

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

**Eighty-First Session  
April 23, 2021**

The Committee on Ways and Means was called to order by Chair Maggie Carlton at 10:05 a.m. on Friday, April 23, 2021, Online and in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Maggie Carlton, Chair  
Assemblywoman Daniele Monroe-Moreno, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Jason Frierson  
Assemblywoman Michelle Gorelow  
Assemblyman Gregory T. Hafen II  
Assemblywoman Sandra Jauregui  
Assemblyman Glen Leavitt  
Assemblywoman Brittney Miller  
Assemblywoman Sarah Peters  
Assemblyman Tom Roberts  
Assemblywoman Robin L. Titus  
Assemblywoman Jill Tolles  
Assemblyman Howard Watts

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Lesley E. Cohen, Assembly District No. 29

**STAFF MEMBERS PRESENT:**

Sarah Coffman, Assembly Fiscal Analyst  
Brody Leiser, Principal Deputy Fiscal Analyst  
Mary O'Hair, Committee Manager  
Anna Freeman, Committee Secretary

Minutes ID: 1020



Bet Torres, Committee Assistant

**OTHERS PRESENT:**

John McCormick, Assistant Court Administrator, Administrative Office of the Courts  
Bailey Bortolin, Statewide Advocacy, Outreach, and Policy Director, Nevada  
Coalition of Legal Service Providers  
Serena Evans, Public Policy Specialist, Nevada Coalition to End Domestic and  
Sexual Violence  
Liz Ortenburger, Chief Executive Officer, SafeNest

**Chair Carlton:**

[Meeting called to order. Roll was called. Committee rules and protocol were explained.] We will start with a work session for the bills we have heard in the past few meetings. We will begin with Assembly Bill 40.

**Assembly Bill 40: Revises provisions relating to petroleum storage tanks. (BDR 40-343)**

**Sarah Coffman, Assembly Fiscal Analyst:**

As amended, Assembly Bill 40, expands the definition of operator and storage tank. The bill requires that, before a storage tank is eligible for coverage of certain costs from the Fund for Cleaning Up Discharges of Petroleum, the operator must, unless certain requirements are met, demonstrate that within the previous six months, the storage tank has been monitored for discharge, and a discharge has not occurred. In regard to the fiscal impact, this changes the total amount paid from the Fund for Cleaning Up Discharges of Petroleum in one fiscal year for discharges from two or more storage tanks under the control of any one operator from \$1.9 million to \$1.95 million for cleanup and damages.

During the April 20, 2021 budget hearing, Greg Lovato, Administrator of Environmental Protection within the State Department of Conservation and Natural Resources indicated that this legislation was not expected to reduce the amount going to the State Highway Fund or to impact the proposed maximum \$500,000 amount available to transfer to support the cost of preparing the annual report for greenhouse gases in Assembly Bill 452. There was a conceptual amendment made to clarify that the Board to Review Claims may approve additional \$1 million allotments for a site to address discharge of petroleum rather than for each individual storage tank.

**Chair Carlton:**

This bill came from the Assembly Committee on Natural Resources with no opposing, supporting, or neutral testifiers. I believe we want to include this amendment for clarification. Are there any questions or comments on this bill from the Committee? [There were none.]

ASSEMBLYMAN WATTS MOVE TO AMEND AND DO PASS  
ASSEMBLY BILL 40 AS AMENDED.

ASSEMBLYMAN HAFEN SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED (ASSEMBLYWOMAN BENITEZ-THOMPSON  
WAS ABSENT FOR THE VOTE).

Assemblyman Watts will handle the floor statement for this bill. We will move on to Assembly Bill 121 (1st Reprint).

**Assembly Bill 121 (1st Reprint): Revises certain provisions relating to elections.  
(BDR 24-774)**

**Sarah Coffman, Assembly Fiscal Analyst:**

As amended, this bill requires the Secretary of State to allow the effective absentee system for elections to be used by an elector with a disability to register to vote and a registered voter with a disability to apply for and cast absentee ballots. This measure requires the system of approved electronic transmissions to allow such electors or registered voters to provide their electronic signatures on any documents or other materials that are necessary to register to vote or to apply for and cast ballots.

The Secretary of State provided a fiscal note of \$75,000 per fiscal year for an outreach campaign. Assemblywoman Cohen was the presenter on this bill. The Secretary of State provided testimony regarding the fiscal impact indicating that a marketing campaign would be necessary to reach out to those voters impacted by the legislation as well as ensuring that the Office of the Secretary of State is communicating the security of the voting system to ensure a level of confidence and comfort among citizens. This does not appear to be a requirement of the legislation. There were two individuals in support of this bill: Doralee Uchel-Martinez from the Nevada Disability Coalition and Steven Cohen.

**Chair Carlton:**

Are there any questions or comments on this bill from the Committee? There was thorough discussion. This is a program that already exists, this legislation puts it into statute to ensure we protect the voting rights of this population.

**Assemblyman Leavitt:**

For clarification: is the fiscal note going to be attached to this bill? There was some discussion regarding the necessity of that.

**Chair Carlton:**

It is not the Chair's intent to recognize the fiscal note at this time.

**Sarah Coffman:**

The Committee had an opportunity to provide an appropriation within the bill related to the fiscal note. It does not appear the amount in the fiscal note is a requirement of the legislation.

ASSEMBLYMAN FRIERSON MOVED TO DO PASS ASSEMBLY BILL 121 (1ST REPRINT) AS AMENDED.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED (ASSEMBLYWOMAN TITUS VOTED NO).

Assemblywoman Cohen will handle the floor statement for this bill.

We will move on to Assembly Bill 147.

**Assembly Bill 147: Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-119)**

**Sarah Coffman, Assembly Fiscal Analyst:**

This bill authorizes the creation of the Office of County Counsel to perform many of the noncriminal duties otherwise assigned to the Office of the District Attorney. This bill includes a county counsel among other officers in which the Attorney General is required to give written opinions. Assemblywoman Nguyen was the presenter for this bill. The Office of the Attorney General provided testimony confirming that this legislation would not expand the scope of services provided by the Office of the Attorney General but would allow the Office to bill the Office of County Counsel for any Attorney General opinions requested, similar to the existing processes with County District Attorneys.

**Chair Carlton:**

This was a bill that was brought to this Committee out of an abundance of caution to discuss the possible fiscal impact. Are there any questions or comments on this bill from the Committee? [There were none.]

ASSEMBLYMAN FRIERSON MOVED TO DO PASS A.B. 147.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED (ASSEMBLYWOMAN TITUS VOTED NO).

Assemblywoman Nguyen will handle the floor statement for this bill. We will move on to Assembly Bill 166.

**Assembly Bill 166: Establishes disclosure requirements relating to certain elections-related communications. (BDR 24-867)**

**Sarah Coffman, Assembly Fiscal Analyst:**

This bill requires a person, committee for political action, political party, or committee sponsored by a political party that expends more than \$100 for the purpose of financing communication through text messages that advocates the election or defeat of a clearly identified candidate or group of candidates or solicits contribution, shall disclose in the text message the name of the person, committee for political action, political party, or committee sponsored by a political party that paid for the communication. This bill was presented by Assemblyman Hafen.

The Secretary of State testified that the fiscal impact is for enforcement, not implementation, and that the office would need a part-time employee to address inquiries related to complaints as well as a part-time investigator to research complaints. There were no individuals in support, opposition, or neutral for this bill.

**Chair Carlton:**

We do not believe that this attached fiscal note is necessary to implement this bill. Are there any questions or comments on this bill? [There were none.]

ASSEMBLYMAN ROBERTS MOVED TO DO PASS A.B. 166.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Hafen will handle the floor statement for this bill. We will move on to Assembly Bill 188.

**Assembly Bill 188: Abolishes the Commission on Special License Plates. (BDR 43-476)**

**Sarah Coffman, Assembly Fiscal Analyst:**

As amended, this bill abolishes the Commission on Special License Plates and transfers its duties and approval procedures to the Department of Motor Vehicles (DMV). This bill requires that the Legislative Auditor compile and submit certain reports to the DMV and the Legislative Counsel Bureau (LCB) regarding charitable organizations that receive funds from

the DMV. The individual who testified on this bill was Sean Sever, Administrator, Division of Management Services and Programs, Department of Motor Vehicles. The Committee recognized that there may be a fiscal impact to the Audit Division of the Legislative Counsel Bureau. In discussion of this bill, the Committee indicated that the overall impact from pending legislation this session may need to be considered regarding the resources available.

**Chair Carlton:**

Are there any questions or comments on this bill? [There were none.] Regarding the impact to the Audit Division, we do not propose to include a position in this bill, but we will include these in the list of other duties that could be given to the Legislative Auditor. When the time comes to do the LCB budget, we can address it at that time.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS  
ASSEMBLY BILL 188 AS AMENDED.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Monroe-Moreno will handle the floor statement for this bill. We will move on to Assembly Bill 202.

**Assembly Bill 202 (1st Reprint): Revises provisions relating to charitable lotteries and charitable games. (BDR 41-581)**

**Sarah Coffman, Assembly Fiscal Analyst:**

This bill, as amended, provides that a qualified organization that operates charitable lotteries or charitable games offering prizes valued at less than \$100,000 annually must register and pay a fee to the Nevada Gaming Control Board once per year prior to operating a lottery or game. The fee, which is to be established in regulation adopted by the Nevada Gaming Commission must not exceed \$10 per year. The Gaming Control Board has identified a loss of approximately \$8,000 per year in revenue as a result of reducing the per-application fee from \$25 to \$10 which would impact the State General Fund. The presenter on this bill was Assemblyman Yeager. There was one individual in support of this bill: Andrew LePeilbet. There are no suggested amendments on this bill.

**Chair Carlton:**

I received a message that there were no serious concerns from the Gaming Control Board. I want to get that on the record as there were some technology issues. I believe the amount associated with this bill is not significant enough to cause an issue. Are there any questions or comments on this bill from the Committee? [There were none.]

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 202 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Yeager will handle the floor statement for this bill. We will move on to our last bill for work session this morning: Assembly Bill 357.

**Assembly Bill 452: Revises provisions relating to environmental protection. (BDR 40-1093)**

**Sarah Coffman, Assembly Fiscal Analyst:**

This bill relates to environmental protection. It requires certain agencies and entities to submit information to the State Department of Conservation and Natural Resources (DCNR) for purposes of the annual report that the Department is required to prepare on greenhouse gases. This bill also authorizes money in the Account for the Management of Air Quality to be expended to pay the costs of preparing the annual report on greenhouse gases and requires a transfer of certain money from the Fund for Cleaning Up Discharges of Petroleum to the Account for the Management of Air Quality.

Regarding the fiscal impact: existing law creates the Fund for Cleaning Up Discharges of Petroleum and provides that the Department of Motor Vehicles must transfer any balance in the Fund for Cleaning Up Discharges of Petroleum which exceeds \$7.5 million at the end of any fiscal year to the account established in the State Highway Fund for construction, reconstruction, or improvement and maintenance of roads.

Section 3, as amended, requires that an amount up to \$500,000 requested by the State Department of Conservation and Natural Resources (DCNR) be transferred from those excess funds to the Account for the Management of Air Quality instead. The money transferred to the Account for the Management of Air Quality may be used only to pay for the cost of preparing the required annual report on greenhouse gases. After fulfillment of this request, any remaining excess in the Fund for Cleaning Up Discharges of Petroleum must be transferred to the account established in the State Highway Fund for construction, reconstruction, or improvement and maintenance of roads.

This is a budget implementation bill. The Executive Budget recommends the addition of one environmental scientist position and associated costs in the DCNR Division of Environmental Protection Air Quality budget beginning in fiscal year (FY) 2022 to support the efforts associated with preparing the annual report on greenhouse gases. The bill would allow up to \$500,000 per year in funds transferred from the Fund for Cleaning Up Discharges

of Petroleum to the Account for Management of Air Quality to support the cost of the annual report, including this position.

This bill was presented by Greg Lovato, Administrator, Division of Environmental Protection. Several individuals testified in support of this bill as well as the Nevada Conservation League, Clark County, and the City of Las Vegas. There was one individual who testified as neutral: My-Linh Nguyen from the Department of Transportation.

**Assemblyman Roberts:**

For clarification: this bill will give \$500,000 less per year to the State Highway Fund than has been previously allocated, correct?

**Sarah Coffman:**

That is correct—up to \$500,000. In The Executive Budget, the redirection for FY 2022 is \$91,883 and in FY 2023 it is \$121,322.

**Assemblyman Roberts:**

I have concerns that we have already cut the State Highway Fund during the Special Session. Further cuts are an issue for me.

**Chair Carlton:**

This is a fund that is paid into for cleaning up petroleum discharges. There is no guarantee that any money will go into this fund because we do not know what discharges will occur. If everyone did everything perfectly, there would be no money going into this fund because there would be no discharge. I understand where you are coming from, but I believe the nexus is here for this money to be used for this purpose, when needed. I am less concerned with the State Highway Fund than I am about the work encapsulated in this bill. We must prioritize air quality over building a road. We need to be able to measure, monitor, and mitigate these issues. Without funding, that cannot happen. We always try to protect the State Highway Fund, but we also understand that there is other work to be done.

**Assemblywoman Titus:**

For clarification: it is my understanding that this funding does not go toward mitigation; it goes to yet another study. I too have concerns. We are taking money out of the Petroleum Fund for mitigation and petroleum cleanup and putting it toward another air quality study. I will be voting against this bill.

ASSEMBLYMAN WATTS MOVED TO DO PASS ASSEMBLY BILL 452.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion? [There were none.]



THE MOTION PASSED (ASSEMBLYMEN BENITEZ-THOMPSON, HAFEN, LEAVITT, ROBERTS, TITUS, AND TOLLES VOTED NO).

Assemblyman Watts will handle the floor statement for this bill.

We will not be addressing Assembly Bill 357 today. It will be rolled to a future agenda.

We will move on to the hearing phase of the meeting, starting with Assembly Bill 365.

**Assembly Bill 365: Revises provisions relating to governmental administration. (BDR 23-133)**

**Assemblywoman Peters:**

This bill offers a mechanism for the state to receive and review actions related to nonfederally protected employee complaints. These can be a variety of issues that could result in toxic work culture. These toxic work culture issues are known to impact diversity of retained employees. My goal in this legislation is to develop a culture of Human Resource evaluation that looks at potentially toxic implicit biases and how we can address them with the implementation of good policy and trainings.

Assembly Bill 365 looks to capture all state employees, including those in Executive Branch agencies, on boards and commissions, and in the Legislative and Judicial Branches. As introduced, the bill received \$0 fiscal notes from most state entities, apart from the Administrative Office of the Courts and the State Board of Cosmetology.

In follow-up discussion with the Administrative Office of the Courts, it was stated that the intent to capture all state employees was not clear in the Judicial Branch section of this bill. The proposed amendment, as developed by their staff, is to clarify this section of the bill. With the addition of this amendment, the Administrative Office of the Courts (AOC) has said they can remove their fiscal note.

**John McCormick, Assistant Court Administrator, Administrative Office of the Courts:**

Upon initially reviewing this bill, we understood that the Judicial Branch requires the AOC to collect complaints from all courts in the state. We discussed this with Assemblywoman Peters, and she indicated that it was her intent to capture only state employees: those working for the Appellate Courts, such as the Supreme Court and the Court of Appeals; the Administrative Office of the Courts; and the Law Library. We feel that the amendment clarifies that this requirement only applies to in-house employees. With that amendment, we will be able to remove our fiscal note.

**Assemblywoman Peters:**

I did not reach out to the State Board of Cosmetology. Their fiscal note was \$1,029 per year. This is not something funded from the State General Fund. I will reach out to them if necessary.

**Chair Carlton:**

They may not have understood the intent. Please reach out to them to ensure their responsibility is clear, that this is not General Fund money, and it is less than the \$2,000 threshold to pull it into this Committee. Are there any questions or comments on this bill from the Committee? [There were none.] Is there anyone wishing to testify in support of A.B. 365? [There were none.] Is there anyone wishing to testify in opposition of A.B. 365? [There were none.] Is there anyone wishing to testify in neutral of A.B. 365? [There were none.]

We will close the hearing for Assembly Bill 365.

We will open the hearing on Assembly Bill 404.

**Assembly Bill 404: Revises provisions relating to orders for protection against domestic violence. (BDR 3-1023)**

**Bailey Bortolin, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers:**

The bill before you relates to domestic violence protection orders. It does two things. The first piece is the jurisdiction in which one can file for a protection order. We have had applicants unable to file in the most appropriate jurisdiction. This bill adds language that can help with that issue.

The second piece is in section 3 and provides statutory authority when a victim of domestic violence needs to withhold their address when applying for a protection order. This can be necessary to avoid a safety threat from the opposing party gaining knowledge of the victim's whereabouts. This is a problem with which the domestic violence protection and legal communities have been struggling for a long time. What you see before you reflects a statewide form that is currently being used and has been created out of necessity.

The amendment makes a small clarifying change from "any appropriate law enforcement agency" to "any authorized criminal justice agency." With this amendment, the Department of Public Safety has stated they can remove their fiscal note because it would match the practice that is currently in place.

**Chair Carlton:**

We will need to have the amendment put into the appropriate form and brought back to the Committee for discussion. Thank you for putting that on the record, but it is always good if we have something in writing from an agency stating that a fiscal note would be removed upon the adoption of a bill amendment. Are there any questions or comments on the bill? [There were none.] I will open the meeting to those in support of Assembly Bill 404.

**Serena Evans, Public Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:**

This policy is long overdue and is necessary to make sure that victims/survivors are safe throughout our state. It is time that Nevada shows that their safety is paramount. We urge your support in passage of A.B. 404.

**Liz Ortenburger, Chief Executive Officer, SafeNest:**

We support over 5,000 victims per year filing TPOs [temporary protection orders] and ETPOs [emergency temporary protection orders]. We strongly support this legislative change.

**Chair Carlton:**

Is there anyone wishing to testify in opposition of A.B. 404? [There were none.] Is there anyone wishing to testify in neutral of A.B. 404? [There were none.]

We will close the hearing on Assembly Bill 404. We will work on the amendment and bring it back to the Committee.

I will open the meeting for public comment. [There was none.]

Meeting adjourned [at 10:51 a.m.].

RESPECTFULLY SUBMITTED:

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Anna Freeman  
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 365 prepared by John McCormick, Assistant Court Administrator, Administrative Office of the Courts, presented by Assemblywoman Sarah Peters.

[Exhibit D](#) is a proposed amendment to Assembly Bill 404 submitted by Bailey Bortolin, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers.