

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

**Eighty-Second Session  
April 11, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:05 a.m. on Tuesday, April 11, 2023, in Room 4100 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.state.nv.us/App/NELIS/REL/82nd2023](http://www.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 Elaine Marzola, Assembly District No. 21

**STAFF MEMBERS PRESENT:**

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

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Judith Bishop, Committee Manager  
Geigy Stringer, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Zach Conine, State Treasurer  
Erik Jimenez, Chief Policy Deputy, Office of the State Treasurer  
Kirsten Van Ry, Chief of Staff, Office of the State Treasurer  
Caitlin Gatchalian, Government Relations Director, Nevada Division, American Heart Association  
Elyse Monroy-Marsala, representing Nevada Public Health Association  
Vanessa Dunn, representing Nevada Psychiatric Association  
Chris Daly, Private Citizen, Fairfield, California; and Deputy Executive Director, Government Relations, Nevada State Education Association  
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber

**Chair Torres:**

[Roll was taken. Committee rules were explained.] Welcome to the Assembly Committee on Government Affairs, the busiest committee in the Nevada State Legislature. We definitely have a busy day in the hardest-working committee in the Nevada State Legislature. We have had a busy week in our Committee already, and it is just beginning. We will go ahead and open the hearing on Assembly Bill 376.

**Assembly Bill 376: Establishes provisions governing paid family leave for certain state employees. (BDR 23-1053)**

**Assemblywoman Elaine Marzola, Assembly District No. 21:**

I am excited to copresent in Government Affairs today Assembly Bill 376 with our State Treasurer, Zach Conine. Assemblyman Yeager and I have worked closely with the State Treasurer to brainstorm ways to recruit and retain state employees. I am really excited about several pieces of legislation this session: furlough reimbursements, retention bonuses, salary increases, and the paid family leave. State Treasurer Conine is prepared to provide an overview of the bill and the amendment [[Exhibit C](#)], which I support as it widens the scope of the bill to include unclassified and nonclassified employees. With your permission, Chair, I would like to turn the presentation over to State Treasurer Conine.

**Zach Conine, State Treasurer:**

Just when you thought you had seen the last of the treasurer this session, it is my pleasure to be here this morning along with Assemblywoman Marzola to present Assembly Bill 376. Broadly, Assembly Bill 376 creates a mechanism by which Nevada state employees are offered the ability to take paid family leave. Our offices worked closely with Assemblyman Yeager and Assemblywoman Marzola on the creation of this bill, and we really appreciate their willingness to work with us on this important issue.

By way of background: The idea for this bill stemmed from a number of internal conversations the Office of the State Treasurer has had during the interim on how to recruit and retain our employees. We are endeavoring to put the "human," if you will, back in human resources. For us, that means understanding the limitations provided us by existing state personnel rules which provide a structure and guardrails on our flexibility. For example, we know the lack of flexibility of a multinational corporation that can offer all employees unlimited personal time off or sign-on bonuses. While state rules limit us, it also forces us to think creatively and strategically of ways we can improve the experience for our staff, not only as employees of a government agency, but as individuals and residents of our state. As public servants, we owe our constituents a certain standard of care. So why should we provide a lesser standard for our own staff?

For example, in the Treasury, we recently implemented a babies-in-the-workplace policy, which allows parents to bring their infants into the State Treasurer's Office up to six months of age. We recognize how important and foundational those first few months of life are. I would like to take a moment to let the Committee know today is Diamond's first hearing in the Legislative Building. Diamond and her mother are integral parts of the State Treasury team. Yes, we brought a baby.

We believe this bill furthers that change by allowing the state to start redefining what it means to be a state employee and what benefits come with such title. Paid family leave is one step in what we hope are many towards increasing these opportunities. We are continually looking for ways to improve the experience we offer to staff and look forward to working on more of these issues in the future.

Moving on to the bill if I may, Chair. The bill is fairly straightforward, so rather than go section by section, I will address the bill as a whole. The bill amends *Nevada Revised Statutes* Chapter 284, which governs the state personnel system, by adding a new section. The new section was modeled after a similar law in California. It creates a provision by which a state employee may take up to eight weeks of leave at 50 percent pay, to bond with a newborn or adopted child, to recover from or receive treatment for a serious illness, to care for an ill family member, or in the event of an immediate family members' military deployment.

Currently, state employees must use their accrued sick and annual leave or take unpaid leave in accordance with the Family and Medical Leave Act of 1993 (FMLA) for these circumstances. While FMLA protects an employee's job, it does not allow the employee to continue to collect a paycheck in the event of serious illness or to bond with a new baby; both events are some of the most fundamental in an individual's life. I would note, the paid leave allowed under this bill is only triggered if the employees have otherwise exhausted most of their sick leave.

Employees are allowed to reserve up to 40 hours, one week, of sick leave. We included the reserve provisions to ensure that employees had some buffer with sick leave should they need it immediately after or before they have exhausted their weeks of family leave.

Similarly, paid leave under the bill does not have to be taken consecutively. Rather, an employee, if eligible, is entitled to a cumulative eight weeks each year.

Finally, the bill modifies the existing allowances for sick leave to include all of the allowable uses for paid family leave. In other words, if passed, state employees can now use their sick time to bond with a newborn or in the event of a military deployment in the immediate family, in order to spend down their accrued sick leave first.

I would note for the record, the initial drafting of the bill only included those employees in the classified service of the state. It is our intent to include all state employees, including unclassified and nonclassified. To that end, we have drafted a proposed amendment [[Exhibit C](#)] that you can find on the Nevada Electronic Legislative Information System (NELIS), which would include all state employees in the bill.

That concludes our presentation, but I will end with this: In this market, it is very difficult to retain and recruit employees at the quality that we deeply need in order to do the state's work. More importantly, when we have individuals who have to leave the service of the state in order to have children, we are losing their voice at the table. Our work in the State Treasury is about helping young families invest and prepare for the future. With this proposal and other things we have done and hope to do in the future, we are hoping to make sure these young families are there to ensure we do that job well.

**Chair Torres:**

Thank you, Assemblywoman Marzola and Treasurer Conine. We know you are a busy man. Thank you for making time to join us in Assembly Government Affairs today. Members, are there any questions?

**Assemblyman Hibbetts:**

Why is this not being addressed in the state employees' collective bargaining as it is for other public employees?

**Treasurer Conine:**

Our intention was to be holistic, and not all state employees are covered under a collective bargaining agreement. This is exceptionally important for retention, so we wanted to make sure it was available to both employees who are lucky enough to be part of one of the collective bargaining units, employees who are considering it in the future, employees who are not in it, and unclassified employees who would not be able to join.

**Assemblyman Hibbetts:**

Thank you, and may I have a point of clarification? I believe we are going to need the baby for an exhibit now that you have introduced her.

**Chair Torres:**

Definitely, she would be a very unique exhibit. It will be hard to post a child on NELIS, but we in the hardest-working committee can definitely make an attempt.

**Assemblywoman Taylor:**

I concur with my colleague. It is critically important that the public see the exhibits that we have, so let us work that out. Thank you to my colleague and to the State Treasurer for being here. You are definitely hardworking because we have seen you a lot—nothing personal.

You talked a little bit about another state, in particular California. Do you see anything like this happening in the corporate world? I just recognize recruiting and retention is up; up to a third of our state employee positions are vacant. It used to be, back in the day, you might make a little bit less, but the benefits were amazing if you worked for the government or in the public sector, and we have slipped away from some of that. It is good to see we are looking at those things. What can we do to keep ourselves relevant and vital? I would like to know whether this is happening in corporate America as well.

**Treasurer Conine:**

Absolutely. In fact, we think this proposal goes a long way towards that. But it does not match what is happening in the corporate world, which includes full paid time off, includes paternity and maternity leave, both paid for employees. This moves us closer in that direction, but we are going to have a lot of work to do to catch up and be competitive to the private sector.

**Assemblywoman Thomas:**

I am glad the state is looking at the viability of employees because it is very important to keep our employees working. You might have gone over it and I missed it because I was looking at baby Diamond. Does this pertain not only to moms but to dads also?

**Treasurer Conine:**

It absolutely does apply to both moms and dads. We think it is exceptionally important. As the father of three children, we had to spend a fair amount of the boys' first year in Elko, Ely, and other places campaigning. We brought them every place we could, and that is really important. I want to make sure families have the opportunity to do that if they choose to.

**Assemblywoman Duran:**

This will be needed. Everybody deserves to have time off with family. On the eight weeks, if you are on maternity leave and you came back after three or four weeks and then six months later you decide to take the additional time—is that what this is saying? Is that what I heard you say?

**Treasurer Conine:**

We do want to allow for some flexibility. I might phone a friend here. We have some of our policy experts in the room. She is nodding, so that is a yes, Assemblywoman Duran.

**Assemblywoman Duran:**

If you have another sick child, do you borrow from the cumulative eight weeks? Or is there a different bucket for your family? For example, you take three or four weeks for maternity

leave, and then all of a sudden, your child or your parent gets sick. Do you have that time together?

**Treasurer Conine:**

I can hear a policy expert coming up from the back to jump in if they need to, but maybe not. It is a single bucket per employee. The employees themselves have that time, so if they have to use it for bereavement, or they use it for a new child, or they use it because a family member is being deployed, it all comes out of that same bucket. Our intention with mirroring the language on the existing leave was to make sure those buckets were effectively interchangeable, that you could use your paid leave and then move into the 50 percent leave that is contemplated in this bill, in order to have some flexibility.

**Assemblywoman Duran:**

It is a great policy that you are creating here.

**Assemblyman Nguyen:**

Thank you, both, for presenting this. This is bringing me an awesome flashback. To add to the comment earlier about corporate benefits: As a former corporate employee, when my firstborn was born—he is turning 10 this year—I remember that I had the benefit of taking two months off as a new father. That was really cool, and it was with 100 percent pay. We cannot be completely there yet at this point, but being a new father and new mother, you are busy with all of that stuff, and you are trying to get adjusted and wrap your head around—the last thing you want to worry about is your money coming in. I know not all state employees are going to be in the bracket where they are going to be even okay with the 50 percent of pay. It is better than nothing.

Have we looked at carving out, for just newborns or the adoption of a child, having those be at 100 percent and the rest at 50 percent? I am looking at that because there is only going to be that certain segment of your life when that kid comes. Not everybody is going to have kids when they are retiring. I may be speaking out of the terms, but that is what I wanted to see. Perhaps having a newborn or adopting a child has a little bit better financial incentive, rather than having 50 percent of pay across the board.

**Treasurer Conine:**

I completely agree. I wish we could do everything for every family in the state. What we are trying to do by mimicking the language on the sick leave is to allow the use for that time, which is at 100 percent, to start the bonding process. Then, if the bonding process goes a little bit longer, if there is not enough sick time, to continue to allow the employee not just to retain his job, but also to still be able to get some money as he goes. I think your suggestion is great and one I would love to chat about.

**Assemblyman D'Silva:**

My question is more so for our committee counsel. You have a definition in section 1, subsection 6, paragraph (b), for "immediate family." My question is, what is the state's

definition of a family? How do we define that because this has come up in many other hearings this session.

**Asher Killian, Committee Counsel:**

The definition used in this bill is pretty consistent with the definition used in most other sections of Nevada law. Sometimes we use the "within so many degrees of consanguinity" definition instead, but this definition is a slightly more readable version of that definition.

**Chair Torres:**

Members are there any additional questions? [There were none.] I have a couple of questions myself to make sure I understand the process completely. I am wondering if the goal then is, you would not be on paid family leave until you have used the other sick leave days that you have in excess of the 40 hours first. Is that correct?

**Erik Jimenez, Chief Policy Deputy, Office of the State Treasurer:**

The intention of the bill is to utilize your sick leave and your paid time off first, and then you can go into this bucket. As you mentioned, the employee could reserve up to 40 hours of her sick leave so she would not have to completely exhaust her sick leave.

**Chair Torres:**

Perfect. Let us say I have a qualifying life event. How long would I have to use those eight weeks since I would not have to take them all at once?

**Erik Jimenez:**

I believe that 8 weeks is usable within a 12-month period.

**Chair Torres:**

Okay, thank you. How often would I be able to get this leave? Let us say that in one year, I have a newborn child and then I have a family member pass away. How often can I use this leave?

**Treasurer Conine:**

Our intention is to be as flexible as possible, so you have eight weeks. If you use those eight weeks in two life events, that is okay; split evenly, or six weeks for one and two weeks for the other, or vice versa, you would be able to do that.

**Chair Torres:**

I have one more question. It is regarding caring for an individual with a serious illness. I can think of multiple cases where an individual may have a family member who has a terminal illness who may be sick for a period of time. How would this leave be applied in that situation? Would they have eight weeks total? For example, I have a close family friend who has multiple sclerosis, and her husband has been very ill for a number of years. How often would that time be accrued?

**Treasurer Conine:**

The eight weeks are accrued on an annual basis. I am sure my team will correct me if I am wrong. If the FMLA period expanded longer than a year, there will be eight weeks per year to use for this purpose. But obviously FMLA leave can extend longer than an eight-week period. It just would not be paid.

**Chair Torres:**

Okay. Thank you.

**Assemblywoman Thomas:**

The Treasurer actually answered my question because my question was how FMLA plays into it.

**Assemblyman Hibbetts:**

To clarify, is the 12-month period we are talking about a calendar year, a fiscal year, or a rolling 12 months? Also, for the record, FMLA is a federal law. It says up to 12 weeks. Is that not correct?

**Treasurer Conine:**

Yes. Eight of those weeks would be paid under this. Four of those weeks would not be. I believe the period is a rolling period from the employee's hire date, as are most. Mr. Killian, who is a badass, is nodding at me. We are going to call that, for the record, rolling from the date of employment.

**Chair Torres:**

Treasurer Conine, I do not know whether we have ever had the term "badass" on the record. This might be a legislative first, so congratulations. I do not know if it is appropriate enough for the word of the day. Members, are there any additional questions? Assemblyman McArthur, you and I had a conversation earlier this week, and you had a couple of questions. Were they reflected in the questioning here today?

**Assemblyman McArthur:**

What was the question?

**Chair Torres:**

Do you have any questions? [Assemblyman McArthur did not.] It looks like we got all the questions. I have one final question. How long does it take to accrue 40 hours?

**Treasurer Conine:**

I do not actually know that offhand. It looks like somebody from my staff knows.

**Kirsten Van Ry, Chief of Staff, Office of the State Treasurer:**

The rate is one-and-a-quarter days per month of service.



**Chair Torres:**

We are doing some calculations. We will get the answer to the Committee. Four months? Three and change, according to Assemblyman DeLong. I appreciate that. I am an English teacher, not a math teacher. It looks like it takes about four months.

Members, are there any additional questions? It does not appear there are any. At this time, I invite anyone wishing to testify in support to A.B. 376. Please begin when you are ready.

**Caitlin Gatchalian, Government Relations Director, Nevada Division, American Heart Association:**

On behalf of the American Heart Association, I would like to express our support for A.B. 376. The American Heart Association supports policies that ensure state employees have access to paid family and medical leave programs that provide sufficient paid time off to manage significant personal or family life events and needs.

The American Heart Association understands that people need sufficient time to recover from serious medical conditions without worrying about covering expenses. Paid leave policies lead to healthier babies and birthing parents. The United States currently has no guaranteed paid family and medical leave, and access to paid family and medical leave is lowest among workers who need it most. Far too many people are forced to sacrifice their savings or lose their jobs altogether when they need time to care for themselves or their families. The American Heart Association supports A.B. 376 because we believe that state workers deserve to savor the joys and weather the inevitable crises that life delivers without worrying about how to pay the bills. Thank you for your consideration.

**Elyse Monroy-Marsala, representing Nevada Public Health Association:**

A recent article published by the *American Journal for Public Health* found that paid family leave is associated with a number of positive impacts for new families, including improved postpartum outcomes for mom, and improved mental health for mom and dad. It is also linked to increased rates of breastfeeding and immunization.

I also want to take the time today to tell you my own family leave story. In a past life, I had a job where I was guaranteed paid family leave. A family member very close to me fell very sick with a traumatic illness. I was able to sit with the person in the intensive care unit to hold their hand, brush their hair, and walk them through the discharge planning process without a single worry that my paycheck was not going to come and that my bills were not going to be covered. I was able to get the person to every postoperative doctor appointment, and I did not have to think about my job.

When the 12 weeks were up, I went back to work. I was so excited because I got to spend 12 weeks caring for my family member, and I was excited to jump back into life. I tell you that on behalf of the Nevada Public Health Association because we know implementing policies that promote resilience and public health helps us have a stronger economy.

**Vanessa Dunn, representing Nevada Psychiatric Association:**

The Nevada Psychiatric Association is in support of A.B. 376.

**Chair Torres:**

Is there anyone else in Carson City wishing to testify in support of A.B. 376? I do not see anyone. Is there anyone on the line? [There was no one.] Let it be reflected, I do not see anybody in Las Vegas at this time. I will go ahead and invite anyone wishing to testify in opposition to A.B. 376. I do not see anyone here in Carson City or in Las Vegas. Is there anyone on the line wishing to testify in opposition to A.B. 376? [There was no one.] At this time, I invite anyone wishing to testify neutral to A.B. 376.

**Chris Daly, Private Citizen, Fairfield, California:**

I am typically with the Nevada State Education Association, but I am speaking on my own on this item as the Nevada State Education Association has not taken a position on this issue.

In 2002, in a previous life, I was a member of the San Francisco Board of Supervisors, which authored a charter amendment to extend 12 weeks of paid family leave to all San Francisco employees. It has been a wildly popular program that has very much helped with the new parents who are employees in San Francisco, along with recruitment and retention.

**Chair Torres:**

Thank you, Mr. Daly. Is there anyone else wishing to testify neutral today? I do not see anyone here in Carson City. Is there anyone on the line choosing to testify in neutral? [There was no one.] All right, I will go ahead and invite Assemblywoman Marzola back for any closing remarks. Treasurer Conine, it looks as though the exhibit is going to be with you as well. Please make sure her name is reflected on the record.

**Assemblywoman Marzola:**

Thank you, Madam Chair. I know your Committee is very busy, so I will make this short. Along with me is Diamond, for the record. I want to thank you and the Committee members for listening to A.B. 376 today. Diamond of course is one of the reasons that the bill is so important to the State of Nevada, and we would appreciate your support.

**Treasurer Conine:**

I will echo everything Assemblywoman Marzola said. Thank you very much for having us today. Tell us that if we can get these things right, we can get the right employees in the state. We can move the state forward, not just for them but for everybody else, so thank you for the consideration today. We are going to remove the baby from the Committee hearing before anything happens because of the baby.

**Chair Torres:**

Thank you for those closing remarks. I could tell, even Assemblyman McArthur could not help but smile. We will go ahead and close the hearing on A.B. 376 and take a one-minute recess.

[The Committee recessed at 9:35 a.m. and reconvened at 9:35 a.m. Assemblywoman Duran assumed the Chair.]

**Vice Chair Duran:**

We will now be hearing Assembly Bill 423. This revises provisions governing meetings of a board of trustees of a school district. We have our own Chair Torres presenting. Whenever you are ready.

**Assembly Bill 423: Revises provisions governing meetings of a board of trustees of a school district. (BDR 34-847)**

**Assemblywoman Selena Torres, Assembly District No. 3:**

Thank you, Vice Chair Duran and Committee members of the hardest-working and busiest committee in the Nevada State Legislature. I am pleased to present Assembly Bill 423. The bill revises provisions governing meetings of the board of trustees of a school district. Open meeting laws are commonly referred to as "sunshine laws." The idea behind such laws is that public bodies are not meeting on important issues impacting their constituents in the middle of the night, behind closed doors.

In recent years, school board meetings have become increasingly contentious, attracting a lot of public comment, and meetings often continue well until the next morning. Oftentimes tempers are hot, and patience is thin late into the night; that is not a recipe for good education policy. Many parents bring their children to these meetings where they are sometimes sleeping on the floor during the final hours of the meeting. This needs to stop. The Legislature needs to provide additional guardrails to keep these meetings safe. That is why I am presenting A.B. 423 today.

This will be one of the quickest hearings of the legislative cycle. I am going to next quickly walk through the bill. There are only two sections to Assembly Bill 423. Section 1, subsection 6 prohibits the board of trustees from taking any action at a regular meeting or special meeting after 11:59 p.m. on the day of the meeting or before 8 a.m. the following day. Section 1, subsection 7 authorizes, but does not require, a board of trustees to restrict public comment at a regular meeting or special meeting, if the public comment meets one or both of the following criteria: if it is a topic that is not relevant to or within the authority of the board of trustees, or if it is willfully disruptive of the meeting by being slanderous or offensive. Finally, section 2 makes the bill effective on July 1, 2023.

Though this is a policy committee, I would like to note that the fiscal note submitted shows no fiscal impact. Before I close, I want to state that I have had the opportunity to speak with a couple of different stakeholders who would be interested in making sure that it does not occur during the school day. That is a reasonable request and one we can definitely entertain in a conversation that we can continue to have. But at this time, I welcome your support of A.B. 423.

**Assemblywoman Taylor:**

Overall, I am supportive of the bill. One of the things you mentioned that I want to see whether you are still considering is in the case of an emergency, such as dealing with COVID-19 in Washoe County. That was when meetings primarily started going deeper into the night than usual. We went after midnight, but those were over things we had to cover and could not delay. Can you share your thinking along those lines?

**Assemblywoman Torres:**

That is definitely something I would consider. We had a conversation, but unfortunately, we did not have time to prepare an amendment ahead of this hearing. That would be something we should consider, making sure there is an exemption for cases of emergency when the state of emergency impacts that individual school district. Making sure, though, that an emergency in northern Nevada would not mean that a southern Nevada school board would have the same exemption—making that clear in language is something we could introduce.

**Assemblywoman Taylor:**

Thank you. We should have a conversation about meetings during the school day. There are times when Washoe County school board meetings, the only experience I have, start at 2 p.m., and some schools may not get out until 2:30 p.m. Or, if it is a search process, sometimes the meetings might start at noon because we are interviewing superintendent candidates or school board-appointed candidates. We can also give that some consideration. But I agree with the concept where people, teachers, and even students who want to come to the meeting can be a part of it. It is something we need to play with a little bit.

**Assemblywoman Torres:**

It is a conversation that I had two minutes before the hearing and one that I think makes sense. We could put that it has to be within 24 hours of the start time of the initial meeting or the previous meeting, but ultimately, they would just have to actually plan for a meeting.

All of you are probably aware that, as Chair of this Committee, I have the privilege to schedule meetings. I make sure that if we are going to have until 11 a.m., because we have floor, we have a meeting that ends at 11 a.m. Similarly, other public bodies should be planning appropriately.

**Assemblyman Koenig:**

I am going to put on my school board hat. I was on the school board for 12 years, and I think in those 12 years we had three meetings that went past midnight, one of them until 2 a.m. It is a lot easier to control things here in Carson City than it is out there, because we are not held accountable to the Open Meeting Law.

We had one of them over whether or not to implement uniforms in our district. For some reason, that drew a whole gymnasium full of parents from both sides of the situation. Here, you can say I am going to allot 20 minutes for support, 20 minutes against, and 20 minutes neutral. Out there, there is no neutral, but you have to hear every single person who shows

up. We had to listen to every single person who wanted to speak in that gymnasium with 500 people. It was well after midnight before we got done in that situation.

My one question is for the Legal Division. You are saying you could vote the next morning at 8 a.m. That might be a separate meeting that you might have to create an agenda for, and to agendize for that, you have to give notice three days out. If you cannot vote on that topic at the time, if you think you have a contentious issue, you could potentially get around it by, three days before the first meeting, scheduling another meeting for 8 a.m. of the next morning, and if you do not use it, that is fine.

Sometimes you potentially are going to get an unforeseen situation when you would have to repost and reagendize another meeting three days down the road. You would have all these excited people and it is 12:01 a.m. and you say, Sorry, we will vote on it in three days, when you would have to open and have to hear it again. My question is, Would you have to reagendize that, or could you potentially do the vote at 8 a.m., the next morning?

**Asher Killian, Committee Counsel:**

The bill as written would leave that to the discretion of the school board. The bill does not require that the meeting be adjourned, and a new meeting be scheduled. The bill just requires that no action be taken until 8 a.m. of the following calendar day. If the public body decided to recess during that period of time before taking action, it was still the same meeting. Then no new meeting would need to be agendized. If the public body decided to adjourn, then the public body would need to wait at least three days while a new agenda was posted for a new meeting to convene, and then take a vote. It would be left to the discretion of the public body as to whether it wants to recess or adjourn, and that would have an impact on when the vote could then happen.

**Assemblyman Koenig:**

Thank you. There probably would need to be a little bit of training to school boards to let them know that there is an option. In 12 years on the board, I never knew not to adjourn. When we were done, we closed, and we would have to start again. But if it is acceptable and allowed, you can recess for eight hours.

**Assemblywoman Torres:**

Yes, you could go to recess. You can start the meeting, hold your public comment, hear it, and then you would have to recess and pick up the meeting on whatever agenda item you left off the preceding day. I appreciate that clarification from legal on the record, just so that everybody understands the intent of the legislation. I definitely think allowing for that recess allows the public to participate.

Additionally, I wanted to hit on the public comment portion of it. In my conversation with legal ahead of this hearing, I found it interesting that the Open Meeting Law grants public bodies discretion to allow for public comment either on each agenda item or at the beginning and end of the meeting. That is at the discretion of the public body. I trust that local governments can make the appropriate decision as to whether or not they are going to allow

public comment for every single agenda item or whether or not they are going to do so at the beginning and the end of the meeting.

**Assemblywoman Thomas:**

My question will not be popular. I have heard in Government Affairs several bills that I feel are overreach by the state, and I think this is one of those bills. When I hear about the school board having discretion, when I hear how to run their meetings, and they can recess, I think those are options that the trustees would know, and they have legal counsel advising them on what they can do. To me, for the state to tell the school boards how to run their meetings, when to run their meetings—that is overreach.

**Assemblywoman Torres:**

I would respectfully disagree because we do that exact thing. That is what Open Meeting Law is. We tell public bodies how they can operate. I imagine somebody will come up in opposition and state, Well, you know, the Legislature does it. The Legislature is the only body that has 120 days to make policy. School boards can make policy year-round.

It is critical for us to have this conversation because our school boards have gotten out of hand. The fact that we are watching school board meetings and seeing votes at three in the morning is obnoxious to me. That is not an open meeting; that is not allowing for public participation; that is not allowing for individuals to engage with democracy. As representatives of this Legislature and of this body, we have the responsibility to protect democracy, and we have the responsibility to protect civic engagement. This bill does exactly that.

**Assemblyman Hibbetts:**

My question revolves around section 1, subsection 7. Paragraph (a) makes sense to me because we do that here. I cannot come up and start talking about something that has nothing to do with what we do. Paragraph (b) concerns me because while there is a legal definition of slanderous, who decides what is offensive?

**Assemblywoman Torres:**

My understanding of your question is you are concerned specifically with the portion that says "slanderous or offensive." It is important to note, that is only if it is also willfully disruptive. It would have to meet both criteria. This is currently in other parts of the *Nevada Revised Statutes* regarding public comment; this is just making it clear it is applicable to the school board.

**Assemblyman Hibbetts:**

Can I get clarification from legal on that?

**Asher Killian:**

This all boils down to a First Amendment issue. The crux of the issue under the First Amendment is that public bodies have the power to control the time, place, and manner of public comment that occurs before the bodies. The chair of the public body has the authority

to ensure that the proceedings of the body are orderly. The crux of this provision in this bill is that it ties to being willfully disruptive of the meeting. Public bodies are not required to allow comment that is willfully disruptive. Whether it is willfully disruptive due to it being slanderous, or willfully disruptive due to it being offensive, it is the fact that it is willfully disruptive that enables the public body, under the First Amendment, to prohibit the comment for the sake of the order of the meeting.

**Assemblywoman Torres:**

I also note that I did work with the American Civil Liberties Union on this language to make sure that it met their standards. We know they have taken stances on making sure we protect the First Amendment right. In my conversations with them upon their receipt of the language, they felt confident that this language continued to allow them to do that.

**Vice Chair Duran:**

We have one more question.

**Assemblyman DeLong:**

I am following up on my colleague's question regarding a provision for emergency situations. Since we are talking about school boards, how would you define an emergency situation? Obviously, you have what the Governor calls, but that is a statewide issue. I would love to hear your thoughts.

**Assemblywoman Torres:**

I was considering an emergency issue as declared by the Governor because that is the only time there would be an emergency situation. I am thinking of a situation like COVID-19 where school boards needed to act fast and make regulations and policies to respond to the pandemic and shut down our schools. This would allow school boards to continue to meet and make those decisions, but I am happy to get more feedback on that. This is a living document.

**Vice Chair Duran:**

Do we have any more questions? [There were none.] With that, I will take testimony in support of A.B. 423. Anyone in Carson City in support, please come up.

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

The Vegas Chamber would like to thank Assemblywoman Torres for bringing the bill forward. We believe the commonsense governance in this bill makes sense for our community. It is important for our community to have faith and transparency in our school board meetings, and as you have heard, this bill allows community members to be engaged—parents, students, to be engaged in the Clark County School District and school districts throughout the state on these board meetings.

Many times, before COVID-19, during COVID-19, post-COVID-19, school board meetings in Clark County could easily go past midnight. They are discussing curriculum issues; they are discussing evaluations; they are discussing collective bargaining agreements. The reality

is, it is hard for the public to be engaged at 1 a.m. or 2 a.m. I have seen myself, many times, students sitting there wanting to participate in democracy, and they cannot stay up that late because they have classes starting the next morning at 7 a.m., parents have to take them there, faculty cannot stay, student support services have to go home to rest for the next school day, so there is a genuine concern about engagement. Now, the school district board has many issues they have to address, and the board is trying, of course, its best to address those issues, but I think there is a genuine concern about those meetings going past midnight. We believe it is a good governance model.

Assemblywoman Torres brought an excellent point—this body is restricted to 120 days. This would apply to regular school board meetings that are posted three days in advance. There are multiple meetings every month. There are work sessions the school board has in Clark County. So again, we think this makes sense for regular scheduled meetings.

**Vice Chair Duran:**

Do we have anyone else in support of A.B. 423 in Carson City? I see no one. I see nobody in Las Vegas. Is there anybody on the lines? [There was no one.] Now we will go to opposition. Do we have anyone in Carson City in opposition of A.B. 423? Please come forward.

**Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:**

The voice of Nevada educators for over 120 years is here in the friendliest possible opposition to Assembly Bill 423. We do very much appreciate the intent of this bill, as many of us have been to these school board meetings very late at night. With that said, we have a couple of more technical issues.

In particular, an issue is the recess time to 8 a.m. Oftentimes, we have educators and/or students, and while after midnight is not an ideal time, during the school day is just not workable. In terms of board meetings around the state, to Assemblywoman Taylor, Washoe County is usually at a 2 p.m. start time. That might be the earliest start time in the state. Clark County usually starts at 5 p.m. Here in Carson City tonight, 6:30 p.m., if you want to go check out the Carson City school board meeting. If there can be some accommodation for action being taken not during the school day, we would appreciate that.

**Vice Chair Duran:**

Is there anybody else in Carson City for opposition? [There was no one.] I see no one in Las Vegas. Do we have anyone on the line? [There was no one.] We will go into neutral. Is there anyone in Carson City neutral on A.B. 423? Seeing no one, and we see no one in Las Vegas. Do we have anyone on the line neutral of A.B. 423? [There was no one.] With that, there are no final remarks. We will close the hearing on A.B. 423 and take a one-minute recess.

[The Committee recessed at 9:55 a.m. and reconvened at 9:56 a.m. Assemblywoman Torres reassumed the Chair.]



**Chair Torres:**

At this time, there are no other items on the agenda. We are going to go ahead into public comment. [Public comment rules were reviewed.] Is there anyone wishing to testify in public comment? [There was no one.] All right, at this time, are there any Committee members who have any additional remarks before we adjourn? It does not appear there are. [Meeting reminders were given.] At this time, the Committee is adjourned [at 9:57 a.m.].

RESPECTFULLY SUBMITTED:

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Geigy Stringer  
Committee Secretary

APPROVED BY:

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Assemblywoman Selena Torres, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Assembly Bill 376, submitted by Kirsten Van Ry, Chief of Staff, Office of the State Treasurer.