

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

**Eighty-Second Session
April 26, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:04 a.m. on Wednesday, April 26, 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.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:

None

STAFF MEMBERS PRESENT:

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

Minutes ID: 943



Judi Bishop, Committee Manager
Diane Abbott, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services
Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties
Mary Walker, representing Douglas County; Lyon County; and Storey County

Chair Torres:

Welcome to the hardest-working committee in the Nevada State Legislature, the Assembly Committee on Government Affairs. [Roll was taken. Committee rules and protocols were provided.]

Today, we are honoring and recognizing Denim Day in the Nevada State Legislature. You see many of us with our jean jackets or maybe our jean pants. This is a day where we recognize the impact of sexual assault in our community. We are making sure that we bring that awareness here to the Nevada State Legislature through denim, but then also through policy that we will be carrying throughout this legislative cycle.

Today, we have two bills scheduled. We will go ahead and begin with Senate Bill 8.

Senate Bill 8: Revises provisions relating to juvenile justice. (BDR 23-262)

Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services:

I am here today to present Senate Bill 8, which revises provisions relating to juvenile justice. Senate Bill 8 adds one line of new text. The proposed language updates *Nevada Revised Statutes* 289.470, which is the statute that defines category II peace officers. Category II peace officers include such state positions as court bailiffs, agents of the Nevada Gaming Control Board, legislative police officers, parole counselors at the Division of Child and Family Services, and a variety of investigators employed by the Nevada Transportation Authority, arson and fire departments, the State Forester Firewarden, and the Department of Motor Vehicles, among others.

There are in all eighteen definitions of category II peace officers and this bill proposes a nineteenth type: a criminal investigator employed by the Division of Child and Family Services (DCFS). We are requesting a criminal investigator position to serve as an investigator for allegations relating to the Prison Rape Elimination Act (PREA) of 2003, which I will call PREA going forward.

The Prison Rape Elimination Act (PREA) of 2003 refers to national standards to provide comprehensive guidelines for preventing, detecting, and responding to sexual abuse and

sexual harassment involving both youth and adults in federal, state, and local institutions, including state and community correctional facilities. All youth residing in a DCFS facility are protected under PREA, and each facility has a process in place for youth to report PREA allegations. This PREA investigator would be responsible for PREA investigations at all three of our facilities. This position is already in our budget, and this bill simply allows the division to hire the category II peace officer into the position to bring the requisite skills and authority to these investigations.

Currently, the division does not have a designated position to investigate PREA allegations. This position has been vacant while we have been awaiting authority to fill it. Investigations have been completed by other staff who also have full-time duties. Additionally, DCFS only completes the administrative portion of the investigation on PREA allegations. If an allegation can be classified as sexual abuse, it is reported to local law enforcement for their assessment of whether or not to complete a criminal investigation as well. In these cases, DCFS would still complete an administrative investigation following the criminal investigation.

If we are allowed to hire a criminal investigator, these cases would no longer need to be referred out to local law enforcement. Our PREA investigator would be able to complete both the administrative and the criminal portion of the investigation. That would take the direct burden off local law enforcement. Based on the outcome of our investigation, the PREA investigator would turn their information over to local law enforcement to press charges or make an arrest. If you were to ask me what problem I am trying to fix, in the 80th Legislative Session we were approved a criminal investigator position, but we did not really have the authority to hire a criminal investigator. This is why we are trying to add the category II investigator into the definition. Thank you for listening, and I am certainly happy to answer any questions that you may have.

Chair Torres:

Committee members, do you have any questions?

Assemblywoman Duran:

If I heard you correctly, in 2019 we approved you to hire a criminal investigator.

Cindy Pitlock:

Correct, but under the *Nevada Revised Statutes* we did not have the authority we needed to employ a category II peace officer. We are asking for that to be added to the definition of category II peace officer.

Assemblywoman Duran:

Basically, he will be covered under the contracts as well as being listed with the peace officers?

Cindy Pitlock:

That is my understanding. Yes.

Chair Torres:

Are there any additional questions? [There were none.] We will invite anyone wishing to testify in support of S.B. 8 here in Carson City. [There was no one.] Is there anyone in Las Vegas wishing to testify in support of S.B. 8? [There was no one.] Is there anyone on the phone line wishing to testify in support of S.B. 8? [There was no one.] Is there anyone wishing to testify in opposition to S.B. 8 here in Carson City or in Las Vegas? [There was no one.] Is there anyone on the phone line wishing to testify in opposition to S.B. 8? [There was no one.] Is there anyone here in Carson City wishing to testify neutral to S.B. 8? [There was no one.] Is there anyone here in Las Vegas wishing to testify neutral to S.B. 8? [There was no one.] Is there anyone on the phone line wishing to testify neutral to S.B. 8? [There was no one.]

I will invite the sponsor if there are any closing remarks. [There were none.] We will go ahead and close the hearing on S.B. 8 and open the hearing on Senate Bill 21 (1st Reprint).

Senate Bill 21 (1st Reprint): Revises certain classifications based on populations. (BDR 20-391)

Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties:

Thank you for the opportunity to present Senate Bill 21 (1st Reprint) on behalf of Nevada Association of Counties (NACO), whose members represent all 17 of Nevada's counties. Senate Bill 21 (1st Reprint) proposes to amend *Nevada Revised Statutes* (NRS) Chapter 244 to adjust current population thresholds of 45,000 up to 52,000 to reflect the results of the 2020 United States census. Last addressed by this body in the 76th Legislative Session on a much larger scale, this bill is much narrower in scope, but intends to address some matters affecting rural counties specifically. This would allow rural counties to continue business operations in a manner consistent with lower population density. We believe that the intent of this legislation would allow these counties to continue to serve the public efficiently while maximizing public resources with the continued level of public service their communities have come to expect. Madam Chair, I know it is standard procedure to outline section by section the proposed changes, but if it would be more helpful for the Committee, given the length of the bill, I can summarize the proposed changes.

I will first highlight section 1, which would allow counties under the 52,000 population cap to combine or separate county offices. Sections 2, 3, 8, and 12 adjust requirements for appraisers of real property. Sections 5, 9, 10, 13, 17, 18, 19, and 21 are permissive, allowing smaller counties the ability to do such things as have less restrictive standards for manufactured homes and create planning commissions. In addition, our proposal maintains the definition of "rural" for these counties. This concludes my presentation of S.B. 21 (R1). At the pleasure of the Chair, I am happy to take any questions the Committee may have.

Chair Torres:

Committee members, do you have any questions?

Assemblyman DeLong:

If this population cap was not changed, which counties would be affected?

Jennifer Berthiaume:

That would be Douglas and Nye Counties.

Chair Torres:

I asked this in my office, but I think it is good for the legislative record. Which counties were previously included in 2010?

Jennifer Berthiaume:

In 2010, there were six counties over the 45,000 threshold, which included Nye, Douglas, Elko, Carson City, Lyon, Washoe, and Clark.

Chair Torres:

This piece of legislation would restrict it to Douglas and Nye Counties, so they would not have any changes. The only group that would have changes were those that are now over that population cap, correct?

Jennifer Berthiaume:

Yes. If this were to change, in accordance with the 2020 census data, there would be five counties over the 52,000 population threshold and that would be Clark, Washoe, Lyon, Carson City, and Elko.

Chair Torres:

Some of the groups that were previously under that population threshold are now going to have different responsibilities, correct? Those that will continue to be under this population threshold—from our conversation, my understanding is that is Douglas and Nye Counties—and those are the only groups that would maintain the status quo. Because of the population increase, this would be applicable to significantly fewer counties it seems.

Jennifer Berthiaume:

That is correct. The counties above the 52,000 would maintain the same services, as would those under the 52,000, just in a different manner. An example of that would be a planning commission. It is still offered, but in a smaller county, it could be done by the board of county commissioners instead of creating a whole planning commission.

Assemblyman Carter:

Is this a constantly moving target to keep these counties from having to provide resources? What I am getting at is how often are we going to see this change in order to, from my point of view, deny citizens the services that they were used to? You have to provide these services if you go over 47,500. Now we are moving that target up. At what point do the needs of the population outweigh the savings for the county?

Jennifer Berthiaume:

It is my understanding that the Legislature has done these population threshold increases in the past every ten years after a census. The intent is to continue providing the services that the community is currently getting, but also being mindful of the population density in some of our more rural counties. For example, Nye County is the largest county geographically with 2.7 people per square mile, but they are still receiving all the services, but at a lower expectation of things such as meeting frequency or with providing documents online. Those documents would still be provided if they were asked for, but some of the smaller counties may not have sophisticated websites that allow for posting all the supplemental materials to an agenda.

Chair Torres:

I am going to ask our Legal Counsel if they could discuss the history of our changing those population thresholds.

Asher Killian, Committee Counsel:

I will preface this by saying that the Legislature defines population on the basis of the decennial census. Even though the number of people in a town can change from day to day, for the purpose of the law, it only changes once every ten years. Whatever the population was as of the most recent census remains the population for the purposes of these breakpoints until the next census is done.

Historically, the Legislature has reconsidered the population breakpoints within NRS once each decade after the decennial census. As you may know, the *Nevada Constitution* prohibits special or local legislation. The Legislature cannot target particular counties or particular local areas by name with legislation, but the Nevada Supreme Court has upheld the ability of the Legislature to make distinctions based on population, as long as the distinctions based on population are rationally related to the subject matter of the statute and they do not create absurd results. If the Legislature is creating incredibly small population distinctions, that probably runs afoul of the Legislature's constitutional authority, but it is the power of the Legislature, and the Legislature has historically exercised it after each census to reconsider the existing population breakpoints within the law and determine whether there are any policy reasons to change those breakpoints, based on changes in population distribution throughout the state.

Chair Torres:

I think that helped answer Assemblyman Carter's question. Committee members, are there any additional questions? [There were none.]

At this time, we will invite anyone wishing to testify in support of S.B. 21(R1). It does not include anyone in Las Vegas, but I know I have at least one here in Carson City. Please begin when you are ready.

Mary Walker, representing Douglas County; Lyon County; and Storey County:

I want to point out one section where we made an amendment to this bill in the Senate. It is on page 21, section 15.5. This is the only section in the bill where the population threshold is not 52,000. It is 100,000. Where this came from is, in the past, the rural counties have had the ability to enact a residential construction tax on behalf of their local school districts. Lyon County put this into effect many, many years ago, and the Lyon County School District has been receiving this residential construction tax that the county commission enacted and took the hit for, so that it would better the schools. If you did not have this every ten-year change, then Lyon County would not be able to continue to enact this tax on behalf of the Lyon County School District. As you know, the rural school districts are vastly underfunded, and this is an extremely important tax for them. All we are asking is to keep the status quo.

Chair Torres:

Committee members, do you have any questions? [There were none.] Is there anyone else wishing to testify in support of S.B. 21 (R1)? I do not see any here in Carson City. I do not see any in Las Vegas. Is there anyone on the phone line wishing to testify in support of S.B. 21 (R1)? [There was no one.]

Is there anyone wishing to testify in opposition to S.B. 21 (R1)? I do not see anyone here in Carson City. I do not see anyone in Las Vegas. Is there anyone on the phone line wishing to testify in opposition to S.B. 21 (R1)? I will invite anyone wishing to testify neutral to S.B. 21 (R1). It does not appear that there is anyone here in Carson City or in Las Vegas. Is there anyone on the phone line wishing to testify in neutral to S.B. 21 (R1)? [There was no one.]

We will go ahead and ask the bill sponsor for closing remarks. [There were none.] I will close the hearing on S.B. 21 (R1) and go on to public comment. [There was none.]

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We are looking forward to celebrating his eightieth birthday with the old man, Assemblyman McArthur, the octogenarian of the Nevada State Legislature. At this time, the Committee is adjourned in celebration of Assemblyman McArthur [at 9:29 a.m.].

RESPECTFULLY SUBMITTED:

Diane Abbott
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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