

State Agency Responses
S.B. 277 / BDR 40 - 439

State Agency: Commission on Peace Officers' Standards in Training Approved by: T. Bunting, Deputy Director Comment: BDR 40-439 has no fiscal impact on this agency				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Commission on Postsecondary Education Approved by: Kelly D. Wuest, Administrator Comment: The agency has reviewed BDR 40-439, this bill will have no fiscal impact on the Commission on Postsecondary Education.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Department of Employment, Training and Rehabilitation Approved by: Anil Manocha, Management Analyst Comment: The definitions of project and activity in section 4 of the bill are drafted broadly and there is no limiting language. Section 4 requires any project or activity that is "sponsored in whole or in part by an agency through a contract, grant, subsidy, loan or other form of financial assistance" is also subject to the Nevada Environmental Policy Act. The Division has numerous contracts, sub grantees, and even a small loan program that it administers. The Division would need to include and monitor mitigation measures for each of the contracts and loans. The Division will need to consult with a qualified contractor and will need to have staff hours designated to monitor all actions of our sub grantees and loan recipients. There may be costs incurred due to possible liability from the failure to properly determine environmental impact. Furthermore, ESD cannot determine the amount of financial impact until the regulations proposed in section 17 of the bill are adopted. As the bill is currently written, ESD will be required to prepare the statements indicated in the act for every proposed regulation, project and activity. It is anticipated that for the most part anything ESD does will fall under the "no significant impact", however the work to complete the assessment and comply with the public hearing for the purpose of obtaining comments on the environmental impact of a proposed project or activity will have a financial impact. The financial impact includes staff hours, noticing in the newspaper, transcription services for the hearings, consultant costs, etc. Section 17 (3) does permit ESD to go to the Council on Environmental Quality to be exempted from the regulations. However, this would require ESD to review and assess categorical exclusions and adopt a regulation to exclude those actions which would have a financial impact. ESD may need to hire a qualified contractor to assist in making the determination of possible environmental assessments and statements.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Department of Public Safety**

Approved by: Curtis Palmer, Admin. Services Officer III

Comment: BDR 40-439 relating to environmental protection; enacting the Nevada Environmental Policy Act; requiring state and local agencies to prepare environmental reports that analyze the environmental impact of agency activity and certain private activity. As the bill is written the Department of Public Safety has determined that there is no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Taxation**

Approved by: Deonne Contine, Executive Director

Comment: The Department has reviewed this bill and determines no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Division of Minerals**

Approved by: Richard Perry, Administrator

Comment: This legislation would require the preparation of an environmental assessment for every oil, gas and geothermal permit that is issued by the Division of Minerals on non-Federal ground. Using 2014 activity levels and not assuming increased permit activity, we estimate this at 20 permits and associated environmental assessments per year. Two additional staff would be required to manage the environmental assessment process, which includes publishing notices, taking public comment, and working with an applicant if a full environmental impact study is required.

We estimated the cost of environmental assessments using an actual cost for this type of study conducted by third-party contractors in Nevada. These studies require skill sets that are not housed in the Division of Minerals such as biological and cultural resource analysts.

Additional legal costs are estimated for use of the Attorney General's office for hearings and appeals at double our current biennium assessment of \$55,293 per year.

This fiscal note estimate assumes there is no assessment to the Division of Minerals for the "Council of Environmental Quality" that is proposed in the legislation but not accounted for in how it is funded. This fiscal note estimate also does not assume that any litigation costs for requiring environmental assessments on private land would be paid for by the Division.

The Division of Minerals does not have funds to pay for the added cost of this legislation. Funds would need to come from the general fund, additional industry assessments or permit fees.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Has Impact	\$0	\$623,980	\$623,980	\$1,247,960

State Agency: **Gaming Control Board**

Approved by: Buffy Brown, Sr. Research Specialist

Comment: The agency cannot determine the fiscal impact of this bill as we have no expertise or experience with the issues contained in the bill. We do not believe the types of licenses or approvals issued by this agency are involved with the subject of this bill.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Legislative Counsel Bureau**

Approved by: Richard S. Combs, Director

Comment: No Impact

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Lieutenant Governor**

Approved by: Ryan Cherry, Chief of Staff

Comment: no apparent fiscal impact to the office.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency **Nevada Commission on Ethics**

Approved by: Yvonne M. Nevarez-Goodson, Executive Director

Comment: BDR 40-439 establishes the Council on Environmental Quality and requires all Commissions of the Executive Branch to prepare an environmental assessment for any proposed actions.

Section 15 of the BDR establishes a new public body, the members of which would be deemed "public officers" and the staff of which would constitute "public employees" under the jurisdiction of the Nevada Commission on Ethics. The Commission would accept certain disclosure forms from these new public officers and employees and may need to provide outreach and training to these individuals regarding NRS 281A. However, such training is already included in the statutory responsibilities of the Commission and the addition of 8-10 new public employees and officers should have negligible fiscal impact on the Commission. The Commission also has statutory authority to impose payment for training in such circumstances.

Section 21 of the BDR requires any Executive Branch agency, including the Nevada Commission on Ethics, to prepare an environmental assessment for any proposed action, defined to include proposed regulations or any project or activity of the agency. The assessment identifies the effect any of its actions may have on the Environment, defined as any physical conditions affected by the proposed action such as impact to land, air, water, noise or objects of historic/aesthetic significance. The Commission anticipates NO proposed action in carrying out its mission, actions and policies that could have an impact on the environment, as defined in this BDR. Subsection 6 of Section 21 provides that the agency is NOT required to conduct an environmental assessment for any proposed action that has "categorically been found not to have a significant adverse impact on the environment." The BDR does not specify who makes the determination whether an action can be "categorically" excluded from environmental impact. In the Commission's view, none of its actions would have such impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada Commission on Off-Highway Vehicles**

Approved by: Greg McKay, Chairman

Comment: The creation of a State NEPA process and its related cost could have an effect on the amount of projects we could fund but we cannot determine the extent at this time.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: Nevada Commission on Judicial Discipline Approved by: Evan Dale, Administrator Comment: The agency has reviewed the bill and determined that there is no fiscal impact				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Nevada Department of Agriculture Approved by: J. Dale Hansen, Fiscal Administrator Comment: This will have an impact, but without knowing what projects will be exempted and which ones will not it is difficult to know the impact on the Director and staff. In addition, with so little non-federal land in Nevada and the federal requirements for EIA's already in place on federal lands through NEPA it is unclear how many projects this would really impact and if this legislation is even necessary.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: Nevada Department of Education Approved by: Mindy Martini, Deputy, Business & Support Comment: This measure would require an agency to prepare an environment impact statement for any action which may significantly affect the quality of the environment. At this time, the Department of Education does not foresee taking any action that would require such a statement. Therefore, there is no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Nevada Department of Tourism and Cultural Affairs Approved by: David C. Peterson, Operations and Finance Manager Comment: This BDR may have a fiscal impact on the Department of Tourism and Cultural Affairs, specific to the infrastructure grants awarded through budget account 1523 – Tourism Development Fund (infrastructure grants). The agency must ensure any project for which funds are requested, not be jeopardized by the need for additional reports, such as an environmental study. Potential impact cannot be determined at this time as the agency cannot know what future projects will be submitted by grantees for possible award.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Nevada Department of Transportation**

Approved by: Sean Sever, Communications Director

Comment: BDR 40-439 would (1) enact the Nevada Environmental Policy Act; (2) create and authorize staff for a Council on Environmental Quality to be established within the Office of the Governor; and (3) make various changes to Nevada Revised Statutes governing preparation and processing of environmental assessments (EA) and environmental impact statements (EIS). This agency (NDOT) has a small environmental services division handling these environmental processes with staff specialization in air, water, biological, cultural resources in support of our roadway design division. The provided estimate of fiscal impact attributable to this BDR is based on limited time and information. Our Deputy Attorneys General indicate that increased legal costs would occur under certain provisions of this BDR – these costs will be reported separately in a fiscal note to be submitted by the Attorney General's Office. It appears that additional costs exceeding these estimates could result from potential project delays due to additional EAs and EISs likely to occur under this BDR.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Has Impact	\$0	\$1,505,737	\$1,479,868	\$2,985,605

State Agency: **Nevada Department of Wildlife**

Approved by: Patrick Cates, Deputy Director

Comment: SB 277 would have significant fiscal impact on the Nevada Department of Wildlife (NDOW). Under the Federal Environmental Policy Act, the department dedicates the equivalent of several full time positions to provide input and comment on environmental assessments and impact statements for projects on federal land. The bill would seem to require the department to provide similar input on projects proposed on state and private land. This would likely result in a large increase in volume of projects requiring review. In addition to commenting, actions of NDOW itself may require environmental assessments and impact statements. NDOW undertakes actions on private land as well as on state owned land such as Wildlife Management Areas. The provisions of sec 17 of the bill could possibly result in exemptions for many of NDOW's actions since they are generally beneficial to the environment. But that would have to be determined by regulations of the Council.

Based on the department's understanding of the bill, we estimate the need for four biologist positions (one staff level and three field biologists - one for each region). This would minimally cover Nevada environmental assessments and environmental impact statements for wildlife, as well as lawsuits, expert testimony, etc. In addition to personnel, we would also need professional services to address issues for which NDOW lacks the expertise in such fields as air quality, hydrology, archaeology, and rare plants. It is difficult to assess the potential costs of this bill due to its sweeping scope and the uncertainty of the regulations that may be promulgated by the Council.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Has Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada Governor's Office of Economic Development**

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Approved by: Steve Woodbury, ASO

Comment: This BDR may have a fiscal impact on the Governor's Office of Economic Development, specific to the Catalyst Fund and Community Development Block Grant program grants awarded through budget accounts 1528 and 1529. The agency must ensure any project for which funds are requested, not be jeopardized by the need for additional reports, such as an environmental study. Potential impact cannot be determined at this time as the agency cannot know what future projects will be submitted by grantees for possible award.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Nevada System of Higher Education**

Approved by: Heidi Sakelarios, Budget Officer

Comment: Until the Council establishes the regulations necessary to implement the proposed legislation and sets any fees necessary to implement those regulations, it is not possible for the NSHE or its institutions to quantify the fiscal impact of the proposed legislation.

Until the NSHE and the institutions have a better understanding of the proposed regulations, it would be difficult to calculate a fiscal impact. Other factors that would make it difficult to establish a fiscal impact include: uncertainty about the timing of future projects at each institution, the frequency and complexity of the environmental analysis required, staff time to attend the required public hearings, possible delays in construction, and monitoring and reporting requirements.

Initially, it is presumed the fiscal impact would be approximately \$50,000 per year per institution, or approximately \$400,000 per fiscal year, to hire qualified consultants to conduct the required environmental analysis and prepare the reports plus any fees assessed by the Council.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Office of the Military**

Approved by: C Tyler, ASO II

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Office of the State Controller Approved by: James Smack, Chief Deputy Controller Comment: This agency has reviewed BDR 40-439 and determined that there is no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Office of the State Treasurer Approved by: Budd Milazzo, Deputy Treasurer Comment: The State Treasurer's Office has reviewed BDR 40-439 and determined there is no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Office of Veterans' Services Approved by: Amy L. Garland, CFO Comment: This BDR was no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Public Employees' Benefits Program Approved by: Roger Rahming, Operations Officer Comment: This agency has reviewed this bill draft request which enacts the Nevada Environmental Policy Act and creates the Council on Environmental Quality within the Office of the Governor, and determined that there is no fiscal impact to the Public Employees' Benefits Program.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Secretary of State Approved by: Wayne Thorley, Deputy Secretary of State Comment: The Office of the Secretary of State has reviewed this bill and determined there is no fiscal impact on the Office.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Silver State Health Insurance Exchange Approved by: Cari Eaton, Finance and Research Officer Comment: The Silver State Health Insurance Exchange has reviewed the bill and determined that there is no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: State Public Charter School Authority Approved by: Patrick J. Gavin, Director Comment: The Department has reviewed and determined no impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Department of Health and Human Services, Aging and Disability Services Division Approved by: Todd Myler, ASO 4 Comment: Aging and Disability Services Division staff has reviewed this legislation and believe there is no fiscal impact to the agency.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Department of Health and Human Services, Division of Child and Family Services Approved by: Danette Kluever, Deputy Administator Comment: The agency has reviewed the bill and anticipates no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: Department of Health and Human Services, Division of Health Care Financing and Policy Approved by: Leah Lamborn, ASO IV Comment: The agency has reviewed the bill and determined that there is no fiscal impact.				
Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Health and Human Services, Division of Public and Behavioral Health**

Approved by: Mark Winebarger, ASO IV

Comment: BDR 40-439 will not have a fiscal impact on the Division of Public and Behavioral Health.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Health and Human Services, Division of Welfare and Supportive Services**

Approved by: Sue Smith, ASO IV

Comment: The agency has reviewed the bill and determined there is no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Motor Vehicles, Management Services and Programs Division**

Approved by: Amy McKinney, Chief of Administration

Comment: BDR 40-439 enacts the Nevada Environmental Policy Act and establishes the Council on Environmental Quality. The Council is required to establish regulations specifying criteria for agencies to use to determine if actions being taken by the agency would significantly affect the quality of the environment. Agencies are required to review and determine any impact an action by the agency would have on the environment, submit information to the Council, and conduct public meetings. The BDR becomes effective on January 1, 2016.

The Department has reviewed the bill and determined that there is no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Business and Industry, Division of Industrial Relations**

Approved by: Aaron Frantz, ASO II

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **State Department of Conservation and Natural Resources**

Approved by: Kelly M. Williams, ASO IV

Comment: SB277 proposes to enact the Nevada Environmental Policy Act (NEPA), which would create a Council on Environmental Quality (CEQ) within the Office of the Governor. The CEQ would develop regulations requiring state and local agencies to prepare environmental reports that analyze environmental impacts of agency actions and activities. Major technical and advisory support for the CEQ would be provided by the Department of Conservation and Natural Resources (DCNR), and as such would require staff to: 1) provide technical and administrative advice on all Environmental Impact Statements (EISs) submitted to the CEQ; 2) evaluate the adequacy of each declaration of impact and EIS for the CEQ; and 3) provide assistance, advice, policy improvement, annual review, report to Governor, overall health and effects of policies, and results of all studies. Staff needed to support the CEQ includes eight NEPA teams (see attached list of staff that comprises a NEPA team), three Administrative Assistant 2 positions, and three Environmental Scientist 4 positions. This fiscal note includes only personnel costs and does not include personnel related costs such as rent, travel and operating.

Impact	FY 2014-15	FY 2015-16	FY 2016-17	Future Biennia
Has Impact	\$0	\$8,874,000	\$8,874,000	\$17,748,000