

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Eightieth Session  
May 22, 2019**

The Committee on Ways and Means was called to order by Chair Maggie Carlton at 6:10 p.m. on Wednesday, May 22, 2019, in Room 3137 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/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Maggie Carlton, Chair  
Assemblywoman Teresa Benitez-Thompson, Vice Chair  
Assemblyman Jason Frierson  
Assemblywoman Sandra Jauregui  
Assemblyman Al Kramer  
Assemblywoman Daniele Monroe-Moreno  
Assemblywoman Dina Neal  
Assemblywoman Ellen B. Spiegel  
Assemblywoman Heidi Swank  
Assemblywoman Robin L. Titus  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS EXCUSED:**

Assemblyman John Hambrick

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Lesley E. Cohen, Assembly District No. 29  
Assemblywoman Sarah Peters, Assembly District No. 24  
Assemblyman Howard Watts III, Assembly District No. 15



**STAFF MEMBERS PRESENT:**

Cindy Jones, Assembly Fiscal Analyst  
Sarah Coffman, Principal Deputy Fiscal Analyst  
Anne Bowen, Committee Secretary  
Lisa McAlister, Committee Assistant

Chair Carlton asked the committee assistant to call the roll. The Chair then reminded the Committee members, testifiers, and members of the audience about Committee rules and protocol.

**Assembly Bill 128 (1st Reprint): Revises provisions governing vocational rehabilitation.  
(BDR 53-829)**

Assemblywoman Lesley E. Cohen, Assembly District No. 29, presented Assembly Bill (A.B.) 128 (1st Reprint). Existing law required a vocational rehabilitation counselor to develop a plan for a program of vocational rehabilitation, including job placement and assistance for eligible employees. Assemblywoman Cohen said the goal of this bill was to allow injured workers more time to work through a vocational rehabilitation plan to get them working again. The Department of Administration was available to answer any questions.

Daniel Marlow, Administrative Services Officer (ASO), Administrative Services Division, Department of Administration, stated the Department had a fiscal note for the Division of Risk Management under the Workers' Compensation Fund which totaled \$212,681 per year. This fiscal note was due primarily to the increase in the buyout percentage changing from 40 percent to 55 percent and the change in the brackets and adjusting the length of time to 24 months, which potentially made persons who were going through vocational rehabilitation eligible for a two-year collegiate program versus a trade or certificate program.

Chair Carlton said she wanted to make sure regarding the current fiscal note, because the Department of Administration originally had a \$983,124 fiscal note.

Mr. Marlow said he believed that the current number was correct; the language in the original bill increased the buyout from 40 percent to 80 percent, and that was changed to 55 percent which significantly reduced the amount to \$212,681 per fiscal year.

Chair Carlton said she wanted to make sure because it was not very clear and asked whether \$212,681 per fiscal year was the correct figure, and Mr. Marlow said that was correct.

Assemblywoman Cohen said the intent of the bill was ultimately to have workers do the vocational rehabilitation, but there were some people who for different reasons were going to end up with a buyout. She said she wanted to ensure those receiving a buyout had a little more money in the buyout to make it worthwhile, because they were foregoing the right to sue.

Assemblywoman Benitez-Thompson believed her question was for the Department of Administration. In reading the fiscal note and referring to the buyout question, she asked what assumptions went into that buyout figure and whether that number assumed that 100 percent of the population that would be available for the buyout would take advantage of it or whether it was closer to 50 percent or 70 percent.

Mr. Marlow explained that the Department used the previous three years of claims for Workers' Compensation, which totaled \$1.3 million or \$446,000, per year. The Department took a three-year historical average and applied the percentage increase to that figure.

Assemblywoman Benitez-Thompson asked what percentage of the overall population was qualified for a buyout.

Mr. Marlow said he did not have all the numbers, but it appeared that 27 eligible persons took the buyout, and 17 persons completed the vocational rehabilitation training. There were a number of persons who started the training but did not complete it, and Mr. Marlow did not have that count.

Assemblywoman Benitez-Thompson inquired as to whether that was 27 persons who took the buyout over the three-year period or 27 individuals each year. Mr. Marlow replied 27 persons total took the buyout over the three years.

Assemblywoman Titus referred to the funds being used for buyouts and asked whether they were dollars that were paid by businesses into the fund or whether they were General Fund dollars.

Mr. Marlow said the buyouts were paid out of the Workers' Compensation Fund.

Assemblywoman Titus asked whether it was correct that the Workers' Compensation Fund came from the businesses that paid into it, and Mr. Marlow stated it was state dollars that funded the buyouts [for state workers].

Assemblywoman Titus referred to the small businesses that paid their Workers' Compensation insurance and asked whether they had rates that paid into that pot.

Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, explained that the affected budget was an internal service fund, and the state of Nevada was self-insured for purposes of Workers' Compensation Insurance. It was an assessment against payroll, charged to all state agencies, and was one of the rates that had been approved. Ms. Jones said this would increase the amounts that were charged through that assessment to the state agencies that paid into that fund.

Assemblywoman Benitez-Thompson said this question would be for Assemblywoman Cohen. She wondered whether the buyout was intended to be an incentive for people to enter and complete vocational rehabilitation or whether it was intended to be kind of a wash when persons decided to enter vocational rehabilitation or accept a buyout.

Assemblywoman Cohen said her intent was for qualified applicants to participate in vocational rehabilitation because she wanted them working again, and buyouts were often extremely small. For example, if a worker was unable to do their job for whatever reason, an injury perhaps, and for some reason the worker could not get the retraining, the intent was that with the buyout, that person would at least have something to use with whatever new job that worker would acquire.

Assemblyman Kramer said he thought this applied to all employees in the state of Nevada, but now he was hearing that Workers' Compensation was only for state workers.

Chair Carlton said she would have Ms. Jones address that question, but said the fiscal impact was to the state, and the policy was for everyone in the state.

Assemblywoman Cohen related that she had spoken to staff with the City of Henderson today, and they said they were neutral on A.B. 128 (R1).

Chair Carlton said this would be the hearing for A.B. 128 (R1). She asked whether there was anyone else in support of A.B. 128 (R1), anyone in opposition, or anyone neutral and, hearing none, closed the hearing on the bill. Chair Carlton said she would hold on to the bill, there were no proposed amendments, and it would be a do pass. She moved on to Assembly Bill (A.B.) 364 (1st Reprint).

**Assembly Bill 364 (1st Reprint): Revises provisions governing the transfer, title and sale of manufactured homes. (BDR 43-801)**

Assemblyman Howard Watts III, Assembly District No. 15, testified in support of Assembly Bill (A.B.) 364 (1st Reprint). Assemblyman Watts said this bill created some alternative titling processes with the goal of making it easier for people to establish or change the ownership of a manufactured home and streamline a process that could currently lead to frustration and litigation. The Housing Division, Department of Business and Industry, had submitted an updated, unsolicited fiscal note based on the first reprint of the bill. With that, Assemblyman Watts said he would be happy to have the Division representative answer any questions.

Chair Carlton said that if she was reading correctly, the fiscal note on the first reprint was in the amount of \$10,000 for programming changes. Assemblyman Watts replied that was correct.

Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry, commented that the fiscal note would make a couple of changes to the way the titles would read. The Housing Division would have to create a bonded title, which it currently did not

have, and would also have to create a beneficiary title. Those two things and potentially the elimination of the notarization for the buyer would be the three changes covered by the change in the programing.

Chair Carlton remarked that Mr. Aichroth sat down and figured out about how many hours it would be and came up with a nice round \$10,000. Mr. Aichroth said that was correct.

Chair Carlton said the fiscal note did not show how this would be funded. Mr. Aichroth replied that the funds would be pulled from reserves.

Assemblywoman Benitez-Thompson asked whether the Department had dedicated staff to work on regulations, and Mr. Aichroth replied that there was no dedicated staff for regulations, but staff worked through them as they were developed.

Chair Carlton commented that most of the time regulations could be absorbed within the department unless it got to the point where the same agency was getting hit over and over again, and then it would take much longer to process.

Assemblyman Kramer thanked the Department for bringing this forward and said it was needed. He further suggested that when the programming was ready that the Department circulate the information to county assessors, because that was where people went to try to fix their problems: they did not initially go to the Housing Division.

Chair Carlton asked whether there was anyone in support of A.B. 364 (R1) or anyone in opposition or neutral and noted that as the bill moved forward it would be a do pass.

Sophia Romero, Consumer Rights Project, Legal Aid Center of Southern Nevada, testified in support of A.B. 364 (R1).

With no other comments, Chair Carlton closed the hearing on A.B. 364 (R1) and opened the hearing on Assembly Bill (A.B.) 264 (1st Reprint).

**Assembly Bill 264 (1st Reprint): Makes various changes relating to relations between state agencies and Indian nations or tribes. (BDR 18-671)**

Assemblywoman Sarah Peters, Assembly District No. 24, presented Assembly Bill (A.B.) 264 (1st Reprint), a tribal collaboration bill. She said there was an amendment, which helped with some of the fiscal note and defined a couple of terms in the language agreement, policy, and program.

Chair Carlton asked Assemblywoman Peters to walk the Committee through the amendment.

Assemblywoman Peters stated that in section 6, subsection 2 was a revision "that the Commission shall consult with representatives of Indian tribes and state agencies" to make it more inclusive of the people who would be a part of those processes. In subsection 5 of section 6, the notification to the Governor of those departments would be removed. She explained that of the fiscal notes that were received, the Department of Administration, the Division of Minerals, Office of Economic Development, Division of Emergency Management, Secretary of State, Department of Taxation, State Fire Marshal, and the Department of Conservation and Natural Resources had all agreed to remove their fiscal notes. Assemblywoman Peters stated that the Department of Transportation (NDOT) was asking for \$10,000 to cover travel costs in its fiscal note. The NDOT already had a relatively robust travel liaison program, and this would help them extend that into other areas of Nevada. The Board of Examiners for Social Workers had a fiscal note that asked for \$620 per year to send someone to take the training. The Department of Tourism and Cultural Affairs, which was where the Indian Commission was housed, asked for a full-time-equivalent (FTE) position.

Chair Carlton requested confirmation that the fiscal note from the Department of Public Safety, State Fire Marshal had been removed, and Assemblywoman Peters confirmed that it had been removed.

Assemblywoman Peters also confirmed that the Board of Examiners for Social Workers was requesting \$620 annually for the cost to send someone to training.

Chair Carlton wondered why the Board of Examiners for Social Workers was asking for state dollars to send someone to training, because typically Boards funded their own travel through fees and revenues, noting that the General Fund did not support boards. Fiscal Analysis Division staff would need to talk to the Board to make sure that everyone was on the same page, but if they wanted to send someone to training, it would be on the Board's dime.

Chair Carlton asked for the status regarding fiscal notes from DPS Emergency Management and the Department of Administration, and Assemblywoman Peters stated that both had been removed.

Chair Carlton asked about the fiscal note from the Department of Tourism and Cultural Affairs and Assemblywoman Peters stated that fiscal note remained and requested an FTE.

Chair Carlton asked about the fiscal note from NDOT, and Assemblywoman Peters stated it had been reduced to \$10,000 a year for travel needs.

In response to a questions from Chair Carlton, Assemblywoman Peters said fiscal notes from the Division of Minerals and the Governor's Office of Economic Development had been removed from the bill.

Chair Carlton referred to the State Department of Conservation and Natural Resources and its fiscal note, and Assemblywoman Peters said the Department was present today to testify to the removal of that fiscal note.

Chair Carlton requested that a representative of the Department of Conservation and Natural Resources put the fiscal note removal on the record.

Bradley R. Crowell, Director, Department of Conservation and Natural Resources (DCNR), stated that under the revised version of the bill, the Department was able to remove its fiscal note. He noted that DCNR had significant interactions with tribes across its seven divisions, and once the provisions of this bill were enacted, the Department would probably be back next session asking for an FTE because it did not have the capacity to meet the expectations of the bill.

Assemblywoman Benitez-Thompson remarked that she needed a better understanding of what would cause one department to have a fiscal note, but not other departments. She said that information would be helpful for those who were listening.

Chair Carlton said she believed it was the interpretation of how many meetings and how much outreach the agencies were going to have to perform.

Assemblywoman Peters explained that the intent of the bill was to create a baseline for how the state interacted and communicated with tribal governments across the state. Some departments had more interaction than others, and some had already facilitated actions similar to what was described in the bill. She said that was why most of those fiscal notes had been removed, but there were a few that remained.

Chair Carlton asked whether there was anyone present from the Board for Social Workers and told Assemblywoman Peters she had two agencies to reach out to, the Board of Social Workers and the Department of Transportation. The Committee would address those before moving forward.

Assemblywoman Peters said A.B. 264 (R1) was a very important piece of legislation for bringing our state government forward and having a well-balanced relationship with the 27 tribal governments in Nevada. She said she was looking forward to seeing how relationships could be built and leveraging some additional resources for the state through this legislation.

Chair Carlton said this would be the hearing for A.B. 264 (R1) and she invited those forward who were in support of the bill. She reminded prospective testifiers that this was not a policy committee.

Marla McDade Williams, Senior Director, Strategies 360, testified in support of A.B. 264 (R1). Ms. McDade Williams said she was testifying today on behalf of the Reno-Sparks Indian Colony, which was in support of this measure. She hoped the fiscal notes could be worked through. Ms. McDade Williams said that previously she was a board member of the Nevada Indian Commission, and this was one of the items she had focused on during her time at the Commission.

Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe, testified in support of A.B. 264 (R1). Ms. Thom said this was a bill the tribe was supporting. She was aware there might be some fiscal notes that would be attached because there needed to be changes on how to better communicate between tribes and the state of Nevada. There were a number of things the Yerington Paiute Tribe was currently facing, and it was being road-blocked because there was no liaison or the tribe had to wait to meet with the Governor.

Will Adler, Lobbyist, representing Pyramid Lake Paiute Tribe, testified in support of A.B. 264 (R1). Mr. Adler said he would like to personally advocate for the transportation budget because most tribal communities were not near urban centers or state agencies, and gas budgets were real. He maintained the cost was minimal compared to the gain.

Chair Carlton asked for any testimony in support, in opposition, or neutral and, hearing none, closed the hearing on A.B. 264 (R1) and opened the hearing on Assembly Bill (A.B.) 224 (1st Reprint).

**Assembly Bill 224 (1st Reprint): Revises provisions governing the NV Grow Program.  
(BDR S-28)**

Assemblywoman Dina Neal, Assembly District No. 7, presented Assembly Bill (A.B.) 224 (1st Reprint), which she explained was the Nevada Grow program. The significant changes in the bill were that the Division of Workforce and Economic Development of the College of Southern Nevada was becoming the fiscal agent, instead of the Nevada Small Business Development Center (SBDC), as shown in Section 2 of the bill. Also in section 2, subsection 7, paragraph (d) [formerly subsection (e)], two entities were being added to the stakeholder group: the Henderson Chamber of Commerce and the Asian Community Development Council.

Assemblywoman Neal presented Exhibit C, a proposed amendment to A.B. 224 (R1). She stated the program had done well and now was planning to move into other spaces.

Assemblywoman Neal referred to section 3, subsection 4, paragraph (c) of A.B. 224 (R1) and said it ensured there was now contact with the Governor's Office of Economic Development (GOED) and the Regional Business Development Advisory Council for Clark County. Those were the new changes and the differences. The fiscal recommendation was for \$425,000.

Chair Carlton noted that section 6 of the bill appropriated \$425,000 from the State General Fund and said the first time this was funded was in the 2017 session.

Assemblywoman Neal responded that the 2017 appropriation was \$350,000. She further explained that there was an allocation to the Las Vegas Urban Chamber of Commerce to help advertise and pay for a staff person at their office to help businesses. That was how the program was run with the Las Vegas Latin Chamber of Commerce as well, and that same relationship would happen with the Asian Community Development Council and Henderson Chamber of Commerce.

Chair Carlton opened the hearing for questions from the Committee and, seeing none, closed the hearing on A.B. 224 (R1) and called for anyone wanting to testify in support of the bill.

Mariana Kihuen, Interim Director, Government Affairs, College of Southern Nevada (CSN), testified in support of A.B. 224 (R1). She said the College of Southern Nevada had supported the Nevada Grow program since its inception. The CSN Workforce Division had been working closely with Assemblywoman Neal on this bill since last session. The CSN had supported the transfer of the oversight of the program to CSN's Division of Workforce and Economic Development. Ms. Kihuen said that among the many reasons CSN supported the program was that data, as of February 2019, showed the Nevada Grow program had served 50 businesses with informational and technical assistance. Because of the partnerships between the Small Business Development Centers, the Las Vegas Latin Chamber of Commerce, the Las Vegas Urban Chamber of Commerce, and CSN, the Nevada Grow program had an economic effect of \$8,458,218, which included, but was not limited to, incremental revenue of \$6,575,097 and \$1,732,900 of capital funding that was acquired. So far, 82 jobs had been created as a result of this program. Ms. Kihuen stated that CSN supported the Nevada Grow program and the small businesses that benefited from it.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce, testified in support of A.B. 224 (R1).

Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce, testified in support of A.B. 224 (R1). She said the Henderson Chamber of Commerce appreciated being included as a stakeholder of Nevada Grow, and the Chamber looked forward to helping some of the emerging businesses in the state.

Chair Carlton called for further testimony in support of, in opposition to, or neutral on the bill and, hearing none, closed the hearing on A.B. 224 (R1) and opened the hearing on Assembly Bill (A.B.) 445.

**Assembly Bill 445: Revises provisions governing sales and use taxes. (BDR 32-797)**

Assemblywoman Dina Neal, Assembly District No. 7, presented Assembly Bill (A.B.) 445. She explained that sections 1 through 8 of the bill added to Chapter 372 of *Nevada Revised*

*Statutes* (NRS), which governed the state 2 percent sales and use tax that was deposited in the General Fund.

Assemblywoman Neal presented [Exhibit D](#), a document titled "Proposed Amendment 5928 to Assembly Bill No. 445." Sections 2.5, 3 and 4 provided the definitions for the terms "affiliate, marketplace facilitator, and marketplace seller," for the purposes of this bill. Assemblywoman Neal explained that section 2.5 was added because it was a proposed amendment to define "affiliate" as any person who directly or indirectly owns or controls, is owned or controlled by, or is in common ownership or control with another person.

Section 3 of [Exhibit D](#) defined marketplace facilitator, trying to capture information from *South Dakota v. Wayfair, Inc.*, 585 U.S. \_\_\_\_ (2018), which required putting into statute a facilitator and a seller. The proposed amendment ([Exhibit D](#)) changed the definition of marketplace facilitator in section 3 to clarify that persons who provided internet advertising services as well as the arranging, booking, or facilitation of car rentals by persons who arrange or facilitate travel services were excluded. Assemblywoman Neal said these two amendments came from AT&T because it had been realized in the drafting of the amendment that Expedia was being treated like a marketplace facilitator where they would collect and remit the sales tax, and that was not the goal.

Assemblywoman Neal referred to section 4, where marketplace seller was defined as a seller who makes retail sales through any physical or electronic marketplace that is owned, operated, or controlled and also a seller who made retail sales resulting from a referral by a referrer. She was aware that referral and referrer were unique terms here, but it was defined in section 7 of the bill, and it was attempting to pick up Google shopping and mimic what was done in other places.

Section 5, outlined the duties of a marketplace facilitator and specified that they must collect and remit the sales tax under Chapter 372 of NRS if there were sales of more than \$100,000 or if that person facilitated at least 200 separate transactions in the current or preceding calendar year. Assemblywoman Neal said the proposed amendment clarified the agreement between the marketplace facilitator and the marketplace seller and required a marketplace seller to obtain a permit from the Department of Taxation pursuant to NRS 372.125 or be registered as a seller through the Streamlined Sales Tax Agreement under NRS 360B.200. The amendment also required the marketplace facilitator, upon request of the Department, to provide a list of sellers who had entered into such an agreement with the marketplace facilitator.

Assemblywoman Neal explained the reason for the so-called "opt-out" provision was because of big box sellers who might sell on Amazon. For instance, a store such as Bed, Bath, and Beyond might sell on Amazon when they were perfectly capable of collecting and remitting their own sales tax. They were probably already doing so in the state, and the idea was to allow them to opt out, but tighten the language to make them register and have a back end with proof showing who actually entered into an agreement. This would allow the Department of Taxation to know who opted out and where to collect the sales tax.

Section 6 of [Exhibit D](#) instructed the Department of Taxation to not hold a marketplace facilitator liable. Assemblywoman Neal said there was a national discussion around liability, and Nevada basically adopted the Streamlined Sales Tax conversations from other states. If a marketplace facilitator provided proof that there was a reasonable effort to obtain accurate information from the marketplace seller, they would not be liable. They were also not liable if incorrect information was given to the facilitator by the seller and the facilitator had no idea the information was incorrect.

Assemblywoman Neal noted this provision was a national piece that facilitators requested, and it was modeled for Nevada. The amended piece in section 6, basically said "as amended the marketplace facilitator is allowed relief from liability up to 5 percent of the total sales and use tax during the calendar years of 2019 and 2020." It was an eighteen-month period because the effective date was changed to October 1, 2019. She said the reason for that section was because there were a lot of conversations with eBay and Amazon, and they were saying they had to tag over a billion products; and if an error occurred, they did not want to be told they were now liable for this tax when they were trying to label millions of products. That was the agreement for a short window of relief until those entities worked it out, because eBay and some other facilitators were different regarding what they had to do and needed additional time. Assemblywoman Neal said she assumed the Committee heard there was some contention, but the sponsors of the bill tried to meet all the needs of the interested parties, not just one. That was the purpose of this provision.

Section 7 provided that the persons defined as "referrers" were required to collect and remit the sales tax under NRS 372.125. Assemblywoman Neal stated the section had the same opt-out provision from the platform, but required monthly notices to the marketplace seller. The proposed amendment to section 7 would make these provisions apply only if the Department of Taxation adopted regulations regarding those provisions. After extensive conversations with the state of Iowa, it was determined that monthly notices were better than quarterly notices.

Assemblywoman Neal said section 8 addressed the remedy that nothing should be construed to be a private right of action against the marketplace facilitator. Sections 9 through 16 were literally a repeat of sections 1 through 8. She said this would not increase the rate, it would increase the revenue [from the Local School Support Tax]. Section 17 provided the effective date, which was amended from July 1, 2019 to October 1, 2019.

Chair Carlton asked Committee members whether they had any questions.

Assemblyman Kramer commented that one of the issues with sales tax was that it made a difference in which county the sale took place for counties to get credit for that sales tax. In some respects postal zip codes worked, but not completely. He wondered whether there was going to be an effort to ensure the sales tax credit went to the proper counties.

Assemblywoman Neal said she believed that was a question for the Department of Taxation.

Assemblyman Kramer remarked that typically, deliveries worked, but it was usually from a brick and mortar building, and if you bought in Reno and had it delivered to Carson City, it became a Carson City sales tax, but if you bought in Reno and picked up in Reno, it was a Washoe County sales tax credit. When a purchase was done on the Internet, the store was out-of-state, and the purchase was shipped here or delivered electronically. His concern was that, for example, zip code 89705 was Carson City and Douglas County, 89706 was Carson City and Lyon County. There were many times when a zip code would not cover the situation. Assemblyman Kramer said he was not sure there was that much leakage between counties, and perhaps it was not enough to worry about, and maybe it was a Department of Taxation question.

Assemblywoman Neal said there had been an extensive conversation with the Nevada Tax Commission about the Streamlined Sales and Use Tax (SST) to ensure they were following the SST and the sourcing rules that were required for taxes, and to ensure that for online sales it was clear that where the transaction occurred was where the tax went.

Melanie Young, Executive Director, Department of Taxation, explained that the Department used an address sourcing tool through Pitney-Bowes, which added an extension to the zip code which identified it further down to the area. When companies submitted the sales and use tax return to the Department of Taxation, it was divided by the county, and the additional county code by the four-digit number after the postal zip code.

Chair Carlton stated that because this was a Committee on Ways and Means hearing, the Committee would want to address the fiscal note, but unfortunately, what was originally received indicated that the fiscal effect could not be determined. Additional information had been received, but Fiscal Analysis Division staff had not had an opportunity to review it. She said walking through the bill was very helpful.

Chair Carlton said this was the hearing on A.B. 445 and requested those in support of the bill come forward to testify.

Bryan Wachter, Senior Vice President, Retail Association of Nevada, testified in support of A.B. 445. He thanked Assemblywoman Neal for bringing the bill forward and stated this was the capstone piece in what had been a three decades long fight to bring parity to brick and mortar and the Internet. Retail had changed and would continue to change, but it was important that Nevada's tax regulations kept up with that change. Because of the U.S. Supreme Court, the Retail Association of Nevada did not see this as a tax increase, but a different, more effective way, to facilitate money that was already owed. The Department of Taxation promulgated regulations based on the *South Dakota v. Wayfair, Inc.* decision that said an entity meeting those requirements of over \$100,000 or more than 200 transactions was now legally required to remit to the state of Nevada. Mr. Wachter also wanted to be on the record that AT&T was in support of the bill.

Michael Pelham, MBA, Director of Government and Community Affairs, Nevada Taxpayers Association, testified in support of Assembly Bill (A.B.) 445. He thanked Assemblywoman

Neal for bringing the bill forward, and he believed this provided Nevada businesses with a level playing field.

Chair Carlton called for testimony in support of, in opposition to, or neutral on the bill and, hearing none, closed the hearing on A.B. 445 and opened the hearing on Assembly Bill (A.B.) 447.

**Assembly Bill 447: Imposes a tax on the retail sale of certain digital products. (BDR 32-1101)**

Assemblywoman Dina Neal, Assembly District No. 7, presented Assembly Bill (A.B.) 447, a bill on digital goods which was intended to be a companion bill to A.B. 445, because a majority of states and their marketplace facilitators had included digital goods in their existing bill. In Nevada, it had to be dealt with separately because of the 1955 Sales Tax Act and treated the same way as excise taxes. Assemblywoman Neal said the Streamlined Sales and Use Tax Agreement (SSUTA) governing board, which Nevada had been a part of for 20 years, bound Nevada to certain guidelines put forth by the organization. She presented Exhibit E, a mock-up titled "Proposed Amendment 5901 to Assembly Bill No. 447."

Assembly Bill 447 was basically governed under Title 32 of *Nevada Revised Statutes*, but sections 3 through 8 defined and provided the terms for digital goods. Assemblywoman Neal said all of the definitions under digital audio and visual, and digital books were taken from SSUTA except for other digital products. In section 3.5 of Exhibit E, a proposed amendment had been added to define computer software as a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. The amendment came from the National Retail Association (NRA), which was seeking to ensure that gaming software was not captured.

In section 12, there was a definition of other digital products. Assemblywoman Neal noted there was an amendment added that struck out "informational products" and "applications" and one of the additional things struck out was "news." News was not taxed, but in this category news was looked at because it could be a downloaded version of a news site. Assemblywoman Neal did not want news taxed, so there would be an amendment proposed deleting it.

In addition, the reason electronic games were included, such as Call of Duty, Fortnite, or downloading digital goods was to make sure traditional games, video, and greeting cards, if digital, were captured. Assemblywoman Neal mentioned that games or applications that happened to be within the gaming manufacturing world were excluded. It had been found that there were social gaming platforms within the casinos where virtual currency and other things were moved, but the intent had never been to include that function.

Chair Carlton stated that questions would be allowed as the presentation went along.

Assemblyman Frierson asked how this would affect his playing the game, Call of Duty.

Assemblywoman Neal explained that if someone downloaded the digital form, there would be an excise tax on that digital item.

Assemblyman Frierson asked whether this tax was intended to replace the tax he would pay when he bought the actual game.

Assemblywoman Neal said that was correct, the digital goods bill mimicked the tangible, so once it became intangible, it would be picked up.

Assemblywoman Benitez-Thompson asked if in a video game platform whether additional purchased items would be taxed.

Assemblywoman Neal said additional items would be a separate transaction and would be taxed.

Assemblywoman Neal referred to section 21.5 of [Exhibit E](#), which provided a statement of legislative intent regarding the taxes imposed in this bill, and stated that it was the Legislature's intent that the taxes imposed on specified digital products were administered and enforced in the same manner as the state sales and use tax on tangible personal property.

According to Assemblywoman Neal, section 22 contained the rules specifying where retail sale of a specified digital product was to be sourced for the purposes of determining the applicable tax rate and was amended to align with the sourcing rules and Streamlined Sales Tax and Use Tax Agreement.

Sections 23 through 31 referred to the excise tax upon retail sales of specified digital products. Section 23 imposed an excise tax upon the retail sale of a specified digital product to the end user in the state, on or after January 1, 2020, and it would be equal to the sum of all sales tax in that county. Assemblywoman Neal said it was the same exact sales tax rate in the county where the digital good was sold. Sections 24 through 31 contained provisions similar to provisions in Chapter 372 of NRS, which related to current sales, tax on tangible personal property, and sections 32 through 42, which provided for excise tax upon the use of specified products as defined in the bill.

Assemblywoman Neal explained that section 32 imposed the excise tax on the use of specified digital products purchased electronically and transferred by the retailer. This tax was also imposed with respect to the rate in the county of sale.

Sections 33 through 42 contained similar provisions as in Chapter 372 of NRS. Sections 43 through 55 contained the administrative provisions related to exemptions from the taxes. Sections 56 through 108 contained other administrative provisions related to these taxes, and the bill was amended to add sections 88.1 through 88.8, which was the marketplace facilitator language, because it was a companion bill and was needed to speak to what was happening on the platform. Section 109 to 119 made conforming changes to the various sections of the Chapters 360 and 360B, which related to the Streamlined Sales and Use Tax

Agreement, and section 120 provided that the provisions of subsection 1 of NRS 218D.380 did not apply to any provision of this bill which adds or revises a requirement to submit a report to the Legislature. Section 121 repealed NRS 360B.483 and section 122 specified that the bill became effective upon passage and approval for the purposes of adopting regulations.

Assemblywoman Neal said she needed to spell something out because this was an issue that was causing problems: in section 21.5 in [Exhibit E](#), there was a conversation around subscriptions and whether subscriptions were included. In Nevada, a subscription could not be taxed; however, if there was a digital product that became permanent, which was described in section 21 within the subscription, the goods could be taxed that were the result of the subscription. The history behind this was that on April 30, 2019, Assemblywoman Neal had a conversation with Craig Johnson, the Executive Director for the Streamlined Sales Tax Governing Board Inc., about how other states were handling this problem. Mr. Johnson provided examples in Wisconsin where the state was imposing the tax on permanent use. Assemblywoman Neal was told that taxing a digital product, regardless of whether it was a series, was also occurring in some states and Nevada had to make a decision. The definition in section 21 was not taken lightly, and after extensive conversations with Craig Johnson, he helped with guidance for section 21. Assemblywoman Neal said that other states were taxing permanent use, and Nevada made the decision to add this into the bill, which was done with guidance, with thought, and with a national conversation around what other states were doing.

Chair Carlton noted that Sirius radio was a subscription, and she believed that through her Sirius subscription she could access Pandora and some other things, so she was trying to understand how that would work.

Assemblywoman Neal said she was still trying to understand as well, but questioning what was included under digital audio works and with help from SSUTA, it was becoming clearer. When a subscriber paid there could be a tax, but Assemblywoman Neal thought it would not apply, only because the subscription did not turn into a tangible item that someone could keep in the same way that the video game was downloaded onto the computer.

Chair Carlton referred to Pandora, which she had on her phone, and through Pandora she received several different podcasts. She wondered whether those podcasts being transferred through Pandora to her phone were considered a digital download.

Assemblywoman Neal explained that based on the definition in SSUTA, it was considered a digital audio work.

Chair Carlton commented that because she had downloaded it, it was now on her phone, and she now owned it: therefore, instead of purchasing it in a store, she downloaded it through the airways, and she was paying the tax on the downloaded material as if it had been purchased at the store.

Assemblywoman Neal said in that scenario if you downloaded a movie to your laptop and then kept it, it would be taxed.

Chair Carlton said that if she just watched a movie on Netflix and then it was gone, it would not be taxed because it was not downloaded to a television, rather it was merely accessed through a password, played, and watched.

Assemblywoman Neal responded that was where a really narrow piece was carved, which was less than permanent use, a 48-hour or 72-hour window where you have it available versus a permanent download. Pay-per-view was excluded in this conversation as well, but Direct TV was not because it performed downloads. The conversation had been about streaming, but other states were saying it was taxable regardless of whether or not it was permanent use. Assemblywoman Neal said the definition in section 21 had to work within Nevada's rules.

Assemblywoman Monroe-Moreno said she paid a monthly fee or an annual fee to have Hulu or Netflix, so when she downloaded a movie, she was not paying an additional fee because she already had a membership, and apparently it was just the membership that was being taxed.

Assemblywoman Neal said in the state of Nevada, a membership or subscription could not be taxed, only the product or goods that resulted. She said she knew it was sticky, but that was how it worked.

Assemblywoman Monroe-Moreno asked how the Department of Taxation would know when someone downloaded a movie, because she did not have to do anything other than turn on her television, point the remote, and it was there.

Assemblywoman Neal said how that worked, and why facilitator fees were plugged in was because there was a responsibility on Netflix, or the consumer of it, which was kind of like sales and use tax, which the consumer was responsible for remitting. For instance, you have a business and you buy furniture, technically for your business you are supposed to let the Department of Taxation know that you bought these things—it was self-reporting. Many people did not do this, but you were supposed to do it, and it was written in the law.

Assemblywoman Titus commented that she also had Apple Music, and with Apple Music she paid a monthly fee, but she could also download songs. The difference was that until she downloaded the song and kept that song, it was no different than going to the store and purchasing the CD. She suggested that what the bill was trying to capture was not subscriptions, but something that a consumer would otherwise have—a tangible product.

Assemblywoman Neal replied that was correct.

Assemblywoman Spiegel thanked Assemblywoman Neal for continuing this conversation. One thing that had been confusing to her was that she used a drop box instead of putting

things on a thumb drive or storing files on a CD, which was a cloud-based service with a fee that she paid on an annual basis. She asked whether storing her files in a drop box made her subject to being taxed.

Assemblywoman Neal responded, no, which was why in section 12 of [Exhibit E](#), applications and information products had been struck. Drop box storage would not be taxable. It would be treated like an information download on your computer, but a drop box was through Gmail or Google. If a drop box was not taxed as a tangible product, it would not be taxed in the digital world.

Assemblywoman Spiegel maintained that if she purchased a thumb drive, it would be taxed, and Assemblywoman Neal explained that a thumb drive and the information downloaded to the thumb drive were two different things. The downloaded information on a thumb drive or in a drop box was not taxable in this bill.

Chair Carlton said this was the hearing on [A.B. 447](#), Proposed Amendment 5901, and she opened the hearing for testimony in support of the bill, or in opposition to the bill.

Bryan Wachter, Senior Vice President, Retail Association of Nevada, testified in opposition to [A.B. 447](#). Mr. Wachter said that even though the Retail Association of Nevada was in opposition, he wanted to thank Assemblywoman Neal for attempting to tackle this issue. He had slight problems with the language itself, but not the overall intent of the bill.

Mr. Wachter said he wanted to offer some thoughts and to clarify that what we were seeing was finally the clash between tangible retail sales and services in Nevada. He believed the Internet was illustrating the problem, and every application that members of the Committee had brought up today were really more service-based. Lock box was a service provided on a cloud, and there was no downloadable, tangible content. It became complicated to determine what the transaction was and how the value of a particular episode that you might download in Netflix was calculated. Mr. Wachter wondered how citizens could be required to then file a use tax form on that individual episode or whatever they might have downloaded.

Mr. Wachter believed there was a comparison to cable television that needed to be made, especially with the use of a DVR. He said he had service provided by Cox Communications, and while he was not home, he downloaded a program or set it to record. Technically, he had downloaded something that was somewhat tangible, but currently under Nevada law, it would not be taxed.

Mr. Wachter noted that Hulu was now 100 percent controlled by the Disney Corporation, which was operating and offering their own brand new streaming service this fall, as was Time Warner, so the landscape for entertainment of this type was rapidly changing. He said he would hate for the state to move into something that was not fully understood. He believed a services tax would expand that base to include a lot of those products, and he agreed with Assemblywoman Neal that was revenue being left on the table. Nevada had

study after study that related that services was the largest chunk of our economy that was not being taxed.

Chair Carlton said it was her understanding that streaming was not being taxed.

Mr. Wachter said he believed that was the confusion: how do you not tax streaming if you were trying to tax the download portion of streaming.

Chair Carlton commented that no one had possession of streaming permanently because it came and went, just like a radio show comes and goes on Sirius.

Mr. Wachter apologized and said he was under the impression that downloading something became a taxable event.

Chair Carlton noted that streaming was not downloading, and she wanted to clarify that streaming was not being taxed. Her goal was to make sure that everyone was on the same page.

Assemblywoman Benitez-Thompson commented that we might talk ourselves in circles, but she believed on the other end, the industry absolutely knew the difference between streaming and downloading, because the industry would provide a price for purchasing something and another price for renting something. If you had Amazon, the things that you owned were in your library and Amazon knew about those items. She said she did not want to make this so complicated that it could never be solved, because there are billions of dollars being made that were not going to come through brick and mortar, but were happening over the Internet.

Mr. Wachter said he agreed with Assemblywoman Benitez-Thompson. Sometimes it was very clear and distinct between renting and buying, but there were plenty of instances where that was not the case. He said he could access Netflix, not pay any difference, download an entire TV show, and watch it on an airplane, and there was no taxable event.

Assemblywoman Benitez-Thompson said Netflix was temporary: if the monthly fee was not paid, the whole thing went away and nothing permanent remained.

Mr. Wachter said there needed to be a larger conversation about this subject moving forward. He believed it would be easier to look at services.

Assemblywoman Benitez-Thompson stated that whenever we talk about taxes, there were a couple of principles. The first principle was always fairness, and that was where the retailers were coming from—it was unfair for something to be taxed when it was purchased in person versus buying over the Internet with no taxes. She said the method by which you buy something should not negate whether it was taxable or not. At some point, the fairness conversation would have to be extended to the online and digital world.

Mr. Wachter said the problem should be solved, and there was a solution and nobody would appreciate this bill more than the Retail Association. It was not the Association's goal to derail the bill, and it had been working with the sponsor for quite a while. Mr. Wachter said it has just been recently that some of these issues had arisen with the amendment.

Assemblyman Frierson said it might be easier, and this terminology might be in the bill, to think about it not so much as a taxable event, but a product. He said he bought a new car, and it did not occur to him until he wanted to play a CD that new cars did not have CD players anymore. It was the product that he was taxed on, so there was no unfairness if we were being taxed on a product as opposed to the process. Assemblyman Frierson said he believed the sponsor mentioned a window of time and appreciated retailers wanting to ensure an even playing field to capture what the equivalent of a purchase would be. He said he did not think it was that vague. He said it seemed pretty clear in most of the examples that were talked about at what point it was the purchase of a product that was owned.

Assemblyman Kramer agreed with Assemblyman Frierson and believed most of this would play itself out pretty clearly as long as the intent was clear, and Internet sellers of whatever was being sold could go to Department of Taxation and distinguish whether what was being sold was a service or a product. The service was not taxed and the product was, and that was the intent going forward. He thought it was pretty clear that streaming was a service. There might be more questions in the future, but that was what a board of equalization was about, so taxes could be resolved.

Mr. Wachter said he did not want to leave the impression that the subject was too murky to look at, but there were some nuances that would have to be adjusted. There were already taxes on certain telecommunication activities and services, and Mr. Wachter did not think this was clear for Nevada because it had not been done before. He thought the bill would cause a lot of confusion for a lot of people if it was not done correctly, and while he was not suggesting that it could not be fixed, he was not sure it could be done in the time given.

Elisa Cafferata, on behalf of the Nevada Technology Association, testified in opposition to A.B. 447. Ms. Cafferata addressed the cost of administering this bill with a marketplace facilitator, as in section 88.3 of [Exhibit E](#). Under section 88.3 (1) (b), this amendment included any affiliate or person who "directly or indirectly does one or more of the following to facilitate a retail sale." She then referred to section 88.3 (1) (b) (5) of [Exhibit E](#) where it said "provides a virtual currency that purchasers are allowed or required to use to purchase specified digital products." Ms. Cafferata stated that basically, if a vendor let a consumer buy the very clear product and let you use Bitcoin or Ether, as she read the amendment, the provider of Bitcoin or Ether was now a marketplace facilitator. In Ms. Cafferata's opinion the vendor was saying, you can use a credit card, a check, or virtual currency. While she did not think Bitcoin would be captured as a marketplace facilitator, the way the amendment read currently would mean the state was trying to get the vendor to come into the Department of Taxation as a facilitator.

Chair Carlton called for testimony from anyone else in opposition and, seeing none, called for any testimony in neutral.

Michael Pelham, MBA, Director of Government and Community Affairs, Nevada Taxpayers Association, said his organization was neutral on the bill, but he wanted to thank Assemblywoman Neal for bringing it forward. He believed it was important to expand the tax base with digital products. While Mr. Pelham recognized the need for this bill, he had some concerns with some of the sections, other digital products being one. He was happy to work with the sponsor and looked forward to the bill passing.

Michael Alonso, on behalf of the Association of Gaming Equipment Manufacturers, testified as neutral on A.B. 447. He thanked Assemblywoman Neal for working with his organization regarding this bill. Mr. Alonso said that between section 12, concerning electronic games and entertainment and section 88.3, which contained the market facilitator language relating to virtual currency, the issue he was concerned about was the social games that the manufacturers used. To play those games, the consumer acquired the application, and there was no charge, but then the consumer was required to buy virtual currency to play the game. The virtual currency could not be redeemed and had no other value aside from the game. Mr. Alonso said the sponsor was putting the intent on the record that that was not taxable. He was concerned about the section 88.3 reference to virtual currency that brought the marketplace facilitator into the mix.

Assemblywoman Neal explained that section 88.3 section 1, paragraphs (a) and (b) made the person a marketplace facilitator and it applied the same way in A.B. 445. She wanted to make that clarification and said she would be happy to work with Mr. Alonso on section 12.

Chair Carlton closed the hearing on A.B. 447.

Chair Carlton stated there were a couple of bills that could be moved to keep the flow going to the floor.

**Assembly Bill 81 (2nd Reprint): Makes various changes relating to the oversight and provision of legal representation of indigent defendants in criminal cases. (BDR 14-436)**

Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, said the first bill to bring to the Committee's attention was Assembly Bill (A.B.) 81 (2nd Reprint). Exhibit F was a document titled "Mock-up Proposed Amendment 5856 to Assembly Bill No. 81 Second Reprint." This bill was heard on May 1, 2019, and was a budget implementation bill for the Office of Indigent Defense. As discussed during the hearing, Ms. Jones said there was a disconnect between the effective date of the bill versus the effective date of the budget funding and regarding the types of personnel who would be in this office between nonclassified and unclassified. Exhibit F was prepared by the Legal Division, Legislative Counsel Bureau, and clarified those issues to make this bill ready to process if the Committee so desired.

Page 9, section 9 and page 10, section 11 of [Exhibit F](#) previously indicated that the positions would not be in the classified or unclassified service of the state, and thus would make those positions nonclassified, so by striking out "classified or" it made the positions unclassified positions as recommended and approved in The Executive Budget. Also, as indicated in section 9, subsection 4, this allowed for the agency to hire the positions necessary to operate this agency. Ms. Jones said that, previously, the bill had some very specific language regarding the type of positions hired and the skills required for clerical staff, which was not typically found in a bill because it was the jurisdiction of the Division of Human Resources Management to set the classifications for classified employees of the state. This amendment aligned the bill with how personnel classification was handled in the state as shown in sections 17 and 18 on page 13 of [Exhibit F](#). There were also changes in the effective dates to align the bill with the budget.

Chair Carlton asked for questions from Committee members.

Assemblyman Kramer said he did not see a fiscal note and could not imagine an executive director running a department without a fiscal note.

Ms. Jones said it was included in The Executive Budget previously approved by the Committees as one of the new offices recommended by the Governor. The Committee had already approved the establishment and staff for the new office.

In response to a question from Assemblywoman Titus regarding page numbers, Ms. Jones said the changes related to the establishment of the Office were on page 21 of [Exhibit F](#). Section 33 indicated that the bill was effective on passage and approval for the purpose of selecting the director and employees, but those employees could not be hired until the funds were available, so employees could be selected and then hired as of October 1, 2019.

Chair Carlton stated the Committee would go ahead and process the bill, and she would accept an amend and do pass on Assembly Bill (A.B.) 81 (2nd Reprint).

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 81 (2ND REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (Assemblymen Kramer, Titus, and Wheeler voted  
no. Assemblyman Hambrick was not present for the vote.)

Chair Carlton said she would be responsible for the floor statement.

**Assembly Bill 80 (1st Reprint): Makes various changes relating to the Nevada Sentencing Commission. (BDR 14-469)**

Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, said the next bill for the Committee's attention was Assembly Bill (A.B.) 80 (1st Reprint). This was the bill that revised the Sentencing Commission, and like the previous bill, it was a budget implementation bill for a new office for which the Committee approved the funding. Similarly to A.B. 81, there had been a disconnect between the start date of the agency and the availability of funds as well as some disconnect between the type of service of the positions that would be hired into this office. Ms. Jones said the other item that created some technical changes that the Legal Division had recommended had to do with the change from an office within the Office of the Governor to a separate department. She indicated there were some technical adjustments that made the appropriate changes as were noted in several places, specifically, in section 5 and section 9 of the bill.

Exhibit G was a document titled "Mock-Up, Proposed Amendment 5818 to Assembly Bill No. 80 First Reprint." In section 2.5 of Exhibit G, it defined the department rather than calling it the office. Under section 5, subsection 3, the phrase "not in classified or unclassified service" was changed to an unclassified position, and section 5, subsection 4, provided standard language related to operating within the money available and the hiring of positions. Ms. Jones said there was also information throughout that talked about the specific duties related to positions, and again that was under the purview of the Division of Human Resources Management. There were more of those types of changes in section 10, subsection 10, about calling it a department versus an office, which carried onto page 8. Ms. Jones noted that section 12 aligned the bill with the budget in regard to the selection of the employees versus the hiring of the employees when the funding would be available.

Chair Carlton noted that this was a budget implementation bill with clean-up language in Exhibit G. She asked whether there were any questions on this bill from the Committee, and hearing none, Chair Carlton said she would accept a motion to amend and do pass.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 80 (1ST REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Hambrick was not present for the vote.)

Chair Carlton said she would be responsible for the floor statement.

**Assembly Bill 494: Revises provisions governing financial support for health care for indigent persons. (BDR 38-1204)**

Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, said the other bill for work session was Assembly Bill (A.B.) 494. This bill was heard on April 15, 2019, and would allow for a state medical benefit associated with the Medicaid Fund for Hospital Care to Indigent Persons, Upper Payment Limit Supplemental Payment Program, to be used to leverage Medicaid funds. This was also a budget implementation bill. If this bill were not approved, there would be a shortfall of \$1.2 million over the biennium. The budget was approved by the money committees with the agreement that those funds could be used in this way to leverage federal funds. There were no proposed amendments and no testimony in support or opposition.

Chair Carlton said she would accept a motion to do pass Assembly Bill (A.B.) 494.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS  
ASSEMBLY BILL 494.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Hambrick was not present for the vote.)

Chair Carlton said she would be responsible for the floor statement.

Chair Carlton said she would accept a motion to do pass as amended Assembly Bill 128 (1st Reprint).

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 128 (1ST REPRINT).

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

THE MOTION PASSED. (Assemblymen Kramer and Titus voted no. Assemblyman Hambrick was not present for the vote.)

Chair Carlton requested that Assemblywoman Cohen handle the floor statement.

Chair Carlton said she would accept a motion to do pass as amended Assembly Bill 224 (1st Reprint).

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 224 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Hambrick was not present for the vote.)

Chair Carlton requested that Assemblywoman Neal handle the floor statement.

Chair Carlton said she would accept a motion to do pass as amended Assembly Bill 364 (1st Reprint).

Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that A.B. 364 had a \$10,000 fiscal note; however, the Department of Business and Industry, Housing Division, indicated they would fund the bill out of reserves. The Fiscal Analysis Division staff believed there were sufficient reserves to fund the fiscal note.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS AS AMENDED ASSEMBLY BILL 364 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Hambrick was not present for the vote.)

Chair Carlton requested that Assemblyman Watts handle the floor statement.

Chair Carlton called for public comment and, hearing none, closed public comment and adjourned the meeting at 8:12 p.m.

RESPECTFULLY SUBMITTED:

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Anne Bowen  
Committee Secretary

APPROVED BY:

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Assemblywoman Maggie Carlton, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster

[Exhibit C](#), is a proposed amendment to Assembly Bill 224 (1st Reprint), presented by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit D](#), is proposed amendment 5928 to Assembly Bill 445, presented by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit E](#), is proposed amendment 5901 to Assembly Bill No. 447, presented by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit F](#) is proposed amendment 5856 to Assembly Bill No. 81 (2nd Reprint), presented by Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau.

[Exhibit G](#), is proposed amendment 5818 to Assembly Bill No. 80 (1st Reprint), presented by Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau.