

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-Second Session
February 22, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:03 a.m. on Wednesday, February 22, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Selena Torres, Chair
Assemblywoman Bea Duran, Vice Chair
Assemblyman Max Carter
Assemblyman Rich DeLong
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Bert Gurr
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Richard McArthur
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Tracy Brown-May, Assembly District No. 42

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Asher Killian, Committee Counsel
Sarah Delap, Committee Counsel

Minutes ID: 261



Judi Bishop, Committee Manager
Dylan Small, Committee Secretary
Garrett Kingen, Committee Assistant

OTHERS PRESENT:

Kent A. LeFevre, Administrator, State Public Works Division, Department of Administration
Kirsten Nalley, P.E., S.E., Deputy Administrator, Professional Services, State Public Works Division, Department of Administration
David Dutra, Deputy Administrator, Buildings and Grounds, State Public Works Division, Department of Administration
Rick Kabele, Deputy Administrator, Building Official, Compliance and Code Enforcement Section, State Public Works Division, Department of Administration
Joanna Jacob, Manager, Government Affairs, Department of Administrative Services, Clark County
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Kelly Crompton, Manager, Government Affairs, City of Las Vegas
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Mechelle Merrill, Deputy Administrator, Programs, Rehabilitation Division, Department of Employment, Training, and Rehabilitation
Eddie Ableser, representing Opportunity Village
Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber
Ellen Marquez, Self-Advocacy Coordinator, Nevada Governor's Council on Developmental Disabilities, Department of Health and Human Services
Dora Martinez, Private Citizen, Reno, Nevada
Steven Cohen, Private Citizen, Las Vegas, Nevada
May Hughes, Private Citizen, Sparks, Nevada
Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities, Department of Health and Human Services
Christopher Sewell, Director, Department of Employment, Training and Rehabilitation

Chair Torres:

Welcome to the Assembly Committee on Government Affairs. [Roll was taken, and Committee protocol explained.] We are going to go ahead and start with the presentation before we move into two different bill hearings. We will go ahead and invite up Mr. Kent LeFevre, Administrator of the State Public Works Division, to complete the presentation. When you are ready you may begin.

Kent A. LeFevre, Administrator, State Public Works Division, Department of Administration:

Thank you for giving us the opportunity to give you an overview of the Public Works Division. We hope our presentation is informative and helps the Committee understand the important role that we play in the state government.

First of all, the Legislature has determined that planning, maintenance, and construction of public buildings is a specialized and complex field [page 3, [Exhibit C](#)]. Therefore, the Legislature has declared that all planning, construction, and maintenance for the State of Nevada be carried out by the State Public Works Division. Our presentation will be organized as follows [page 4]: I will go through a brief vision statement, talk about our organization, and then we will talk about Professional Services, Buildings and Grounds, and the Compliance Enforcement unit.

Our vision is that state agencies will occupy exemplary facilities, and our mission is to provide well-planned, efficient facilities so that state agencies can effectively administer their programs [page 5]. Our philosophy is that we work as a team and build consensus. We take pride in our work and serve with humility.

Our organization is divided or organized as follows [page 6]: We are part of the Department of Administration, and I report directly to Director Jack Robb. Each section is led by a deputy administrator who reports to me. Our sections include Professional Services, which includes engineering and planning. We employ licensed and credentialed professionals in a variety of disciplines, including civil, structural, electrical, mechanical engineering, and architecture. We also employ industry professionals in pavement, roofing, compliance with the Americans with Disabilities Act, and environmental issues. Our deputy over code compliance serves as the Building Official for the state for state-owned structures on state-owned property. He is supported by building inspectors and other industry professionals. Buildings and Grounds is the section that takes care of what we have. Over 66 full-time staff look after our state-owned buildings and facilities on a daily basis. This section includes the Marlette Lake Water System, another jewel of the Sierra right in our backyard. I will now introduce Deputy Administrator Kirsten Nalley to discuss the Capital Improvement Program.

Kirsten Nalley, P.E., S.E., Deputy Administrator, Professional Services, State Public Works Division, Department of Administration:

I will be presenting additional information about the Professional Services Section. As Administrator LeFevre explained a moment ago, the mission of the State Public Works Division is to provide well-planned, efficient, and safe facilities to state agencies.

This slide [page 7, [Exhibit C](#)] shows a recent example of a completed project in Henderson. This is the Health and Sciences Building at the College of Southern Nevada (CSN). One of the main functions that this building provides is space at CSN to educate and train nurses.

Now, I would like to discuss the method used by the division to develop the Capital Improvement Program, what we call the CIP. First, we receive agency requests by April 1 of

even-numbered years. Last spring, the division received over 700 requests, totaling \$1.8 billion. Second, division professionals are assigned a host of projects in order to prepare a scope and project estimate. They then present their findings to a jury of their peers to vet and ensure project accuracy. The projects are then reviewed with agencies, who then present selected projects to the State Public Works Board based upon these presentations and board-approved selection criteria. The State Public Works Board makes its CIP recommendations to the Governor on October 1 of even-numbered years. The division then supports the Governor's CIP recommendation through the legislative session. On July 1 of odd-numbered years, the Capital Improvement Projects are official, and we begin to proceed.

This slide [page 9, [Exhibit C](#)] features the newly completed Education and Academics Building at the Nevada State College campus. It is a beautiful building and provides important kindergarten through grade 12 and early development instruction for Nevada's future teachers. There is also a preschool located here providing valuable hands-on experience.

One strategy that the Professional Services group uses is a *Project Manager's General Tasks List* [page 10]. Our project managers follow a rigorous 143-step checklist from project inception to project completion. This document ensures that steps are not missed, and that statutes and industry best practices are followed. The division takes a proactive management approach. For example, the division holds weekly staff meetings where each project is reported on to ensure that budgets and schedules are maintained.

This slide shows a few more completed projects that are representative of remodel and maintenance projects [page 11, [Exhibit C](#)]. On the left, the slide shows the Caliente Youth Center gym floor replacement. This project was well-received, and on opening day the community actually came out to express their appreciation. Less exciting, but yet just as important, is the photo of the boiler replacement at the Ely State Prison. Our mechanical engineers make this equipment look good.

The division coordinates with other state agencies and regulatory bodies throughout the course of a project. Meetings with these agencies shown on the slide [page 12, [Exhibit C](#)] are highly coordinated to ensure that buildings are safe and ready to serve their intended purpose. This slide [page 13, [Exhibit C](#)] is an image of the new University of Nevada, Las Vegas (UNLV) Engineering, Academics, and Research Building. That is a 52,000 square-foot building currently under construction. This project includes both wet and dry labs, research space, faculty offices, and smart classrooms. This project is on schedule for classes in January 2024.

The *Nevada Revised Statutes* allows for three different delivery methods for projects [page 14]. Design-bid-build—this is the traditional method of delivering a project, based upon low bidder. Design-build—this method of delivery places the contractor in control of the design and construction. An example of this method is the Richard H. Bryan Building here in Carson City. The third method is construction management at risk, or CMAR. This method brings the contractor and the architect together in the beginning stages of design.

This building method is best-suited for complicated projects, like the UNLV Engineering, Academics, and Research Building of which we just spoke.

Capital Improvement Projects are funded as follows: state funding, which includes general obligation bonds and State General Funds; and other funding, which includes highway, federal, and agency funding [page 15]. I would now like to introduce David Dutra, Deputy Administrator of Buildings and Grounds.

David Dutra, Deputy Administrator, Buildings and Grounds Section, State Public Works Division, Department of Administration:

I am going to present a brief overview of the Facility Condition Analysis group, also known as the FCA program. Our Facility Condition Analysis section fulfills a statutory requirement to complete timely inspections and assess the condition of state-owned properties. Key to the group's mission is the management of its database, which provides critical information necessary for Public Works to assess planning responsibilities, and the division's recommendations for CIP maintenance projects and replacement projects. This aspect of our business makes for better, smarter planning decisions within the CIP requirements. The Facility Condition Analysis group is responsible for assessing the current condition of state-owned properties totaling 2,357, or 10.1 million square feet of improved space, having an estimated replacement value of \$3.4 billion [page 17].

This is an image of our Nevada State Capitol [page 18, [Exhibit C](#)]. The division just completed, this year, a project that refinished the building's exterior. The project is an excellent example of the division's emphasis on taking care of what we have and preserving the state's historic buildings.

Buildings and Grounds' (B&G) Facility Management group is responsible for maintaining 2.1 million square feet of B&G-owned space, in addition to 214 acres of state-owned grounds [page 19]. Equally important is B&G's mission to provide custodial services, including cleaning carpets, flooring, windows and window coverings. Buildings and Grounds' leasing service provides two primary functions. We oversee space in B&G-owned buildings, and we negotiate and manage all commercial properties under lease to the state agencies. Currently, Buildings and Grounds State Leasing Service section is managing 291 commercial leases, incorporating 2.1 million square feet of space, and assigns, tracks, and manages 1.7 million square feet of B&G-owned space occupied by other state agencies [page 20]. If B&G cannot locate space within our inventory of buildings, Leasing Services assists agencies in finding commercial space suitable for their program needs. Buildings and Grounds locates commercial space to meet agency needs and negotiates and manages the lease on behalf of the agency [page 21].

Marlette Lake, shown here [page 22, [Exhibit C](#)], is without debate a top contender for a must-see destination within the Sierra Nevada mountain range. We have the privilege to be the stewards for this magnificent resource. Operations of the Marlette Lake Water System ensure the delivery of raw water to our customers [page 23]. Buildings and Grounds operates the historic water system, comprising 17 primary features, including the Marlette Lake and

dam structure, the Hobart Reservoir and dam structure, and the historic inverted siphon, which is 0.5 miles of pipeline laid in service in 1877. The system utilizes 26 miles of pipeline and roads in order to provide raw water to Carson City, Virginia City, and surrounding communities within Storey County. The system is operated as an enterprise fund, with operating revenues supported through the sale of water. If you are ever at all interested in touring the facilities and the operation, please contact my office and I will arrange for that to take place. I would now like to introduce Rick Kabele, Building Official. Thank you.

Rick Kabele, Deputy Administrator, Building Official, Compliance and Code Enforcement Section, State Public Works Division, Department of Administration:

I serve as Deputy Administrator of Public Works for Compliance and Code Enforcement. In this position, I also serve as Building Official for state construction projects throughout the state. The state Building Official's team comprises 22 certified professionals who work to ensure compliance to approved plans and to enforce state building codes. Further, they ensure that state employees and the public occupy safe buildings. The Building Official section initiates building permit applications, intakes design documents and submittals, and reviews and approves plans and other construction documents [page 24, [Exhibit C](#)]. Our section issues building permits for construction, inspects ongoing construction for code compliance and conformance to the approved plans, issues corrective notices when necessary, and issues certificates of occupancy upon the completion of works. All of this is accomplished in a paperless and electronic automated process which we have instituted.

In addition to providing these services for CIP projects, our section also provides code compliance and enforcement services through the same process to the Nevada System of Higher Education and other separately funded state agencies for their construction projects [page 25]. For this current biennium and at this point in time, our client services have included 127 CIP projects and 344 agency projects, for a combined total of 471 construction projects statewide. Our largest recent projects include the UNLV Advanced Engineering Building, which you saw pictures of earlier, the University of Nevada, Reno Gateway Parking Complex, which was recently completed, and the UNLV Tropicana Parking Garage extension, which would be a great boon to that area. Our office provides code and design consulting services to our Professional Services section, to external agencies, and to design professionals, design-build, and CMAR contractors. Now I will turn it back to Administrator LeFevre for closing remarks.

Kent LeFevre:

Thank you for your attention and interest in this important part of state government. We are happy to address any questions you may have.

Chair Torres:

Thank you. At this time, I will invite any members to ask questions.

Assemblywoman Thomas:

I just want to say that this was a fantastic overview of Public Works. So many times, we take it for granted. I do appreciate your going through everything your department actually does. I do have a question about page 9 [[Exhibit C](#)]. It is just because I am an admirer of anyone that takes hold of prekindergarten. Do you know how many kiddos are being served at this fantastic facility?

Kent LeFevre:

I do not know the exact number, but I think it is in the 30 range. There are two classrooms set up for preschoolers, and it is really a fabulous facility, including an enclosed playground area and other program areas.

Assemblywoman Thomas:

Hopefully when I am back in the south, in the warmness of Nevada, I hope to make a tour of that facility. Thank you so much.

Assemblywoman Taylor:

Thank you, Mr. Lefevre, for the presentation. These pictures are fantastic. These buildings look amazing. Thank you for sharing those with us. My question comes from page 14 [[Exhibit C](#)], where you mentioned three project delivery methods. I am somewhat familiar with each of the three, but I am wondering if one is preferable to another when it comes down to your department. What is your division standpoint on if one is more favorable to the public? Is one better, one more fantastic, or one less desirable?

Kent LeFevre:

The three delivery methods are great tools in their own right, and it depends on the needs of the project that we make a decision on which one to use. For example, the design-bid-build option is a low-bid environment. Those kinds of projects have their place, and we do a ton of low-bid projects in our office. They do not get a lot of attention because they come in, they get designed, they get built, and we move on, but the design is performed and completed before they go out to bid and they are advertised publicly. State Public Works has a qualified list of contractors that may bid on these projects and then they are awarded to the lowest responsive bidder.

The design-build option is one that we use less, but nevertheless it is still allowed in statute. That is where the contractor is hired to basically run the construction, including the design professionals. They work for the contractor, and that is a good application if you are in a hurry to get something done. There are some challenges with design-build, and usually quality is one of those things that suffer with design-build; however, it is a way to deliver the building.

The third one is CMAR. There is quite a bit of attention given to that because these are the bigger projects that we deal with. What is great about this delivery method is that you get the architect, the engineer, and the contractor in the same room at the start of a project. You get the synergy of all that knowledge and experience bringing to bear on a project early on. We

have had really good success with CMAR projects. They are always within budget, which is just fantastic. The problems that you run into during the field, we have contingencies for those so that we can manage them rather than have them manage us. I hope that answers your question.

Assemblyman DeLong:

I have actually experienced the issue of quality control with your design-build. I am thinking specifically of the elevators of the Bryan Building. My question actually has to do with page 17 [[Exhibit C](#)]. On it, you have recommended repairs of just under \$570 million. Two parts of the question—are those for the 2024-2025 biennium? Are they all included in the Governor's recommended budget?

Kent LeFevre:

The \$569 million is a rolled-up total of three different priorities we have for repairs. The first priority has got to be done in the next two years. The second priority should be done in the next two-to-five-year window. The third priority should be done in the next five to ten years. It depends on what it needs. That is a judgment call that is made by our staff in consultation with the facility managers and Buildings and Grounds.

To your other question—is this all recommended in the Governor's budget? No. What we have recommended in the Governor's budget are the top priorities for maintenance, which includes somewhere north of \$211 million in this biennium. That is pretty consistent with what we have done in the past. Actually, it is a little more aggressive, but last session we had \$170 million in maintenance, and the session before that it was between \$150 million and \$160 million. The other thing I would like to say about deferred maintenance is that we are getting ahead of it. After ten years of recession and everything just sitting there getting older and breaking, we have been able to combat that curve of maintenance so that we are getting ahead of it now. Within the next two sessions or so, we are going to be down to a normal maintenance schedule for deferred maintenance rather than this big bubble that we have right now.

Assemblyman D'Silva:

I have two quick questions. Regarding state departments, divisions, and agencies across the board, there have been conversations about staffing issues. Number one, what is the total number of employees that work for this department? Number two, are there any staffing concerns at this moment?

Kent LeFevre:

We have 134 total employees at the division. How many vacancies? It is about 20 percent. We are running about 20 percent vacancies.

Assemblyman D'Silva:

There is one out of five positions missing, and this is not normal, I assume.

Kent LeFevre:

This is pretty normal for the state of the state we are in right now. Every department, not just ours, is experiencing significant vacancies. What do we do about that, you might ask? We are doing everything we can to recruit new staff, to advertise our positions, and last year I am happy to report that we filled six project manager positions that were vacant during COVID-19. We are gaining on it, but we are not there yet.

Assemblywoman González:

I was wondering if it were possible to get a list of all the land that you have sold to developers for the purposes of public buildings.

Kent LeFevre:

That list would be very small. I think the agency that you should direct that question to is the Division of State Lands. We do not buy and sell state land; we manage it. I am not aware of any state land that has been sold in the recent past.

Assemblyman Carter:

Going back to page 14 [[Exhibit C](#)], you show three different models for developing projects. There is a fourth one that is being used by lower-level entities—counties, police departments, and the like—arguably to circumvent state law, and that is the lease buyback model. Is your agency engaging in that lease buyback scam?

Kent LeFevre:

The *Nevada Revised Statutes* allow a public-private partnership for transportation facilities only. The division does not participate in public-private partnership ventures because our law does not allow it.

Assemblyman Carter:

When you engage in those public-private partnerships, is prevailing wage required on those projects and enforced?

Kent LeFevre:

Again, I could not comment on that because we do not do public-private partnerships at Public Works.

Chair Torres:

Thank you, members. Are there any additional questions? [There were none.] At this time, we will open the hearing on [Assembly Bill 8](#), which revises the composition of the metropolitan police committee on fiscal affairs.

Assembly Bill 8: Revises the composition of a metropolitan police committee on fiscal affairs. (BDR 22-396)

Joanna Jacob, Manager, Government Affairs, Department of Administrative Services, Clark County:

What I would like to do today is work from the amendment [[Exhibit D](#)], which is intended to replace the original language of Assembly Bill 8. As I present this bill and our reasons for seeking this bill on behalf of Clark County, I will refer to the amendment, because that is our intent. This bill before you, A.B. 8, revises the composition of the metropolitan police committee on fiscal affairs, though it does not reference specifically Clark County. It is really written in global terms. This type of committee has been in statute for quite some time. It was passed in the 1970s, when there was some effort to create this type of collaboration. We have the authority in our state to merge police functions. The only place where that has happened to my knowledge is in Clark County, where Las Vegas and Clark County share in the responsibility for the operating budget over Las Vegas Metropolitan Police Department (Metro).

When we are talking about revision to the fiscal affairs committee, I want to talk a little bit about what this committee oversees. It provides the oversight and approval of Metro's budget. You heard this in the presentation when our county manager and chief financial officer came to visit with you at the beginning of this session. We talked about how the funding for Metro is split based on a formula that considers such factors as population of our respective agencies, the calls for service in both the city and the county, and felony crimes. Historically, Clark County has contributed the largest portion of the funding overall for the budget. As part of that fiscal oversight, the committee approves contracts and collective bargaining agreements. Then, they approve proposed budgets that are in turn sent back to both the City of Las Vegas and to Clark County, and they approve settlement agreements in the case of litigation against Metro. Those staffing costs for patrol functions and investigative functions for Metro are apportioned between the city and county.

The committee also approves collective bargaining agreements for the detention center. Clark County Detention Center is a regional service funded entirely by the county. We typically house over 3,000 inmates there on average per day. The tension that we see is that the county also carries insurance coverage. Any settlement agreement hits this policy, which covers the agency as a whole. Our cost of any settlement is then charged back to Metro, which has risk liability pools for this purpose. One is for patrol functions, and one is isolated for detention. These pools are covered in part then by the operating budget, which is then set between the funding apportionment between the city and the county. A critical note for us is that the county's insurance policy is the backstop. The settlements hit our coverage policy, impacting our rates. We do not believe these settlements, by contrast, hit the City of Las Vegas policy.

What is our proportionate share, and how has this grown? For fiscal year 2023, county sheriff Metro's operating budget, subject to the agency contribution formula in the statute, was \$297.9 million, or 66 percent of that overall formula. Las Vegas' share of the budget

was \$153 million, or 34 percent. We are largely at a 2/3-to-1/3 ratio. Through the years, our share of this budget has only increased. Over the last 12 years, from fiscal year 2012 to fiscal year 2023, the budget has grown 30 percent for the City of Las Vegas, while our share has grown 57 percent in total dollar amounts over this time span. This is the reason we are seeking the change in A.B. 8.

I will refer you to the amendment [[Exhibit D](#)]. The current makeup of this committee is two members from the county, two members from the city, and one public member. The change that we are seeking in this bill is to add a county representative so that it more accurately reflects the proportion that we put in. The city's representation is not impacted. Under the makeup of our amendment as proposed, we intend to have a makeup of three Clark County members, two City of Las Vegas members, and then two public members. This was really an attempt to avoid a tie vote. This committee is a business committee, so we cannot have a tie vote. It has to operate because it is approving contracts and settlement agreements. We originally had said for the public member that we are going to make them a nonvoting member. That caused some concern in the community. We agreed it is not the best way to approach this problem, so we have worked with some of the community stakeholders.

I will note here that the Vegas Chamber was one of the ones with whom we worked. They will come up opposed today, but the concern was really about removal of the vote of the public member. With the amendment and the addition of the additional public member and restoring the voting status of the public members, I believe that the opposition has been addressed. That is the effect of our amendment [[Exhibit D](#)]. We would like an additional county seat, two public members, two City of Las Vegas members, all of whom will vote. If passed, the bill is effective July 1, 2023.

I would like to just say a few things regarding what this bill is not about. This is not about a history of disagreement between the City of Las Vegas and Clark County. By and large, the committee does have a consensus. This is not about criticizing the City of Las Vegas or the Las Vegas Metropolitan Police Department. We value our partnership with both. The goal is really simple—that the makeup reflects what we put in and the growing contributions by Clark County. By adding another public member, we are attempting a fair makeup of this committee. It has been pointed out to me by some committee members, when we are talking about this bill, that you might still have a result where you could end up with a 4-3 vote against the county and you know, we think that is a fair result because it avoids a concern that may be out there that Clark County is attempting to stack this committee. That was pointed out to me in discussion, and that is a fair point, that we might end up with a 4-3 vote.

Clark County is responsible for both regional and municipal services for over one million residents. For those municipal services, that is one million residents who get services from Clark County for both our regional services and city services because they do not live in a city. Those services are impacting our general fund, our public safety budget. As we said in our presentation to the Committee, this makes up a fair share of our overall general fund expenditure. This is about responsibility over that general fund, about getting our arms around our growing responsibility under the formula and really keeping an eye on what the

general fund obligation is and, more importantly, what the risk is to Clark County. It is really about proportionate representation for us. I know you will have opposition today from Metro and from the City of Las Vegas. We are having conversations with them, and we are open to additional conversations, but those conversations must reflect the growing contribution that we make and our liability concerns. With that, Chair Torres, I will stand for questions.

Chair Torres:

Members, are there any questions?

Assemblywoman González:

Apologies, I am not too familiar with the committee. I was just curious if you could go into more details about approving contracts and things like that. What are more of the everyday things that this committee does and the decisions that they make?

Joanna Jacobs:

Sure, I am happy to do that. I also know that Metro will come up, so they can also talk a little bit more about the meat and potatoes of that committee, but largely it is the business committee that oversees the fiscal affairs of the department. We are doing such things as approving collective bargaining agreements, doing the budget, and accepting gifts and grants; these types of things that really go to the operating budget of Metro. Recently, we have been approving settlement agreements that have resulted from litigation against the department. It is an open meeting, subject to Open Meeting Law. The agendas can be found on Metro's website. If you were to search for the fiscal affairs committee, they are publicly posted on their website, and you can take a look at those types of agendas and the types of agreements that are approved.

Assemblywoman González:

I just wanted to confirm, you stated that this committee was originally created in 1970?

Joanna Jacob:

In the seventies. From my notes, it was a long time ago. Senate Bill 340 of the 57th Session in 1973 approved legislation that enabled this merging. That is the history of the merging. Just to clarify my comment, that is where we started looking at the merging of those services for Metro and the possibility for that merging.

Assemblywoman González:

I just wanted to clarify on the record again. This makeup has not changed in decades, so this bill is seeking to address the population growth in the county as well as what the county is pouring into the budget.

Joanna Jacob:

I would have to look back at the statutory history, but since created, it has not changed. What has changed is our population growth in Clark County. That is impacting our proportionate share of the way that the funding formula works. That has changed, and it is continuing to change. Yesterday, my board of county commissioners met, and this funding

apportionment actually went as a consent item on our Clark County Board of Commissioners agenda. That is where we are: 66 percent on average, proportionate contribution to the budget for the next fiscal year. We are currently creating that budget, but this is where we have been historically. We have been exceeding about 60 percent, but then it increased in the last year's budget and that is why we are seeking the change now.

Assemblyman Carter:

Do you happen to know the current proportional population rate between the City of Las Vegas and the unincorporated part of the county that most people think is the City of Las Vegas but really is not?

Joanna Jacob:

I do not know if I have the full population estimates. Your point is well taken. One of the things that we struggle with sometimes in the county is to know where our residents live. I can tell you we are up to one million residents in our own incorporated areas. The city, when we looked at census data, was proportionate since the 1970s. Our whole area has grown about 400 percent in the City of Las Vegas, but we have seen over 700 percent growth in our unincorporated areas. When you look at the unincorporated areas of Clark County, that is where there is land and where there can be growth. We are growing particularly in our southwest. We have had rapid growth in that area.

Assemblyman D'Silva:

Just to clarify, this bill is going to be looking at, in regard to the proportionality aspect, three things: insurance liability issues, issues pertaining to population, and then also the budget and its proportionality, correct? Then, my second question is, the non-voting member that is going to be a part of this board, can you describe what their role is going to be, and why they are going to be significant to this composition?

Joanna Jacob:

Just to clarify, those things that you stated—the population growth, the insurance coverage—those are our reasons for seeking this change in that committee, because those are the issues that are addressed in the fiscal affairs committee. Thank you for the question about the nonvoting member. That was actually a change that we proposed in the original language of the bill. I think you are referring to the public member. The public member is an important role for Metro fiscal affairs oversight because, ultimately, we are responsible to the residents that we represent and that we serve, and that you serve also as an elected official. The role there is that we historically have had a public member who also sits on that committee. That is an important oversight role, which is why we restored the voting status of that public member. We added an additional public member in our amendment. That is really so that we have an odd number of committee members, so we avoid inaction through a tie vote. I hope that addresses your question.

Assemblywoman Thomas:

I am a little bit confused here. I am hearing population, and I am hearing fiscal, and what I am understanding, or what I want to understand, is that Clark County is a greater

contributor as far as funds to the Metro budget, and that Metro does not equal the same budget. Therefore, the county would like to have an additional seat on this committee in order to make it so that, since they are the bigger contributor, they have more seats, or the bigger say on this committee. That is just one question. I have another question. Can you just tell the makeup of the original committee? That way I can understand what you are actually asking for right now.

Joanna Jacob:

I will start with the original makeup. The current makeup is two county representatives, two city representatives—it is equal between the county and the city—and one public member. Let us start there. The reason we are asking for this change to reflect the proportionate contribution by Clark County is because, yes, we are a larger contributor. Historically, we have been. It has really come to a threshold where we are contributing two-thirds of the cost. The issue of proportionate representation by Clark County for the things that we fund in our community has become of increasing importance to our Board of County Commissioners as we continue to take on the responsibility for providing these services for our growing community. You have made a statement about how it is not equal or that we are trying to have a larger say; that is not really the intent. We have tried to keep a balanced approach by adding an additional public member, for example. It does not mean that Clark County is automatically going to come in and sway the vote at all times. I think that is a very important distinction. This is a working committee, by and large. There is consensus on this committee. It is a partnership between the City of Las Vegas and Metro and Clark County. It is not about having a larger say, but more importantly, that we serve our responsibility to the people that we serve. We are responsible for two-thirds of the cost, and that is where we are. What we are trying to do is to reflect that proportionate contribution more accurately in the composition of the committee. I hope that addresses your question. Again, I will add one more time, with the amendment [[Exhibit D](#)], we are just asking for one additional county representative, and we are balancing that by appointing an additional public member.

Assemblywoman Taylor:

I have a question that may go into a second question. You are okay with the proportionality from a funding standpoint because that is where the numbers go. The issue is not the fiscal formula. I see you are nodding. I am going to just kind of roll with this if you let me, Madam Chair. I am very curious, what kind of numbers are we talking about from the budgetary standpoint? How much is this?

Joanna Jacob:

I think I did say, for last year for example, the total number of how much we are facing. I am sorry, I do not have before me, for example, the costs of the settlements that we have approved through this committee. This is separate. I will give you my global statement again, for the record, that for fiscal year 2023, it was \$297.9 million. This was part of where we looked at it and we said, We are contributing \$297 million. This is not Metro's overall budget because Metro has additional sources of revenue that come in. We are talking about the collaboration that we fund between our agencies, the county, and city. That is set by the formula. We are not seeking to change this formula in this bill. This is because we represent

a larger number of citizens in the county, with 2.3 million residents for our regional services. One million are in our municipal areas. When we looked at it again, we are looking at \$297 million in fiscal year 2023. The city's contribution was \$153 million. That is the proportionate share of what this county is putting in and what the city is putting in. We are doing our budget right now. We will have our tentative budget by May, and I believe it will probably be along those same ratios again based on the application of the formula, which we are not addressing in this bill.

Assemblyman Nguyen:

I think it is fantastic that you are adding back the vote to the public, which is really something that we should never forget. Our state and our counties are still citizen-involved governments. We want to make sure that we do not lose that voice. My concern is with the appointment of those two public members. Right now, the current statute reads that the members of the committee shall by majority vote select two additional members. That created a new question in my head. If the committee self-selects, and now we approve this, will Clark County have a bigger voice in selecting that? Were there thoughts about making sure that one member of the public come from the city and one member of the public come from the county? Because, if all of a sudden the county has a majority vote in that selection of five members, three county and two city, they can select two members that are just representing county interests and, therefore, tip the scale by having 5 against 2.

Joanna Jacob:

I want to talk about the selection process. This is not the county having a larger share in who the selection is. The current way that it is done, and we really think that this works well and is another important way that we would balance, is that the county submits a list of nominations for three members. The city also selects three members, and the sheriff submits three members. It is not that the county would be able to select more or less. We all have equal input, right? It is a mutual decision by a majority of that committee. I am open to conversations about that.

This is where you are going to see opposition. I think I would have to discuss this concept with the stakeholders, because I do believe that process works well. It allows also for balance so that the county is not saying, We are going to come in and appoint the public member. There is an equal say in the nomination process by all three parties involved, and that is where we are. We believe that process works well, but of course, if there is a request from one of the stakeholders, then we are more than open to that conversation. I will say, I do think that process works well, and in my conversation with Metro on this bill, this is where we have said that we think that process could stay in place. We think it is an important balance to maintain.

Chair Torres:

Are there any additional questions? [There were none.] Thank you so much for your presentation at this time. We will go ahead and invite any testimony in support of A.B. 8. [There was none.] At this time, I will invite anyone wishing to testify in opposition.

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We oppose this bill, but we continue to work with the sponsor. We are maintaining an open dialogue, both here in Carson City and back in Las Vegas. We are hopeful that we will come to a consensus. I want to point out that historically, since 1973 when this came into effect, the fiscal affairs committee has functioned very well, and it continues to do so. We are hard-pressed to find a vote that has not been 5 to 0. I think that is a really important point, that this group is in agreement when it comes to the fiscal affairs of the Las Vegas Metropolitan Police Department. We are a consolidated police department, and we work best when both the city and the county have equal say in the finances, as the budget is equally large proportionally for each entity. We are run by an elected official who has incentive to ensure that both the city and the county are treated fairly. We see no problem right now that this bill fixes. Our concern is that change for no reason could bring instability to a structure that has supported arguably one of the most effective regional government arrangements in the state since 1973.

I want to talk about the citizen member. It has always been two county members, two city members, and one citizen member. That citizen member has always acted as a bridge between the two government agencies. In our experience, they have never shown favoritism to the city or the county. At this point, we see this bill as a solution in search of a future problem.

Chair Torres:

Are there any questions for Officer Schmidt? Obviously, it is not their bill.

Assemblywoman Taylor:

It does seem from all accounts that the committee has certainly worked well in the past. Do you have a response to the fiscal concerns on behalf of the county?

Beth Schmidt:

Which concern? That they feel they are paying two-thirds?

Assemblywoman Taylor:

Yes.

Beth Schmidt:

Again, we feel that for the city and the county, historically, it has worked for them to have equal say. Proportionately, those numbers are still very large and significant for each of the two agencies. I will allow the city to speak. We have heard the county; I would allow the city to speak on that as well.

Assemblywoman Thomas:

My concern right now is, when you gave the date of 1973—this is 2023. With that said, we have changed. We had a smaller population, a smaller budget, and smaller responsibilities back in 1973. Now, the county has actually more responsibility, more citizens. Could we

not agree that with that responsibility comes more responsibilities for our citizens? I know that you said you were working with the county and city, and I am hoping you continue to do that because it has to be a consensus that things have changed, things are different. We need more, especially with our population growth. We really do need more services, and that fiscal budget that we are looking at right now, even though this is a policy committee, I think that should be taken into consideration.

Beth Schmidt:

There is no question the population has grown, but I think we also need to hear from the city, because the city has also grown in those five decades. The greatest concern we have is that right now, the votes have been historically 5 to 0. This is a board that works. They are not looking at policy, they are looking at fiscal, and it does work. Our concern is that a change where there is no problem right now could bring instability to what has been an incredibly effective board. That is our concern. Making change for the sake of change. That is the concern that we have.

Assemblywoman González:

I just wanted to clarify, because in your statement you said that it is a solution to a future problem, and then you said it is not a problem right now. I am just curious, in all of your conversations, is this something if we do not talk or get through right now that we will continue to see and continue to have conversations about? Do you see it as a problem in the future?

Beth Schmidt:

We do not see a problem in the future, but that is how it has been presented to us, that there could be things that come in the future. There always could be things, but the ship is even. The ship has been even for decades, and there are always a lot of what-ifs in the world. Our concern is, if we change this on the what-ifs, do we tilt this ship that has sailed very successfully and very smoothly?

Chair Torres:

Members, if we have any additional questions, I encourage you to reach out to Officer Schmidt so we can continue these conversations offline.

Kelly Crompton, Manager, Government Affairs, City of Las Vegas:

To not repeat, I think we agree with a lot of the concerns that have been brought up by Metro. I will just add that we did a lot of research on our own and share similar concerns. This board has membership that is made up of two elected members from the county and two elected members from the city; people who have been entrusted by the voters to represent both organizations. We have gone back and looked at the history, and as Officer Schmidt said, the votes on this committee have been historically 5 to 0 votes. There is not conflict, and there is not a need right now to change the makeup of this committee.

We also looked at the population from back in 1973 when this was created, and the proportion of population was significantly smaller. It was a 60/40 split, around that area. As

you see population growth in the county, you are also seeing population growth in the city. The proportionate funds that we put into Metro's budget have also risen as our populations have grown. I will say that we continue to see population growth in both areas. The city is landlocked. We are looking at population growth in the urban core going upwards. You will see a bill from us later in the session addressing some of those areas. We are looking at a different dynamic of population within the city core that I think will continue to be an important stake for the city to have equal representation on this board. As you see that population growth, we are one of the largest cities in the country. When we are talking about federal appropriations, we are looking at cities like Los Angeles, Philadelphia, New Orleans—big cities with big city problems. I think it is fair and right that the City of Las Vegas continue to have its proportionate share.

Assemblyman DeLong:

You said 60/40. Is that county/city or city/county?

Kelly Crompton:

That is county/city, so kind of the same makeup we have seen currently.

Chair Torres:

Thank you. I believe that is all.

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

The Vegas Chamber is opposed to the bill as drafted. Our organization's policy is we oppose the bill until the amendment is adopted by the Committee or by the body. As you have heard, this committee structure has been in place for many years. From the Vegas Chamber perspective, that voting seat is important. That seat has historically been held by either a representative of the business community, taxpayer community, or tourism community, because it is a fiscal committee. It oversees financial affairs for the Las Vegas Metropolitan Police Department. The Vegas Chamber has attended these meetings over the years. It is a very straightforward committee in terms of financial oversight. It has been very cohesive in its approach over the years.

The Vegas Chamber was opposed when this bill first came out. I do want to thank Clark County for working through us, trying to address our concerns. We do view the board as highly effective in its current composition, but the points that were made in Committee, a removal of a public sector seat for the community, is always a concern. That is where our opposition came from. I am happy to address the concerns for the Committee.

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

We appreciate the work of the Vegas Chamber. We will not repeat any of the testimony. We also appreciate the county adding the public seat back in, as well as adding an additional one. Our concern, when it comes to the fiscal side, is when you start having conversations about revenue and taxation with constituents, having the legitimacy of public members who are there to provide reasons and contexts for when those revenue questions come before both the County Commission as well as the Legislature—things like More Cops. Are we spending

our money appropriately? All of that is legitimized when you have more public members. We appreciate the new direction of the bill, and we look forward to being in support.

Chair Torres:

Thank you. Is there anyone else wishing to testify in opposition? [There was no one.] At this time, is there anybody wishing to testify neutral to A.B. 8? [There was no one.] Are there any closing remarks?

Joanna Jacob:

I would like to make a few closing remarks. We are open to dialogue with the City of Las Vegas and with Metro. I would just like to say in response to some of the comments, I disagree that adding in another representative of the county would lead to instability. I do not think that is something that we are seeking, and I was very clear in my testimony that we have tried to take a balanced approach and also balance that with the appointment of another public member. I appreciate the comments of Mr. Wachter about the importance of transparency and how these dollars are spent and the importance of that public member. This is really what we are also trying to address. We have a responsibility to our residents for this budget. In response to the concerns of the City of Las Vegas—and I do have a great deal of respect for them, they are a partner of ours in a number of matters and I respect the comments that they made—they made a reference about being the largest city. I would like to say, and I feel it is my responsibility as Clark County's representative to say, that if Clark County's unincorporated area were a city, we would be larger than the City of Las Vegas. That is why we feel responsibility to our citizens whom we represent to oversee our budgets, and the truth of the matter is that our responsibility is growing.

The reason and the difference between the county and the city, just for the record, is that the county holds the liability policy. We are the backstop that does not impact the City of Las Vegas, and this is a growing concern nationally about insurance coverage for public safety functions. This is something that is a real concern that will be addressed before this committee, and I would like to say I am very open to discussion about this, but I really strongly oppose any premise that proportionate representation would lead to instability in this committee, which I did acknowledge in my testimony has worked very well. This is not about disagreement or split votes; it is about proportionate representation. That is important for Clark County, and I would like to close with that comment.

Chair Torres:

I look forward to continuing to work together and bringing together stakeholders on A.B. 8. At this time, we will close the hearing on A.B. 8, and we will open the hearing on Assembly Bill 79, which revises provisions governing the temporary limited appointment of persons with disabilities by certain state agencies.

Assembly Bill 79: Revises provisions governing the temporary limited appointment of persons with disabilities by certain state agencies. (BDR 23-94)

Assemblywoman Tracy Brown-May, Assembly District No. 42:

I am so pleased and honored to sit here before you today. I have never had the opportunity to testify in front of the hardest working Committee on Government Affairs, and it is a great feeling. Assembly Bill 79 is a short bill, which I am sure you will all appreciate. I have spent 22 years of my career in disability support services with the goal of improving the lives and outcomes and integration of all people with disabilities in our community. I am excited to be here in front of you today.

We are going to talk about the 700-hour program. I would like to give you a little bit of background. There is a short video that was supplied by the Rehabilitation Division available in some of your materials, which is a video shared internally within the state of Nevada as part of the human resources departments' access to the 700-hour program [[Exhibit E](#)]. The 700-hour program is a way for the state to consider employment opportunities for people with disabilities for a period of 700 hours. Having successfully had the opportunity to complete a 700-hour program, many times people who are perceived to have barriers in employment, we find that is not in fact the truth when given the opportunity to try a job out, then have successful employment outcomes later. This is a provision that has existed in *Nevada Revised Statutes* (NRS) since 1965. You can go back and look at the original documentation if you click that link on our Nevada Electronic Legislative Information System (NELIS) in our NRS digests, which I thought was very interesting. Here today, it is important that you know that we have the administrator for the Rehabilitation Division, Drazen Elez, who is in our Las Vegas office, and we have our deputy administrator for the division, Mechelle Merrill, who is here in this room with us today to be able to answer and address some of the specific questions we may have with regard to the application of the 700-hour program. The hires since 2018 through this program total 246 people, with a successful long-term placement totaling 129 people. That is 129 people with disabilities who came through our Rehabilitation Division seeking additional services, who are now State of Nevada employees and working in multiple divisions, which is the successful outcome that we would like to achieve for all people with disabilities.

Some of the agency barriers that we have identified, and the reason that this bill is necessary, are because of the way the language is written. We will walk through that in a minute. There is a list of people who have been certified by the Bureau of Vocational Rehabilitation as qualifying for specific positions. The way that the bill currently exists, the way that the NRS currently exists, is if a division is looking to fill a specific position, they have to go through each one of those positions to see if there are individuals on that list who qualify. Let us say you are looking for an administrative position. There are three people with disabilities who are qualified and are on that list, and you are hiring in your Department of Public Safety. You bring a person in for 700 hours. That person does not work out. The way the current law is, you have to then go through the other two people on the list. There is a barrier, and state divisions were just not filling positions. It is believed that with this small revision in our bill that I will walk through in just a minute, we encourage additional access

to people with disabilities and encourage our divisions to try people in positions that they have been certified to fill.

It is important to understand that you cannot just walk in off the street. You come through the Rehabilitation Division and are certified as qualified to fill this position. Then, the division hires you for a period of 700 hours. You walk through that. If you are successful, you receive placement. Then, the time that you have done is counted towards your state employment. The goal here is about improving employment outcomes for people with disabilities in the State of Nevada.

Let us walk through the bill. Look at the very top of page 2, you will see on line 3 that it says, "the appointing authority shall, if possible, make" You will notice that "a" is stricken out, and it has been changed instead to "at least one." We are trying to direct the divisions, the appointing authorities, to try at least one temporary limited appointment of a person who has been certified with a disability who is available for the position. At least one. That is what we are asking for, at least one person with a disability to be attempted in a 700-hour opportunity in the state's division.

The rest of the bill remains the same. Then we jump to page 3, line 5, where it says, "If the appointing authority has, if possible, made at least one temporary limited appointment pursuant to subsection 1, a person without a disability who: (1) If applicable, has been certified by the Administrator; and (2) Possesses the training and skills necessary for the position." They can then be hired. What we are saying here is, as long as you try at least one person with a disability for a period of 700 hours—try it, fill your position—if you determine that it is not a good fit and you have other candidates that you would like to try who do not have disabilities, you do not have to stay in that existing list of seven, eight, three, five people who have been certified by the Rehabilitation Division. You can actually hire your position. What we are trying to do is eliminate the barrier that the state's departments perceive as not wanting to fill those positions at all. We just want them to try with a person with a disability at least one time, and then they can hire their positions. That is the bill and everything that we are trying to accomplish. I am happy to take your questions, and if it pleases the Chair, I would like to invite the administrator to the table as well as our deputy administrator to answer questions.

Chair Torres:

Thank you. Members, are there any questions?

Assemblyman DeLong:

Back to section 1, I want to try and get a little more clarity and get a little more granular on the change from "a" to "at least one." Are you saying that because the word "a" was in there, it is perceived that you could only do one person in that 700-hour program, and you are now putting in "at least one" to imply that it could be more?

Assemblywoman Brown-May:

I think it is actually the opposite. The way that it is written currently says that "a" and then we have to go down the list. By saying "at least one," we are delineating that one is our attempt. Please give us one opportunity. I am happy to defer to the deputy administrator if you would like to add more.

**Mechelle Merrill, Deputy Administrator, Programs, Rehabilitation Division,
Department of Employment, Training and Rehabilitation:**

I think that the Assemblywoman's explanation is accurate. We just want to make sure that people get one chance, because, before that, I think the agencies facing this long list found it quite daunting, and it prevented them from keeping those positions open.

Assemblywoman Duran:

I think it is a fantastic idea since we are having a shortage of workers throughout our communities. It is not only in the state, it is also in the hotels, as well as a lot of other businesses. My question is, once they get these positions, would the Americans with Disabilities Act (ADA) kick in for the accommodations of their disability to keep them employed?

Assemblywoman Brown-May:

You will notice originally that if you look at another section of the bill, ADA law is specific to all hires. You do not have to go through the Rehabilitation Division in order to qualify for accessibility changes relative to the ADA. The Americans with Disabilities Act would certainly be a part of this, right? So how do we make reasonable accommodations? As part of our attempt to offer new employment opportunities for people who are perceived to not be able to perform the essential functions of the job, they go through that additional certification process through the Rehabilitation Division. All of those ADA accommodations could be part of this job development process. They work in partnership. I would like to ask our deputy administrator to talk a little bit about the process that the Rehabilitation Division goes through to certify our folks. That might answer your question a little bit more.

Mechelle Merrill:

Basically, if an individual comes to the Rehabilitation Division seeking services to achieve employment and their goal is in state employment, then we will bring them into our 700-hour program which is currently run by Tammy Riley, who is with us today. What we will do is, our counselors, who are the case managers for all of the individuals with disabilities, will look at the individual's background, they will look at their education, they will look at their experience, and they are going to measure that against the job specifications. They are going to see if they meet those minimum qualifications before they can certify them for the list. If they are certified for the list, then Ms. Riley can get them on that official list that the agencies will have before them when they are looking to make a hire.

Chair Torres:

Is there any concern with this bill that offices or administrators might push people out in order to hire a different candidate?

Assemblywoman Brown-May:

That is a fabulous question. Push people out of existing positions?

Chair Torres:

What I would think is, we have an opening and then we have to hire somebody with the Department of Employment, Training and Rehabilitation (DETR). So we hire this person and give them the 700 hours, but I already know that I have this other candidate that I would like to hire. As soon as the 700 hours are up, I can get rid of you. Are there any protections in place to protect that worker, or are they still an at-will employee?

Mechelle Merrill:

We are hoping this will change that. I think a lot of times agencies are instead just not filling the positions, and they are holding them open. What I would say is, if they do have somebody that they have given a 700-hour opportunity to and if it is not working out, that is what the Rehabilitation Division is here for. We can come in, the counselor is still attached to the person, the case is still open, and we can work with the employer to try to address what their concerns are and preserve that employment opportunity, not lose it. That is our hope.

Chair Torres:

Thank you. I appreciate that. I look forward to continuing this conversation with the Assemblywoman offline. I know that you really are a champion for our individuals with disabilities, and I know that the intent of this bill really is to ensure that we are giving job opportunities to those community members. Are there any additional questions from the Committee? [There were none.] At this time, I will invite those wishing to testify in support of A.B. 79 here in Carson City.

Eddie Ableser, representing Opportunity Village:

I come to you this morning on behalf of Opportunity Village, southern Nevada's favorite nonprofit, which serves world-class service to over 3,000 individuals with intellectual and developmental disabilities throughout our southern Nevada region. We are in great support of this bill for a variety of reasons. One, it opens the door for opportunities for many of our individuals in the community to access good jobs, and to provide their skills and service to the state. I will also mention, in my prior life as the Administrator of Aging and Disability Services Division of the Department of Health and Human Services, I had the opportunity to work with DETR on this program, and we have seen divisions and departments reticent in engaging in the 700-hour program. This bill will rectify that. I personally had the opportunity to work with many candidates in the 700-hour program, and hired them for competitive, long-term employment within our division. Working with the folks at the Rehabilitation Division is phenomenal. This bill opens up the door even more for individuals with disabilities to seek and access good jobs in this state, and we have a lot of vacancies in state jobs as it is. We encourage the Committee to support this bill.

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

We are in strong support of this bill addressing the labor shortage in the state, public, and private sectors. We have a population in Nevada that is trainable and ready to get to work.

We are in strong support of this measure bringing forward that opportunity to people, and we urge your support.

Chair Torres:

Thank you. Is there anybody else wishing to come testify in support of A.B. 79? [There was no one.] Is there anybody wishing to testify to testify in opposition to A.B. 79?

Ellen Marquez, Self-Advocacy Coordinator, Nevada Governor's Council on Developmental Disabilities, Department of Health and Human Services:

My name is Ellen Marquez, and I am the self-advocacy coordinator for the Nevada Governor's Council on Developmental Disabilities. Today I am here as a proud parent of a young adult with Down syndrome. I oppose A.B. 79 because of the addition of verbiage under section 1, subsection 7, paragraph (c), subparagraphs (1) and (2), which allows state agencies to attempt this employment just once. If the person is not successful, the agency has done what is stated in the new verbiage.

With the State of Nevada being the largest employer in our state, the State of Nevada should be setting the example of hiring people with disabilities, whether physical or developmental. If the State of Nevada is encouraging the private sector to hire people with disabilities, the State of Nevada needs to put its foot forward and lead by example, letting the communities in which people with disabilities live understand the state stands behind them. Limiting the amount of time a state agency should interview and accept a person with disabilities from the 700-hour program is showing the private sector there is no need to hire a person with disabilities. Within the 700-hour program there are already 44-plus ineligible positions for people with disabilities, one of which is clerical training. There should not be a limit on the opportunities available for the other positions.

The employment rate in 2020 for people without disabilities was 75.8 percent. But the employment rate in 2020 for people with disabilities was 38.4 percent. With Nevada ranking around twenty-second in employing people with disabilities, narrowing the opportunity— [Allotted time was exceeded.]

Chair Torres:

Thank you, Mrs. Marquez. If you could please just make sure you submit your written remarks to the secretary, we will make sure that we get them all on the record.

Dora Martinez, Private Citizen, Reno, Nevada:

I am in opposition to this. Disability justice requires systemic change and that we reimagine and build a world that values disabled people in our communities and that is not rooted in able supremacy, exploitation, oppression, violence, and most of all discrimination. This bill, from what I could read because it is not one hundred percent accessible, does give a discrimination against what Mrs. Marquez was saying. Just a side note, the video that Mechelle Merrill was referring to is not ADA-accessible [[Exhibit E](#)]. I could not even understand what was happening because I cannot see. There is no audio description. We really want to work with the person who is sponsoring A.B. 79. Please work with us,

because when we leave here, we go back to our lives with our kids. We are trying to get hired and we have not been able to be successful in that. This is our life, and this is who we are, and this is what we do. I am going to close with the hashtag "nothing about us without us." Let us work together and make our voices heard. Let us do equity and accessibility for all.

Chair Torres:

I encourage you to work with the bill sponsor. I am sure that she will be reaching out soon so that she can work with you on this bill. Is anybody else wishing to testify in opposition to [A.B. 79](#)?

Steven Cohen, Private Citizen, Las Vegas, Nevada:

I would echo Ms. Marquez's remark about the excluded positions, and to answer your question, Madam Chair, currently there are no protections. On January 2, 2019, I was let go through this program, having passed the program one month before my probation was up. I would encourage the Committee to consider my amendments [[Exhibit F](#)], and the other two issues that I address therein, which are deficiencies in the Administrative Procedure Act as well as the sovereign immunity statute [[Exhibit G](#), [Exhibit H](#), and [Exhibit I](#) were submitted but not discussed.]

Chair Torres:

Committee members, I do believe that those amendments and those documents have already been posted on NELIS, so you may find them there as well. Is there anybody else wishing to testify in opposition?

May Hughes, Private Citizen, Sparks, Nevada:

I am a totally blind mom and hoping to get a job. I am calling just to voice that I oppose [A.B. 79](#). The people ahead of me who were opposing have already said why. I hope you would hear our pleas.

Chair Torres:

Is there anybody else wishing to testify in opposition? [There was no one.] [[Exhibit J](#) was submitted but not discussed.] Anybody wishing to testify in neutral to [A.B. 79](#), please come up.

Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities, Department of Health and Human Services:

Working aged people with developmental disabilities and other disabilities are among the most unemployed and underemployed segments of our society. Too often, unemployment is accepted as an inevitable result of living with a significant disability. Employment is the avenue to independence and increased socialization for individuals with disabilities. Our council believes that all individuals with disabilities who can and want to work should have access to the resources and support necessary to gain and maintain meaningful community-based employment. The 700-hour program in and of itself needs major improvements in order to be successful. The current law allows for certain agencies to be

exempt from using the 700-hour program. The term "conflict of interest" is also used but not defined. The new changes do not address these inadequacies. Additionally, the changes to this bill still permit agencies that have made at least one temporary, limited appointment to a person with a disability the ability to bypass the 700-hour list of candidates in the future, as you have heard from other comments here today. If that person with a disability can do the job with or without supports, they should be considered with all other candidates. By allowing agencies the ability to claim exemptions, you have created a situation that will exclude candidates with disabilities from being considered. Again, we recommend you remove barriers that create disincentives for people with disabilities to find and maintain competitive employment. Employment includes supported employment job training and job coaching, which is done through the 700-hour program. With competitive wages in the community, these barriers include flexible options for on-the-job support. We also recommend that you adopt proactive policies to ensure state agencies recruit, hire, train, and mentor people with disabilities in Nevada.

Chair Torres:

I think that may have been more opposition.

Catherine Nielsen:

We are neutral. We have to be, it is education-based.

Christopher Sewell, Director, Department of Employment, Training and Rehabilitation:

We use this program. It works. Now, I am going to be very transparent. I have been before several committees this legislative session being very transparent. There are certain agencies in this state, that if there is someone on the 700-hour list, they will not open up that open position. They will wait until that list has zero on it. Then they open it up to open competitive. This change is a small change, but it is a start to get these agencies to start hiring people with disabilities. That is what we need. We need to take this step now so that we do not have these issues in the future. Any one of us could end up being a client of our vocational rehabilitation, any one of us in this room. I go up skiing, I break both my legs, I might have to use their services. Get in a car accident, I might have to use their services. This may be a small step, but it is a needed step for everyone. Yes, I have to testify in neutral because I am a state agency. I am very transparent, and I am sure if you talk to some of our members in the Ways and Means Committee, they will also tell you I am very transparent when it comes to things. This is a small step, and it probably needs to happen.

Chair Torres:

Thank you for your transparency with this Committee. Is there anybody else wishing to testify in neutral? [There was no one.] Assemblywoman, do you have any closing remarks?

Assemblywoman Brown-May:

As you can see, employment of people with disabilities is a significant issue, and one that needs to be addressed. As a disability advocate for my entire life, I will tell you that every testimony that you heard today is one hundred percent accurate. People with disabilities

have been excluded from our communities for entirely too long. We have to all work together to eliminate the barriers that we experience. If we need to do this one small step at a time, then that is the way we propose to do it. You heard from the Director—the reality is, people with disabilities who are certified on that 700-hour program are not accessing state employment opportunities because of the perception of the administrators. We need to find a way to eliminate or change their perceptions about people with disabilities. Somebody asked me a long time ago, Why did I have pink in my hair? I have pink in my hair because we all think when we look at each other that we see something. We recognize barriers, inefficiencies, and inadequacies in each other, and we judge by appearance. That is so true for people with disabilities who present in a certain way. The discrimination that they face in how they engage our community is based on how they present. When you are applying for a job as a person with a disability, and you are in front of a nondisabled hiring manager, they are already determining whether or not they think you can do the job, when many times the reality is the person with the disability can do the job better than anyone else. We have to remove the barriers to find ways to enable people with disabilities to access employment. If this is one small step to improve that outcome, then I think it is one we need to make. Now, you heard about a list as part of the comments. That is part of the application of this process in the state's human resources office. It is not an exclusionary list, as I think you heard. It might have been misrepresented, and I am happy to walk through that with you at any time offline. I would love to work with all of our commenters to find a better way. This bill does not do enough. I agree with that. It is one good first step.

Chair Torres:

At this time, we will close the hearing on A.B. 79. We will go ahead and open it up for public comment. [Public comment was heard.] This meeting is adjourned [at 10:55 a.m.].

RESPECTFULLY SUBMITTED:

Dylan Small
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Department of Administration: preserving the past, serving people today, planning for tomorrow," dated February 22, 2023, presented by Kent A. LeFevre, Administrator, State Public Works Division, Department of Administration.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 8](#), dated February 22, 2023, presented and submitted by Joanna Jacob, Manager, Government Affairs, Department of Administrative Affairs, Clark County.

[Exhibit E](#) is a YouTube video titled "700 Hour Program for Hiring Managers," published by VR Nevada on August 6, 2022, submitted by Assemblywoman Tracy Brown-May, Assembly District No. 42.

[Exhibit F](#) is a proposed amendment to [Assembly Bill 79](#), dated February 22, 2023, submitted by Steven Cohen, Private Citizen, Las Vegas, Nevada.

[Exhibit G](#) is a Nevada Supreme Court opinion in the case of *The State of Nevada, Department of Transportation v. John Bronder*, filed December 3, 2020, submitted by Steven Cohen, Private Citizen, Las Vegas, Nevada.

[Exhibit H](#) is a Nevada Supreme Court Opinion in the case of *Sonjia Mack v. Brian Williams; James Dzurenda; Arthur Emling, Jr.; and Myra Laurian*, filed December 29, 2022, submitted by Steven Cohen, Private Citizen, Las Vegas, Nevada.

[Exhibit I](#) is a copy of a PowerPoint presentation titled "State of Nevada: 700-Hour Program," submitted by Steven Cohen, Private Citizen, Las Vegas, Nevada.

[Exhibit J](#) is written testimony submitted by Kimberly Palma-Ortega, Public Health Liaison, Nevada Governor's Council on Developmental Disabilities, Department of Health and Human Services, in opposition to [Assembly Bill 79](#).