "leave and be out of the town limits of the towns of Gardnerville and Minden by the hour of 6:30 p.m. each and every day." Thus, the Minden siren was born.

The legal results of violating the provisions of this ordinance included a fine of up to \$25 and imprisonment of up to ten days on top of the costs of said actions. This allowed for a multitude of inhumane actions to be enacted upon the Washoe and other native peoples visiting the area.

Established in 1906, Minden is situated in the Carson Valley, which is home to the People of the Valley Band of the Washoe. Federally recognized as the Washoe Tribe of Nevada and California, the Washoe maintain that we have been of this land since time immemorial.

The relationship between the Washoe and settlers has been contentious since settlers first flooded our area in search of mining prospects and rich farmlands. These competing worldviews clashed and served as a staging ground for

conflict. Restricting the presence of Washoe people in particular places was seen as a policy that would help to eliminate friction between the groups, but this would only serve to empower settlers with the jurisprudence to enact violence.

The restriction was policed by not only law enforcement, but many white citizens also took it upon themselves to determine and carry out penalties. Washoe elders have shared horror stories of the treatment they suffered. Many acts of violence occurred on a wide spectrum from being verbally assaulted with racial slurs like "Go back to the rez digger"—digger is a racial slur attached to Indigenous peoples of our area and California—and "You squaws better get home if you know what is best for you," these along with physical and sexual assault. Several Washoe men were beaten, and their braids were cut off. Many Washoe women were beaten and raped. These acts of violence went unpunished as the Washoe people did not hold confidence in law enforcement because law enforcement officials were also coperpetrators.

The outdated ordinance from 1917 mandating that Native Americans, specifically the Washoe, vacate the town by dusk is remembered as the shrieks of the siren continue to project Minden's ongoing racist atmosphere. The social consequences of this ordinance have everlasting effects on the Washoe people and other native peoples of Nevada. Historical and intergenerational trauma are direct outcomes of these atrocious acts. The Minden siren continues to be the embodiment of this chronic distress.

On behalf of the Washoe Tribe of Nevada and California, the native peoples of Nevada and the broader native population, we urge you to join us in our efforts to heal from this legacy of racism by supporting S.B. 391 in efforts to silence the Minden siren.

SENATOR HARRIS:

I am embarrassed we are still doing this. Nevada has a reputation of being the Mississippi of the West. Things like this allow that label to persist. This siren belongs in the history books. They do not have to tear it down. They can take pictures. We want the stories to be told, but there is no reason why it needs to continue to ring. If you want to celebrate first responders, throw them a parade, give them better health benefits, give them hazardous pay. There are a million ways to show your appreciation. Blasting the siren is simply not okay. We are relying on this Body to make sure the siren stays where it belongs—in the past.

SENATOR DALY:

I do not have a question. I support this. I am frustrated. I was here when the previous bill was passed; apparently, it did not get the message across.

In reading the articles you submitted, they just changed the time. The previous bill said they shall not sound the bell or alarm as previously sounded. So, they just moved it an hour. A hole that might be in the bill is allowing the testing of the siren, bell or alarm at reasonably scheduled intervals. You need to describe "reasonably scheduled" and put a limit of not more frequently than once every 60 days. Even that is too often. Maybe it should be done quarterly. You pick a number, and do not let them define reasonable as three times a week or five times a week or every day. It should be defined in the bill. There are the holidays and other times, but you should say not more frequently than 60 days or pick a quarter. I do not care.

SENATOR HARRIS:

That is a fantastic idea. I have been trying to make sure there were no loopholes because history shows they will take advantage of it. I appreciate that and will definitely look into refining that.

SENATOR KRASNER:

Not too long ago, I happened to be in Minden and Gardnerville, and I heard the siren. Shortly after, I ran into Assemblyman Watts and asked him what is going on with that siren still ringing because legislation had passed unanimously and signed into law by the Governor. What is the reason for not following the law passed by the Legislature?

ASSEMBLYMAN WATTS:

That is a great question. When the legislation was originally crafted, we wanted to allow for its use for emergencies, testing and occasionally for holidays. The language of that bill was envisioned around that and to facilitate productive conversations on equal terms between the community and the tribe to figure that out. Unfortunately, that was not the case.

You hear about the legacy of harassment and ill treatment of the tribe in that community. The intent was taken advantage of. The time was moved slightly, maintained on a daily schedule and exploited as a loophole. That is why we are coming back, being as clear as possible and closing every loophole possible.

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SENATOR KRASNER:

It is offensive to not just Native Americans, it is offensive to all of us because that is not the Nevada we know and love.

Section 2, subsection 2 of the bill says the Attorney General may recover the penalty in the amount of not more than \$50,000 in a civil action brought in the name of the State of Nevada.

Why not use the word "shall"? Let us make it a "must."

SENATOR HARRIS:

I am happy to make that change.

SENATOR KRASNER:

Thank you, and I support you.

SENATOR OHRENSCHALL:

Assemblyman Watts, I thought the prior legislation you sponsored had corrected this horrible vestige of Nevada's history. I did not realize this was still going on. Thank you for bringing the bill; I hope this will correct it.

CHAIR FLORES:

It is beautiful to see so many human beings here advocating and fighting for themselves. It is frustrating to have a room full of people asking us to fix something rather being here to demand we do more. It is 2023, and we are still trying to fix some archaic issues. It is frustrating that you have to waste your time on this issue.

I wish there would be another bill where you are all equally in strong presence, demanding that we help with 40,000 other issues that your communities are so deserving of. I say that only to make the point that we are sympathetic to our young people in the room. Bring them all the time, normalize this experience, teach them they belong here, this is their place to demand that we work for you, remind them that they should be taking our seats soon, let them see this as a norm, and why it is so important to elect people who come from certain communities who traditionally have been undermined, forgotten and ignored.

I am sorry that we are still having this conversation. Perhaps, it will be abundantly clear now. I hope we can get there with the amendments.

I apologize that we are still wasting time on this conversation, but we are going to fix it.

SENATOR GOICOECHEA:

I appreciate the intent of the bill and what occurred on this side of the State. However, several communities across eastern and rural Nevada have either curfews or noon sirens. This bill is clearly overreaching.

Chair Warren Graham of the Duckwater Shoshone Tribe—who is in the Grant Sawyer building right now—went to school in Eureka. Was he offended by the 9:00 p.m. curfew? That applied to all children. It was never enforced, but it has been there for 100 years. Case in point, they changed that siren to chimes. The community came out and said they wanted the siren back. This is overreach by this Body when you start mandating to some of these communities. There were no racial intonations in Eureka.

Leave it up to the tribes. Can they come forward? It is just like we did with the mascot in Elko, the Elko Indians. They still use that because they believe in that. That is as much a source of pride for them as anyone else.

There were no racial intentions with that siren that started who knows when. It is a 9:00 p.m. curfew, but we are mandating one size fits all because somebody did not respond. I am asking for a little leniency. Fallon has a noon whistle. It is just noon. No intonation at all. This is overreach.

ASSEMBLYMAN WATTS:

Thank you for those comments, Senator. If you have suggestions related to the language, you will have to talk with the sponsor of this bill. In the past, we have worked to address symbols clearly connected to racial discrimination and discrimination against Indigenous people. Obviously, we have been talking particularly about the Minden siren. The connection there is clear. To the extent there is that clear connection, that is what we are trying to get at. I do not want to speak for the tribe.

You mentioned the mascot issue which was also involved in A.B. No. 88 of the 81st Session. There has been some engagement. Though still not a complete agreement, there has been conversation. The fact that the Vice Chair of the Washoe Tribe is here shows this is not the same situation. That is the key dynamic we are looking to address.

I understand other sirens in communities were holistic and not racially targeted. It is a big State with a storied history. We do not usually enact legislation that calls out specific things. If you are willing to work with the sponsor on parameters that get it right and get at the main issue all of us are incensed by, that would be great.

SENATOR GOICOECHEA:

I look forward to working with the good Senator on this because I cannot go home if the siren does not go off in Eureka. The Thompson boys, Warren, those kids from Duckwater are graduates from Eureka High School. They are part of the community. The siren has been there for 100 years and more. It is a curfew that is not enforced, but it is for all children.

SENATOR HARRIS:

I understand your concerns, and I am more than willing to see if there is some way to address that through this legislation. Some of your anger and worry should be directed at the City of Minden. Sometimes, people ruin it for all of us. I am happy to see if we can carve something out. Las Vegas has a curfew that is not enforced by a siren. We are moving into a new age, sir.

SENATOR GOICOECHEA:

Well, it is not enforced in Eureka. There has got to be somebody in the room who resides in Fallon—Fallon's noon whistle. Elko has one. Ely has one. Technically, it is not a siren but a noon whistle. Call it what you want. You are reaching into a lot of communities that tribal members live and shop in.

MR. BURTT:

The specific siren in Minden is especially attached to racism and prejudice. Not to reiterate some of the points from Assemblyman Watts or Senator Harris, as a representative of the Washoe Tribe, we have an unwavering and uncompromising position that the Minden siren, specifically, should be shut down.

SENATOR GOICOECHEA:

That was my argument. We should not make one size fits all because you are impacting a lot of your people in other communities, especially in eastern Nevada.

MARTY BEEDEN:

I support S.B. 391. I am a Washoe descendant, and I am speaking on behalf of my family, especially the children. I am a retired teacher living in Gardnerville, and I can hear the siren when I am at home.

I do not have a lot to say. I just have a lot to show. My presentation is called racism in the outdoors. I have some old pictures of old signs that were prominent throughout the Country. At the time, people said that is a good sign—"Help wanted no Irish need apply." It is not just an ethnic issue.

Prior to World War II—"not in our neighborhood." We would not allow a sign like this to be posted anywhere in any community today.

"No 'Ns', no Jews, no dogs"—No way would we have a sign like this today.

"Whites only after dark"—that siren may not be a symbol we see all the time; it is what we hear. There is no difference between what we see and what we hear. That siren needs to be turned off.

KARIANN KAILANI JOHN:

I am the Junior University of Nevada, Reno (UNR), Princess, and I am representing this.

AURDINA YELLOW HAIR:

I am Walker River and Pyramid Lake Paiute and the UNR Tiny Tot Princess.

DEONN JOHN:

I am from the Reno-Sparks Indian colony. I am the mother of Kariann Kailani John and one of Aurdina's aunts. As you can see, I have the future with me. I bring the youth to you who had questions as to why we are here. Why do we have to do this? I have to explain to these children that today they are not thought of as people. They are not thought of as human beings because this siren is still going off. The Senator said it does not offend people.

I am here as a person, as a native Nevadan. I was born and raised here. I went away to school. I have seen many different things in many different places in my life. I lived in California, but I came back here because this is my home. This is where my people came from.

Hearing sirens of this caliber reminds me some days that I am not important. I must tell my daughters and nieces and nephews that they are important. Our voices matter. This is why we are here as representatives not just of our community but of all Indigenous communities and minorities.

My daughter was wondering why she has to be royalty sometimes. I said because people listen to you. Your job is to be out there speaking to people, to understand how our communities feel and how we need to be heard today.

The Senator was saying it does not affect people. I have gone into some of the smaller communities in this State, and it does affect people; you feel that oppression, you feel that unwelcomeness to this day. I want that siren taken down so we do not have to put our heads down in shame and feel that when we go outside, we are not important. All minorities are important. Everybody here has a voice and has a right to be here. By that siren going off, you are disrespecting a group of people, a sector of the community which is a voting community too.

ADRIANNE JIM:

I am 14 years old. I carried my crown and my title, Little Miss Washoe, from 2019 to the present. I am here representing the Washoe Tribe and my family. We support S.B. 391 to stop the siren.

STEPHANIE MUSHRUSH:

I have submitted my written testimony ([Exhibit V](#)) supporting S.B. 391.

LISA McDONALD (Secretary-Treasurer, Dresslerville Community Council):

I am a citizen of the Washoe Tribe of Nevada and California.

It is imperative that we get this siren terminated. It is long overdue. I speak for my community that this needs to come to a resolution. My community and I support S.B. 391.

DWIGHT GEORGE:

I am a member of the Paiute-Shoshone Tribe, and I support S.B. 391.

I have attended protests, but I would not even call them protests. I just offered my support for Black lives in Minden. On that day, we were met with plenty of racist remarks. One I kept hearing that I did not understand was "do not let me

catch you here after dark." Later, when I found out what it meant, I was angry and saddened, but I was not shocked.

Senator Flores, you wonder why we do not come here. You want more people like us showing up, but it is a continuing fight just to prove our worth. It is hard to make anybody see us when many people do not believe that we still exist or do not want us here. To take part in this legislative process and have someone like Senator Goicoechea speaking out in ignorance while running away before learning anything, is what we deal with constantly.

Some people say the siren is a nostalgic pleasure. It is just something that has always been there. It is dangerous when you change a tool of hate into a nostalgic pleasure because people still see it as the same thing. People will always hold on to it. People will always carry that hate with them. That cannot be allowed to continue. That cannot be allowed against my people or anybody who can be harmed because of the sound and the thoughts that get put into these people's heads. The people who want to support the continued use of it have said it is for first responders.

TZIAVI MELENDEZ:

I am a member of the Reno-Sparks Indian Colony and presenting today as Miss Numaga Indian Days. I support this bill and stand in resilience with my Wa She Shu relatives.

TATYANA JIM:

I am an enrolled member of the Washoe Tribe of Nevada and California. I also reside in the Dresslerville community which is in Gardnerville. I am employed in Minden, so I hear that siren go off twice a day. I am triggered by it every time. We grew up hearing horror stories of what that siren meant to our people, elders and ancestors.

It must be left in the past. It must become part of our history. It does not have to be forgotten. We will be passing these stories down to our children. I would like to be able to tell my children about the siren and what it meant at one time. It is disappointing it is still going on even though it was already passed into law. I support S.B. 391.

ILA YAZZIE (Vice Chair, Las Vegas Paiute Tribe):

This bill seeks further restrictions on the use of sirens in communities throughout Nevada. You also know the dark history of the use of these sirens in some places—that of restricting movement of Native Americans and other minorities after dark. The continued use of sirens, though somewhat curtailed, is a cruel reminder those minorities have of passed prejudicial practices and the sting of having to vacate certain areas on command while the remaining population enjoyed freedom of movement.

DERYN PETE (Chair, Las Vegas Paiute Tribe):

We are happy State elected officials recognize the disgusting origins of this practice and are willing to further distance Nevada from those inequitable policies.

The Las Vegas Paiute Tribe supports efforts not only to rid Nevada citizens of continued racial prejudices, but to shine a light of hope moving forward on the recognition that all men and women are created equal and should be treated as such.

NICHOLAS RALPH (Director, One Source Action):

One Source Action is dedicated to educating, empowering and engaging communities to connect with Mother Earth through body, mind and soul. This organization operates exclusively for these purposes and is committed to promoting a more equitable and harmonious relationship between humanity and the natural world.

I want to share a personal story about my experience with the sundown alarm. I moved from Manhattan, New York, and settled in the Douglas County community. As I started to learn about the history of this beautiful region, I was shocked to learn about the generational trauma inflicted on the Indigenous people here, including the use of the sundown alarm. As an emotional intelligence life coach, I work with trauma daily, and I have seen firsthand the devastating effects it can have on individuals and communities. The continued use of the sundown alarm perpetuates this trauma and sends a message that segregation and oppression are still acceptable and celebrated in our society.

It is unacceptable that in 2023 we are still discussing a practice widely recognized as discriminatory and harmful to our community. As a community, we need to work together to ensure the sundown alarm is permanently silenced.

We need to listen to the voices of the elders in the Native American community and take action to create a more inclusive and respectful community for all.

I urge the Committee to take swift action to eliminate the use of the sundown alarm in our community. Thank you for holding this important hearing. I look forward to working together toward a more just and equitable community.

Regarding the need for a siren to go off; your cellphone has a reminder. As a survivor of abuse and violence, there is nothing cute about post-traumatic stress disorder.

JENNIFER CANTLEY (President, One Source Action):

As a born and raised citizen of Douglas County who grew up on Washoe land, I am honored to be here to discuss a matter that is close to my heart. The use of the sundown alarm is a reminder of that generational trauma inflicted upon the Native American community. As we move forward, it is essential that we recognize that we are part of a medicine wheel, also known as the four directions. Each one of us represents the color of each direction, red, black, yellow and white. We must come together as allies and love one another as members of the human race. We must resist acts that divide us and start talking about accountability for healing emotional, generational trauma.

The sundown alarm was originally created to enforce segregation. Oppression is a tool that has no place in our modern society. It is unacceptable that in 2023, we still are discussing a practice widely recognized as discriminatory and harmful to the community. We need to work together in the community to ensure the sundown alarm is permanently silenced. We must listen to the voices of the elders and the Native American community and work together to create a more inclusive and respectful community for us all.

I urge the Committee to act and eliminate the use of the sundown alarm.

MEG McDONALD:

I am a proud member and elder of the Washoe Tribe of Nevada and California. I support S.B. 391, and I urge the Committee to support it also.

STACEY JAMES:

I apologize to my elders if I say something out of turn. My family talked about the siren and passed down stories when I was young and in high school. Of

course, I did not really pay attention because I was a high schooler. But what stuck in my head was how much my people suffered. They were not allowed to walk on the same side of the street. They all had to walk on the left-hand side of the street. They were not allowed to walk on the right-hand side or on both sides of the street like everyone else. When the siren came on, if you were caught after dark, the men were beaten, dumped on the side of the road back at the reservation and left for their families or people to pick up and take home, or they were put in jail. Sometimes, women would just disappear, and now we have missing and murdered women. That has been happening for 100 years. We still are not recognizing that, but that is a whole different story.

I am a volunteer firefighter. When they talk about the siren, they say they need it to notify firefighters. We have pagers, cell phones and radios that notify us. If we are in Carson City shopping or at Lake Tahoe, you cannot hear the siren. Why would they need the siren to notify them for a call?

They also talked about ranchers needing the siren to tell them to come eat. They have stomachs that tell them to eat at lunchtime or at dinner time. You do not need a siren to notify you to eat.

MICHELLE MAESE (President, Service Employees International Union Local 1107):
As a union, the Service Employees International Union loves a protest. Unfortunately, with a protest more often than not comes a dark past, a history of pain and trauma and a continued fight for something taken away or the opportunity to have something that was never allowed. Sometimes, it is dignity; sometimes, it is respect; and more times, it is about equality. That is why I am here today.

As an antiracist union, when I saw these beautiful children and the signs and everyone standing bravely in an effort to stop the siren, I needed this Body to know that SEIU Local 1107 stands in solidarity with you passing this bill yet again. The SEIU believes in your ability to stop the siren now. It stands in solidarity with the true residents of Minden whose land was stolen from them.

The SEIU supports S.B. 391, and it urges you to do the same.

JERI BURTON (Coexecutive Director, National Organization for Women, Nevada Chapter):

The Nevada National Organization for Women is known for advocacy for the State Equal Rights Amendment. This is about equal rights for all. I am a native Nevadan and am embarrassed and horrified this is happening in our State. The explanation was that people did not know this was happening since they were children. They did not know it was racist. Now they know and they cannot say they do not know. We know how this is affecting these Indigenous community members. We are hearing it today, and it is not something that happened in 1920. It happens today in our State. It is embarrassing and, obviously, a historically racist symbol. They know this must be stopped.

MATTHEW WILKIE:

I am a Douglas High School graduate. I have lived for 15 years off Douglas Avenue, a couple blocks from the siren. I urge you to listen to the tribal members and elders.

If that alone is not good enough, listen to the animals. When that siren goes off, my dog goes crazy for a long time and is not a happy camper. Listen to the tribal members and elders. If that is not good enough, listen to those animals that do not like it either.

JIM DEGRAFFENREID:

I was not going to testify, but I need to correct the misinformation the sponsors presented this evening. In the 2021 Legislative Session, an amendment was tacked onto an unrelated education bill, A.B. No. 88 of the 81st Session, to prevent the sounding of the Minden volunteer fire siren because it had been incorrectly designated as a sundown siren, which it had not been for nearly a century.

In 1917, Douglas County had an offensive ordinance requiring members of the Washoe Tribe to be out of town by sundown—a law that nobody today would find even remotely acceptable. Long after that ordinance was passed, the local volunteer fire department installed a siren, as fire departments all over the Nation have done, to call their members in case of an incident. I served 25 years as a firefighter, first as a volunteer and later as a paid firefighter. I find it offensive that the Legislature in 2023 would again seek to silence a time-honored symbol of the fire service. This is absolutely overreach as was

mentioned earlier because the issue has already been resolved at the local level after the passage of the 2021 amendment to A.B. No. 88 of the 81st Session.

It is important to note that Minden is indeed now following the law as passed and is doing so in cooperation with the Washoe Tribe. Washoe Tribe Chair Serrell Smokey has been in talks with Minden town manager JD Frisby since August 2020. In July 2021, the Town of Minden and the Washoe Tribe came to an agreement to comply with A.B. No. 88 of the 81st Session and issued a joint statement which reads:

Our discussions resulted in a mutual agreement that the evening siren should sound but to change its time from 6:00 p.m. each evening to 5:00 p.m. The 5:00 p.m. siren will serve to acknowledge the volunteer firefighters and first responders who have historically dispatched by the town siren. Deleting the 6:00 p.m. siren will honor those hurt by archaic sundowner mandates of prior eras. We are hopeful that this change will herald greater respect and genuine progress for all members of our communities.

This compromise limited the potential cost of litigation on both sides for challenging the law.

When the siren was installed, it was for the fire department only and no mention or thought was given to the odious sundown ordinance. This local issue has been resolved at the local level This solution is being mischaracterized in this hearing.

SERRELL SMOKEY (Chair, Washoe Tribe of Nevada and California; President, Intertribal Council of Nevada):

The Washoe people have suffered trauma for over 100 years coming from a single sound of a siren. The documented history and the use of the sundown siren in our own homeland that the town amended is not to be taken lightly.

The stories of our elders told the truth of our pain and suffering. Abuse and mistreatment of Washoe people stemmed from racism and hatred toward Indigenous people. Those memories are kept alive and well in the sound of a siren. This happened in the not-so-distant past. My great grandmother and

grandmother told me stories of abuse, beatings and sometimes even the death of Washoe people if they were not out of town by the time the siren rang.

Washoe history is not well documented on paper. The stories of our elders are our truth. I am here because my people seek justice to end trauma so we can begin the process of healing. No time of the day is acceptable for the siren to ring. With such a dark history, the sound alone is a trigger that stems from the pain of our ancestors and pierces the heart of every Washoe alive. To bring this forward is difficult. People are scared.

I started this campaign in 2019. I did so for two years alone because people were afraid. Sundown sirens have been used in thousands of towns and counties across the United States. There were 500 in the State of Illinois alone. We have the opportunity to make change right here, right now.

MERCEDES KRAUSE:

I am a dual citizen of the Oglala Lakota Nation, a born and raised Nevadan and Chair of the Native American caucus. Respect goes out to Senator Harris and cosponsors, Assemblyman Watts and Assemblywoman Shea Backus.

I will never forget when I first heard about the siren driving to work one morning. I listened as the National Public Radio story began and thought what kind of place still has something like this? Then, like a slap in the face, I was completely shocked that it is here in our beautiful State.

We have heard how it feels for the Washoe people, and we must listen. The siren is literally sounding as part of an outdated and horrible ordinance that required Indigenous people and people of color to stop what they were doing and leave when sounded. Historically, it meant "or else" if they did not leave. We need to let this hit our ears and hearts as we decide where we stand on this issue. The proposed bill would shift the use of alarms and sirens to work only to serve our community by keeping us safe or to recognize a community holiday.

We need to consider the positive and negative effects of this siren and of this bill. I hope that we can move forward together in protecting rather than harming Nevadans.

MR. ROJAS:

I am not 100 percent American Indian. I am sure I have got some American Indian in me. I am of Hispanic heritage.

I came from California. I am on my sixth year here, and I am outraged to hear this is going on. This is incredible that a siren signifies someone has got to get out of town. This is crazy.

During World War II, if it were not for the American Indians, the Navajo Tribe, we would have lost a big battle in Japan. This is total outrage if this is what that bell signifies and how it is affecting the Native American community. We have to get caught up with the times. Native Americans have contributed so much to this Country.

Our planet is a living organism; if anybody understands that better than anybody else, it is Native Americans who have that spiritual connection with the Earth. The way things are going, our planet may not even be around in 20 or 30 years. Take that into consideration when you make your decision.

I am neutral on S.B. 391.

WARREN GRAHAM (Chair, Duckwater Shoshone Tribe; Vice President, Intertribal Council of Nevada):

I ditto everything Chair Serrell Smokey just said. We did not get a chance to give testimony in support. I cannot give testimony without being in support.

SARA MARZ:

When travelers on U.S. Highway 395 hear the Minden siren, their first reaction can be fear. When they realized that sirens in Douglas County started as a sundown measure against Native Americans, that negatively impacts not just Minden's image but Nevada's image among travelers. Nevada's tourism industry suffered greatly during the pandemic.

As previous speakers mentioned, Minden's siren continues to traumatize Native Americans. Some Minden residents used it for taunting—do not be caught here after sundown. Making Nevada welcoming to all not only helps Nevada's economy, it is the right thing to do.

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DELMAR STEVENS:

I am a Yerington Paiute tribal member. I am also a social worker in Nevada.

There should be higher and progressive fines related to continued violations of the law.

ALEX NEAL:

I suggest that everyone in attendance or listening look up the National Registry of Sundown Towns because the specific town and region of Nevada we are speaking about is on that list.

SENATOR HARRIS:

Right now, we are on the ancestral land of the Washoe people. This is land they never ceded but were pushed out of. This sundown siren is a legacy of that.

CHAIR FLORES:

We will close the hearing on S.B. 391 and open the hearing on S.B. 320.

SENATE BILL 320: Revises provisions related to the Legislature. (BDR 23-194)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

Senate Bill 320 is simple. Legislators have an option to participate in the Public Employees' Benefits Program but only at the unsubsidized rate for an individual at up to \$700 per month. For many people, including myself, that means they do not have insurance. It is no better than the Consolidated Omnibus Budget Reconciliation Act (COBRA) premium. Many Legislators in their first session go without insurance. In my first session, my healthcare plan was to stay healthy because I did not have any other choice.

This is not about a benefit for me, for us, for you. This is about making this Body, this citizens' Legislature a place where the average citizen can actually serve. The secret that is not such a secret is that we do not get paid enough which results in only certain people being able to serve. That is not the vision of this citizens' Legislature.

I know this idea can be painful and controversial. Everybody is worried about what kind of mailer card they are going to see in their next election. However, we are the only ones who can change this. Nobody is going to make this Body more welcoming for Nevadans. That is on us. We have been kicking the can

down the road trying to make these kinds of ticky-tacky changes. It is time that we actually do something so when a young mother or father who thinks about running for office and works at an average Nevadan's job, he or she does not have to worry about losing insurance or paying \$700 a month and decide not to run.

I do not want that to happen. I want this to be a place where anybody who is interested in running can do so. We have always acknowledged the value of people who work everyday jobs being here in this building and upon that dais. Until we make changes to make this easier for people to participate, we are never going to get there.

Senate Bill 320 says that Legislators will be able to opt into healthcare insurance at the same rate as every State employee. We are not looking for any additional benefits. I am not trying to get anybody a sweetheart deal. That is not happening.

The state of Tennessee gives its Legislators health care even after they leave. I know we are not more conservative than Tennessee. We must make this change. I am hoping we can be bold enough to do so.

The proposed amendment ([Exhibit W](#)) makes one small change. It makes clear that no one may opt into this until he or she is elected again. We cannot vote on our own benefits without going back in front of the people of Nevada as it should be.

A fiscal note from the Legislative Counsel Bureau was zero because it could not be determined. I asked Fiscal Division staff to estimate the cost ([Exhibit X](#)) if every Legislator was covered for 12 months. Not everyone will take it because some already have health insurance. However, I wanted the Committee to have all the information.

ASSEMBLYWOMAN HEIDI KASAMA (Assembly District No. 2):

A concern of mine has been making sure people have access to not only insurance but also health care. Then it comes back to our own who are serving in the Legislature. How important is it to make sure elected officials do not worry about having insurance? People are serving who must pay out of pocket for health care or insurance when they step away from their legislative jobs. The

per diem does not cover housing costs in Carson City. Many of us are spending out of pocket while serving. It is important to support our own.

I also know many retired people are serving now. They are veterans, people on Medicare, retired police and firefighters. Many of them have healthcare coverage they will not be changing. If we were to analyze costs based on those who might partake in the coverage, it is not a large number. Perhaps Fiscal staff could refine the estimated cost.

I support this, and am proud to be a sponsor with Senator Harris. It is good to help those who have made a commitment to serve the people of the Nevada.

AMBER JOINER:

I am a former Assembly member from Assembly District No. 24 from 2014 to 2018. I served two terms, and was public about why I did not seek a third term. I could not financially make it pencil out anymore. The main budget issue in our family was our health insurance premium. The reason I am grateful to have a chance to speak today is because my story is one of many Legislators who are no longer with us that prevents people from running for office.

I was spending \$1,200 a month on health insurance for my family when serving in the Legislature. That was in contrast to when I worked at the Legislative Counsel Bureau and in the Executive Branch, only paying \$200 a month for the same health insurance. I was having to choose to pay either COBRA or on the outside market. I bounced around looking for the best deal. At times, I was paying \$1,500 a month; other times, \$1,100; but on average, \$1,200 a month. That meant if you take everything I made in my legislative salary, everything I made in per diem over those four years, I lost money compared to what I was paying for health insurance premiums. That does not include any of the other expenses while serving. We were losing money as a family; financially, it just did not pencil out anymore.

It is important that this be continued during the interim. This is a full-time, year-round job, including the 18 months during the interim. One of the problems as a Legislator was I could not find full-time employment that included affordable benefits because of serving on eight interim committees. They were not all legislative committees, some were other public committees, but no employer would allow me to miss work for eight meetings a month and take flights to Las Vegas three to four times a month. I could not find full-time

employment until I said I am not running again. Three months before the end of the last term, I found full-time employment with benefits that at \$200 a month instead of \$1,200 a month.

I emphasize that this is not a perk or a luxury. Health insurance is an absolute necessity. A few months after leaving the Legislature, I was diagnosed with breast cancer. I would not be here today if I had not had health insurance. The reason is because I have seen cancer patients try to get the chemo, radiation and surgery I got without health insurance. Some of them try to pay for it, go into debt and then declare bankruptcy. Thank goodness I paid my premiums. Although it costs a lot of money, this is a matter of life and death. It is not a luxury. It is not a perk. It is essential.

I teach now at UNR. I have taught part time off and on for years. I meet young people who want to run for office. We often have the practical discussion about which office they should run for. I tell them to think about that carefully because I hate to discourage anybody from running for the Legislature. I often encourage them and tell them what a fantastic option it is for service. But I am realistic with them about city councils and county commissions in our State because most of them provide health insurance or at least a reasonable premium for health insurance. We should not be asking Legislators to give up their health insurance to enter service and then lose money or go without and just hope they stay healthy because cancer can happen to anybody.

I support this bill.

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

It is my honor to cosponsor this bill with support from both parties in the Senate and Assembly because this issue transcends politics. We are fortunate that we have such a diverse Legislature. We have a diverse number of occupations represented as well. But there could be more. People are making the decision not to run. Most importantly, as my former colleague stated, people get into this and once they get acquainted with the financial realities of service, they do not continue to serve even though they would like to. That is a true loss for our State. That is what this bill will address.

It is timely hearing this bill on Day 59 of the Legislature. Tomorrow is the last day we get paid a salary. I remember being newly elected, going through orientation and the human resources process and seeing the premium amounts.

I thought the premium was for a year, but it was monthly. It exceeds the salary we make as Legislators.

I am self-employed, so my partner and I get insurance on the market. It is not cheap, but it is cheaper than getting coverage through the Legislature. Teachers in the Legislature have unique insurance situations because they lose coverage for a period of time and have to work until the last minute before coming to session to maximize the amount of time they have healthcare coverage. They are not paying for coverage on the State plan during the time they are serving here. They are not being covered by their employers.

This is just one move toward parity. We do this because we care, we are doing this for service; but at the same time, there is only so much that people can be asked to give and give up. I put aside all my income that helps me pay for those insurance premiums, although I am paying for my premiums right now. Pay runs out tomorrow for this job. It is a critical basic benefit that must be provided and respect the fact that Legislators do a substantial amount of work. As employees, we need to be able to do our jobs. I am proud to take this step in the right direction. This should not be the end of the conversation. This is a solid starting point. We are not talking about pay or salary but making sure that those of us who serve do not put our health on the line.

ASSEMBLYWOMAN SELENA LA RUE HATCH (Assembly District No. 25):

I come to share my story as a teacher who is serving in the Legislature. Teachers are in a unique situation. There are several teachers in the Legislature. It is true that we do not get health insurance while we are here.

My daughter is five years old. She was on my plan through the school district, so I had to work until the very last minute to come up here. If I want to get health insurance over the summer, as soon as Session ends, I will have to go back to my classroom and conduct finals to be qualified as an employee over the summer. Clark County schools finish before Session ends, so if I do not do that, then I do not get anything over the summer. Our insurance does not kick in again until September, so we are without insurance for a long time.

In order to maintain insurance for my daughter and myself, the premium is \$1,000 a month. That is a large amount of money to cover as a teacher. I never expected to take a job that pays less than teaching, but here it is. It is critical to address this, not because of me or any one of us. I knew what I was getting

into, I knew the sacrifice, and I am making it work. If we want a true citizen Legislature, we must support people because not every person can make that sacrifice. Not every person is in a place to go without health insurance or hop onto a spouse's, which is what I had to do. If we want all Nevadans to be here, we need to ensure that all Nevadans can afford to be here if they get elected.

SENATOR HARRIS:

I note that some Legislators are on Medicaid, so guess what? We are paying for them anyway. Why not do the right thing not just for the people who are currently serving but for the future. This is a bill about the future and what this Legislature is going to look like moving forward.

SENATOR OHRENSCHALL:

If this bill passes, it could democratize who can participate because many people cannot. For those who are self-employed or gig workers, purchasing health insurance is out of reach, especially if they have dependent children.

ASSEMBLYWOMAN CECELIA GONZÁLEZ (Assembly District No. 16):

I support S.B. 320. I am currently on Medicaid. I work as an educator and also work at the University of Nevada, Las Vegas. I am unable to take my educator compensation and benefits during the Legislative Session. I recently got married but prior to that, I have not had the opportunity to be on someone else's insurance. I am also over the age of 26.

We are already paying for our Legislators. It seems that only a certain type of person can serve in this Legislature. I hope you will consider this policy and support this bill.

MAGGIE CARLTON:

I support this legislation. This is not a new problem. I faced this challenge in 1999 when I was a coffee shop waitress and got elected for the first time.

We all value health care. It is important to all of us, to all Nevadans and to all Nevada families. We want to make sure that everyone has access to quality, affordable health care. This bill will give the opportunity. It is not a mandate. It is an opportunity for Legislators who want to take care of their families to give them the option to purchase health insurance.

NATALIE WOOD (National Conference of State Legislatures):

I was invited to provide information to the Committee and take a position of neutrality on S.B. 320. The National Conference of State Legislatures (NCSL) does not advocate for or against state legislation. The NCSL is a bipartisan organization. It is your organization. It is comprised of and serves all legislators and legislative staff in U.S. states and territories. It assists our members with nonpartisan research and information. It acts as a forum for you and staff to learn from each other. It serves as the voice of state legislatures at the federal level and supports a strong and independent legislative branch.

My role at NCSL is to direct its center for legislative strengthening. We are the NCSL hub for research and analysis on legislative operations and management. One of the many topics we work on is legislator compensation, a nuanced issue. We collect salary and per diem information annually and information about other forms of legislator compensation including health benefits every other year.

Our most recent information was collected in 2021. It can be found on our website, and we launch our 2023 survey tomorrow. The caveat with the informational share is that it could change once we analyze the 2023 survey results.

Health insurance is a benefit offered to legislators in all states but three. Of those that offer it, which is 80 percent, they provide legislators access to the same options state employees can choose from.

Like most things health insurance related, the devil can be in the details. I can only speak to just generalities from state to state. There are three general approaches legislatures report using. Health insurance is available at the Legislators' expense in at least seven states. In 11 states, health insurance is available where members pay a portion and then the state, the legislature, also pays a portion. This is the biggest category of states, including many of Nevada's neighboring states.

The legislator-state contribution split can vary. For example, in Louisiana, it is a 50-50 breakdown; in Pennsylvania, members pay 1 percent of their salary for various insurance options, including health care.

Health insurance premium coverage is available at no cost to legislators in at least two states. In Maine, the legislature pays for 100 percent of the members' health insurance premiums if he or she opts in and completes the carrier's health premium credit program requirements. The legislature will also cover 50 percent of dependent premium costs if that caveat is not met. For newer legislators, it can go down slightly to 95 percent for the members.

In North Dakota, the state covers 100 percent of health insurance premium costs for all state employees, and legislators are included for purposes of this benefit within that category.

South Dakota, Vermont and Wyoming are examples of legislatures that do not offer health insurance options for their members. The Vermont Senate is considering a bill that would change this along with several other compensation-related changes. Earlier this year, the Wyoming Senate considered, but did not pass, a measure that would have allowed the legislators to obtain group prepaid plans or insurance for life, health and various other types of coverage.

Legislature compensation is always a topic of interest to our members. It has been a topic of consideration in many legislatures over the past year, including Alaska, Georgia, Kansas, Minnesota, New York and Pennsylvania.

ASSEMBLYMAN WATTS:

Conversations about compensation and benefits are ongoing and difficult issues. I hope this is not a difficult issue. After extensive conversations, healthcare coverage should be the one thing we all agree on. I applaud the efforts of Senator Harris in getting broad diverse support for this legislation. I hope we can get unanimous support for this and ensure that Legislators like all other State employees have access to State health coverage at the same premium rate.

You heard the stories from current and former members of this Body. It is not about us; it is about the future. It is not just about Legislators because this helps empower us to do better work on behalf of the people of this State. I thank you all for your time and consideration and urge your support for this bill.

CHAIR FLORES:

I will close the hearing on S.B. 320 and open the hearing on S.B. 318.

SENATE BILL 318: Revises provisions related to homeless persons. (BDR 21-969)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

Senate Bill 318 authorizes the governing body of an incorporated city to impose an annual surcharge on users of the sanitary system, better known as a sewer tax, and use the proceeds of that surcharge to provide affordable housing to the homeless or indigent community within that city. On any given day, nearly 7,000 people experience homelessness in Nevada and roughly 20 percent of those people experience chronic homelessness and have been unhoused for years.

The crisis is only going to rise as housing becomes more and more unaffordable for the average Nevadan. It is a harsh reality that what we are doing is not enough to support communities experiencing homelessness. It is time to develop a funding mechanism to put our money where our mouth is and support the policies we have been working hard to pass over many years to address homelessness throughout Nevada. While there are great entities and people working tirelessly to deliver services across the State, the lack of resources continues to be a problem.

Some states have introduced taxes and surcharges on various services that have raised millions of dollars to help support homeless communities and address the lack of resources. With additional funding, we can support organizations like the American Civil Liberties Union (ACLU), the Nevada Homeless Alliance and others that provide crucial services to assist people experiencing homelessness.

This bill is a step in that direction to give cities the option to raise this money to utilize within their communities to address the serious and growing problem of homelessness throughout Nevada. The bill is short and to the point. It allows the governing body of an incorporated city to impose a surcharge on the use of sanitary systems and use the proceeds to provide services or affordable housing to homeless communities. The annual surcharge will be in addition to preexisting fees and shall not exceed \$25 multiplied by the equivalent residential unit per user.

ATHAR HASEEBULLAH (Executive Director, American Civil Liberties Union of Nevada):

Assembly Bill No. 73 of the 80th Session was introduced as a measure to allow municipalities the ability to implement a sewer tax and to create an additional portion of a Real Property Transfer Tax that would be diverted into homelessness services. As a result of that language during that Session and whatever ended up happening, that bill did not move forward in that iteration. A working group was created to assess the impact of what was occurring.

Four years later, the situation with the number of homeless people in Nevada has not improved. In fact, Nevada had one of the fastest-growing rates of sheltered chronically homeless individuals between 2007 and 2021. According to the report, Nevada's rate increased by 260.7 percent over that 14-year period. Compared to 2019, our numbers have increased again. With no additional direct revenue sources created, this bill is important.

I represent the ACLU. It does not love taxes in every situation. Nobody likes additional taxes, but there still has not been any meaningful revenue generation to fund these programs. This is a disservice. Homelessness and the challenges the unhoused face in our community are not just a moral or justice issue, it becomes a public health issue.

The ACLU looks at the fiscal cost associated with what occurs. On average, for every three days that someone spends in an emergency room, the State is responsible for paying between \$7,000 and \$10,000. We are doing ourselves a disservice by not creating flexibility in addressing these issues.

This bill is narrow for a specific reason and only creates enabling legislation so local governments can decide on their own. We recognize that this Legislative Session goes for 120 days, and who knows what will happen in the remaining period before the next Session. We are not prepared to deal with emergencies in that scenario because revenue generation continues to fall short. If individuals are opposed to this, they can speak to their local governments, and it will not come forward.

There is also an argument surrounding Dillon's Rule. Does this fall within the gamut of Dillon's Rule? Do local governments already have the authority to do this? If you ask local governments, they probably will not do this. This back and

forth between the State and local governments is becoming increasingly challenging for the people in our community who are most impacted.

The language of the bill speaks for itself. It is a nominal amount. It authorizes \$25 per year based on the units related to sewer, which is generally set at a 1-to-1 ratio. The revenue generated will not be enormous because the amount is low. But it is an important amount to help consider those services.

The other important part of this is that I probably will never be back to ask for money for local government. This is not my job. I do not do that. We do not ask for additional revenue. But one thing that constantly comes up when we are suing municipalities or threatening litigation is, why do you not propose a way of fixing it that calls for revenue as well. Why do we not figure out a way to fund it? So here you go. Here is your way to fund it. We are bringing it to the Legislature.

The ACLU thanks Senator Scheible for her leadership in bringing this on. We recognize it is not easy for people to do, but this will give local governments the flexibility to address it. This crisis is not getting easier, and it is not ending any time soon, it is growing. We do not have the revenue to keep up with that crisis.

Local governments will determine if they want to implement such a sewer tax and how to spend that money. There is no provision for how it must be spent, only that it must be spent on this specific subject. Senator Scheible and I have no more control over this than anyone else. It is for local governments to decide. But they do need this stream of revenue. As much as I publicly criticize what has happened in the way we address issues related to our unhoused community, many people within municipal governments are doing the best they can, particularly divisions of homeless services. We have seen the amount of work they put in, and they get a lot of flak. They try to do a lot with little. We cannot continue this cycle without a sustainable stream of revenue potentially implemented by local governments should they decide to move forward with it. We do not have many solutions in that regard.

SENATOR OHRENSCHALL:

Assuming this passes and an incorporated city in southern Nevada decides to enact this, do you envision the ACLU of Nevada having a voice in how those

dollars are spent in helping the unhoused? One worry I have is if it will be spent in the most productive way.

MR. HASEEBULLAH:

I would imagine the ACLU will have a role. However, the ACLU is not a direct service provider in the same way as many other organizations. Many nonprofits in our community are tasked with so much. They lean in, they do the day-to-day work, they shelter people, they clothe people, they feed people, the ACLU sues people. Sometimes, that is helpful when there has been a civil liberties violation. If a municipality decides to take such a measure, the ACLU would be happy to discuss its thoughts on where the money should be allocated which would be to service providers for their direct service work.

Much of that money has been well stewarded. It is just not enough because it cannot keep up with rising costs, a lack of caregiving and support, and resistance with respect to services, which is where nonprofits step in and do a great job of working with those who are resistant to services.

We hear the phrase resistance to services many times. People resist government services, but that does not mean they are resistant to all services. That is a key distinction. Public-private partnerships between nonprofits and local governments could be an effective tool in addressing some of these issues as well. There just needs to be sustained revenue to support it.

SENATOR DALY:

This is not a question but more of a sad comment, not from you but from municipalities. I understand the back and forth of Dillon's Rule. Some say they can do it unless they are told they cannot. Others say they can only do it if they can. Dillon's Rule says they cannot do it unless the Legislature says you cannot.

My first thought was how to get Carson City included because, technically, it is a county. That must be considered.

Regarding accountability, if this bill passes, local governments should be asked if they will create an ordinance to accomplish this. They can either enact it or put it on the ballot to get a vote of the people so they feel more comfortable in their communities. It is sad that you have to even suggest it. I am telling you the reality.

MR. HASEEBULLAH:

I appreciate that point, Senator Daly, and I understand the associated concerns about the challenges in the space. The unhoused population does not have a lobbyist. They do not have the ability to launch a campaign to support their own cause. But we are talking about human life. Often, what happens when there are counteracting interests is we tend to recognize how those interests fare in the end. That is why we want enabling legislation now.

We support the will of the people. If it is a wider question, we would be happy to look at that too, with a wider source of revenue generation that might sustain revenue long term. In the interim from our vantage point, this does not go as far as it needs to. But it still assists in helping a critical mass of people.

The dynamics between northern and southern Nevada is odd. We deal with two different types of public health crises. In the summers in Las Vegas, people are regularly having heatstroke and end up in a hospital or ambulatory care as a result. A few hundred miles north, the winter is cold in Washoe County next to the river, and there are all kinds of concerns associated with that as well.

We appreciate the point. Hopefully, that is a state we can get to. We hope this limited language will do something in the interim because going years without an additional revenue source, and COVID sandwiched in between that period, has only exacerbated this crisis.

SENATOR DALY:

I agree. It would almost be self-defeating to give them the option to put it on the ballot. They probably will never implement it and just put it on the ballot. That is the sad state.

RANDY ROBISON (City of Las Vegas):
The City of Las Vegas supports S.B. 318.

MR. ROJAS:

I reside in Assembly District 12, Senate District 21. I believe that is Senator... I do not know how to pronounce his last name. I live pretty much on the corner of Lake Mead and Hollywood Boulevard. And I come from Irvine, California. I am a six-year resident of Nevada. I decided to retire here and start a home business.

One of the reasons I got involved in the community was because of homelessness. And I am going to tell you guys that just raising taxes for the residents is not the solution. The solution is to understand that when you have growth, 6 percent of your population has a mental illness. In Irvine, we do not have people living on the streets and on the sidewalks, but we do have people with mental illness. There are mental illness facilities there. The difference with the mistake that we are making here in the State of Nevada is that we do not recognize that 6 percent of the people have mental problems that they are going to be a burden to society.

We have 2.1 million people in Clark County, Nevada, and that comes to approximately 120,000 people with mental illness. The persons that are supposed to be paying for that are the companies that are generating the most GDP or most revenue, which is the casinos, and you guys got to start asking them for money, not for the residents. They're coming over here making record profits. The city is growing, and they expect the residents to pay for all the bills. Those are the guys that should be paying for the money, and that is where you guys should be getting the money from.

And you guys got to understand, 10 percent of the people are going to commit 90 percent of the crimes. We know that in Irvine. Six percent of the people have mental problems and when you accommodate for growth, when you get a new business and you are like, you guys are going to be getting the, the Oakland A's, you got to say, hey, listen, you guys got to pay your fair share of taxes for the homelessness to help us out. And so should the Golden Knights and the casinos.

Now, that is that some of those are the main problems. That is why you guys have a lot of homelessness here. We have a higher homelessness rate per capita than Oakland and San Francisco. That's how out of control this thing is. And the other big problem is you are making it too easy for homeless people to live here. I talked to some of them on the street.

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CHAIR FLORES:

I have received three letters ([Exhibit Y](#)) in opposition to S.B. 318.

We will close the hearing on S.B. 318 and open the hearing S.B. 225.

SENATE BILL 225: Revises provisions governing peace officers. (BDR 23-651)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

I will be speaking from Proposed Amendment 3571 ([Exhibit Z](#)) to S.B. 225.

This bill is about keeping officers who have been decertified either in this State or another state from coming to Nevada and trying to be a peace officer here.

When I was looking at this bill, I called the Commission on Peace Officers Standards and Training (POST) and said I want to make sure Nevada does not accept people who have been decertified for whatever reason, and I need your help figuring out what that should be. The response from POST was if officers have been decertified in another state for any reason, it does not want them in Nevada. Its rationale was if people cannot follow the rules in the state where they are, even if the rules are slightly different than Nevada's, what makes us think they are going to come here and follow the rules.

This bill provides that when people come to Nevada to seek peace officer certification, they must file an affidavit stating they are not disqualified from serving under NRS, that they have not been discharged, disciplined or asked to resign from employment for conduct that would, under Nevada law, constitute reasons for revoking their certificates.

We wanted to ensure we are also catching those who resign right before their certification is revoked which is covered in section 2, subsection 1, paragraph (c) of the proposed amendment.

This bill is also about ensuring we are notifying the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training when officers in Nevada are decertified. We also want to make sure that POST is checking that Index whenever someone makes an application in Nevada.

The question might be if we have the Index, why do we also need the attestation? Participation in the Index is voluntary. We will not catch the entire United States if we just ask POST to check the Decertification Index. We are going to make sure we have someone attest that he or she would not be on that Index.

The next piece is about marijuana usage. Nevada decided to legalize both medical and recreational cannabis. Since that time, we have spent a lot of effort trying to destigmatize the use of marijuana. So why would we ask an officer if he or she has used marijuana at any point? I do not know if that is necessarily some magic indication of how great a police officer a person would be, especially if that person resides in a state where it is legal or may have come from another state where it is legal. In consultation with my law enforcement friends, we have limited that to after the person has filed his or her application. If someone has decided to be a police officer and is still taking it up, maybe that is relevant information, but the person will not be asked prior to that point.

On pages 5 and 6 of Proposed Amendment 3571, language has been shifted from one section to another. When the language was moved, it was changed slightly, so page 7 of the amendment takes the annual behavioral wellness visit language back to its original location. It reflects it directly.

The bill also requires law enforcement agencies to let POST know when someone has been terminated for something for which he or she might be decertified. We want to make sure information-sharing occurs as necessary.

The last piece was brought up by POST to ensure that if someone has been convicted of domestic violence, he or she cannot simply get around that by having that sealed. We already have it on the books that a person cannot be a peace officer if that person has committed that crime. However, it came to my attention that, sometimes, it is possible for people to slip through that fence because the record has been sealed. That hole will be closed in this bill.

SENATOR DALY:

In section 2, subsection 1, I would add a paragraph (d) that says, "has not resigned from employment or otherwise separated from employment ... to evade the provisions of paragraph (c)."

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If they know they did something and an investigation has not yet started, they may resign to get out of that and move on.

The rest of it looks to be in order. I am glad you worked with law enforcement, but some people are going to find a loophole.

SENATOR HARRIS:

That is appreciated, Senator Daly. Paragraph (c) covers it because it is explicitly about someone who has not resigned or otherwise separated during an investigation. Paragraph (c) is designed to capture those people who are getting into an investigation, maybe seeing it is not going their way and choosing to resign to get out of being decertified.

SENATOR DALY:

Understood, but did they do anything to evade and resigned before an investigation started if they knew to evade the provisions of paragraph (c).

SENATOR HARRIS:

I understand what you are saying. I will definitely speak with Legal Division staff and see if we can capture those, although it is tough to get at people prior to some investigation even beginning because at that point there are only allegations.

CHAIR FLORES:

That might be something we can converse with law enforcement about to see how often that occurs. I am sure it does.

ANNEMARIE GRANT:

My brother Thomas Purdy was murdered by Reno Police and Washoe County Sheriff's officers during a mental health crisis. I fully support the bill. We need police accountability. We do not need bad cops coming to this State.

A Nevada officer killed a young teenager in Las Vegas and went on to Wyoming and killed two other gentlemen. This is a great bill and I support it.

MR. ROJAS:

I reside in Assembly District 12, Senate District 21. I decided to get involved with the community and I go regularly to the

First Tuesdays down here in Las Vegas for Metro, and we just had a seminar or a meeting where they were talking about recruitment.

And although I did come from Irvine, in my whole adult life, I was raised in Los Angeles, and I just want to say that Metro is doing a very good job of reaching out to the community. I know, and I have confirmed it with many people, that the best communities are the communities in which law enforcement and the community have a good rapport and they are working together. And I do not know what position to take, but I think we want quality and not quantity, and we need law enforcement that respects the community, because when I was in Irvine, that is the way it was. The community worked hand in hand with law enforcement. So, I asked the people who are in charge of this, the people in the know who are going to make the decisions to take that into consideration. And we do not ... we want to continue the path where law enforcement and the community are working together and the community has a positive image of law enforcement. And that is all I wanted to say.

JOHN ABEL (Las Vegas Police Protective Association):

The Las Vegas Police Protective Association (LVPA) thanks Senator Harris for amending her bill. She is always open to friendly amendments, and the LVPA appreciates that. The LVPA is neutral based on her amendment.

TROYCE KRUMME (Las Vegas Metro Police Managers and Supervisors Association):

This is an important bill. Policing is an honorable profession. Nevada has some of the best police professionals around. However, people occasionally slip through the cracks. I applaud Senator Harris for attacking a situation like this. We understand this could be a hot-button issue.

Las Vegas, and more particularly the police leaders in Las Vegas, wants the best, and we want to recruit, retain and hold on to the best of the best that we have.

We are testifying in neutral because there are a couple of changes. Senator Daly commented on that during his question. Senator Harris has been open to

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discuss those with us to make slight language adjustments, so it is hitting the mark of her intention. Once we get there, we can fall into the support column.

PAMELA DELPORTO (Executive Director, Nevada Sheriffs' and Chiefs' Association):
The Nevada Sheriffs' and Chiefs' Association is neutral on S.B. 225.

The Association looks forward to continuing communications with Senator Harris as we strive to work through issues to get to a position of support.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):
The Las Vegas Metropolitan Police Department (LVMPD) is neutral S.B. 225. The LVMPD thanks Senator Harris for bringing law enforcement stakeholders together to discuss the important issues in this bill. It is not easy to sit in a room with a bunch of cops, but Senator Harris has done this.

The LVMPD has no interest in passing bad apples to another agency or bringing them into this State. The LVMPD wants to address that. Senator Harris has shown leadership and collaboration in working with law enforcement partners on S.B. 225. The LVMPD looks forward to continued collaboration on this bill and hopes to get to a position of support.

MIKE CATHCART (City of Henderson):
The City of Henderson dittos everything previously said. The City thanks Senator Harris for everything she has done and is close to supporting the bill with one or two more suggestions.

SENATOR HARRIS:
I appreciate those who testified in the neutral position, and I look forward to finding a resolution to get them in support. I am committed to it. I know they are as well.

CHAIR FLORES:
We will close the hearing on S.B. 225 and open public comment.

MR. ROJAS:

I live in Assembly District 12 and Senate District 21. I got involved in the community because of the homelessness problem. And,

I feel that there's a lot of community engagement that is going on right now with Metro and like I said, and I am not tying this to the other bill. This is just a general comment. The best communities in the country have a good rapport between the police and law enforcement and the community. And the thing is that there's two issues that are happening here in Nevada that happened in Los Angeles, is that we are growing too fast. Los Angeles grew too fast and they could not pay their bills, and crime grew too fast because of the fact that there was a bad rapport between the police and the community. So Metro is taking a different direction and I am sure all the, maybe all the other police departments are also and that is the community engagement. So, I think that the fact that we are growing too fast can be addressed with two issues is that I think we need funding. Maybe somebody can start a bill up in Carson City.

All of our Metro's numbers are down except for murder rate, but everything is coming down and it has a lot to do with community engagement. We need more funding for community engagement. That's one of the things that we need to do. And then we also are growing so fast that I do not think that having Legislature sessions every two years is going to work in the long run. I think we should up it to legislation once a year, and somebody ought to start an amendment because we are growing way too fast. And we can't be living like we are going to be living with all these rules for two years. And the catalytic problem, the people breaking into cars, the people breaking into homes, home invasion. If you go to these Metro Tuesday hearings, you hear all the problems.

Ms. GRANT:

My brother Thomas Purdy was murdered by Reno police and Washoe County Sheriff's officers during a mental health crisis. I would like to talk about S.B. 362 which may come before some of you.

SENATE BILL 362: Revises provisions relating to public safety. (BDR 15-289)

It is going to be heard in the Senate Judiciary Committee on April 7. Section 1 of the bill requires peace officers ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency

medical attendant, physician or registered nurse as soon as practicable. This bill as proposed would have saved my brother's life. My brother begged and pleaded for decency from the deputies and officers. He told them multiple times he could not breathe. He told them he previously had a collapsed lung. I appreciate the intent of the bill to preserve the sanctity of human life.

I would like to see the word "indicate" clarified. Indicate how? Just verbally, with physical motions, with obvious signs like my brother's labored breathing, lips turning blue and saying he could not breathe.

I have reached out to the sponsors of the bill and so has Lenore Dluhy, the Director of the Medical Civil Rights Committee, in hopes of discussing the bill. I may not live in Nevada, but Nevada deprived my brother of his right to life, liberty and the pursuit of happiness. I consider myself a vested stakeholder in what happens in Nevada. I do not want to see any more death.

If the word "indicate" is not more clearly defined, I fear foreigners, mentally ill and autistic people will be martyred before anything is done about the wording. Let us make the few police accountability bills as strong as possible so that no more unnecessary deaths occur at the hands of law enforcement in Nevada.

Whether you want to acknowledge it or not, Nevada has numerous George Floyds of its own. At least ten that I can think of off the top of my head, including my brother Thomas Purdy. Please do not support S.B. 245 which equates to qualified immunity for law enforcement.

SENATE BILL 245: Provides that peace officers are immune from civil liability under certain circumstances. (BDR 3-1023)

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CHAIR FLORES:

I have received a letter from Keisha James ([Exhibit AA](#)) representing the National Lawyers Guild-National Police Accountability Project in support of S.B. 225.

This meeting of the Senate Committee on Government Affairs is adjourned at 7:18 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 2	C	3	Jered McDonald	Work Session Document
S.B. 3	D	3	Jered McDonald	Work Session Document
S.B. 5	E	4	Jered McDonald	Work Session Document
S.B. 8	F	4	Jered McDonald	Work Session Document
S.B. 16	G	5	Jered McDonald	Work Session Document
S.B. 18	H	5	Jered McDonald	Work Session Document
S.B. 19	I	5	Jered McDonald	Work Session Document
S.B. 23	J	6	Jered McDonald	Work Session Document
S.B. 25	K	6	Jered McDonald	Work Session Document
S.B. 26	L	7	Jered McDonald	Work Session Document
S.B. 305	M	7	Senator Dallas Harris	Retirement Savings Benefits Information
S.B. 305	N	10	Senator Dallas Harris	Written Testimony, Kim Olson, Pew Charitable Trusts
S.B. 305	O	10	Erik Jimenez / Office of the State Treasurer	Proposed Amendment 3566
S.B. 305	P	14	Maria Moore / AARP Nevada	Letter of Support
S.B. 305	Q	21	Brian Graff / American Retirement Association	Letter of Support
S.B. 305	R	21	Neal Waters / Nevada Chapter, National	Letter of Opposition

			Association of Insurance and Financial Advisors	
S.B. 305	S	21	National Association of Insurance Advisors	State-Sponsored Retirement Information
S.B. 391	T	22	Senator Dallas Harris	Denver Post Article
S.B. 391	U	22	Senator Dallas Harris	Reno Gazette-Journal Article
S.B. 391	V	30	Stephanie Mushrush	Written Testimony
S.B. 320	W	40	Senator Dallas Harris	Proposed Amendment
S.B. 320	X	40	Senator Dallas Harris	Estimated Costs
S.B. 318	Y	53	Senator Edgar Flores	Three Letters of Opposition
S.B. 225	Z	53	Senator Dallas Harris	Proposed Amendment 3571
S.B. 225	AA	60	Senator Edgar Flores	Letter of Support, National Lawyers Guild-National Police Accountability Project