

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

**Eighty-First Session
May 18, 2021**

The Committee on Ways and Means was called to order by Chair Maggie Carlton at 8:07 a.m. on Tuesday, May 18, 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.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Maggie Carlton, Chair
Assemblywoman Daniele Monroe-Moreno, Vice Chair
Assemblywoman Teresa Benitez-Thompson
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:

Assemblyman Jason Frierson

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Sarah Coffman, Assembly Fiscal Analyst
Brody Leiser, Principal Deputy Fiscal Analyst
Mary O'Hair, Committee Manager
Anne Bowen, Committee Secretary
Bet Torres, Committee Assistant

Minutes ID: 1251



OTHERS PRESENT:

Julia Peek, M.H.A, C.P.M., Deputy Administrator, Community Health Services,
Division of Public and Behavioral Health, Department of Health and Human
Services
Cari Herington, Executive Director, Nevada Cancer Coalition, Reno, Nevada
Tina Leiss, Executive Officer, Public Employees' Retirement System
Ross E. Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
John C. Steinbeck, Fire Chief, Clark County Fire Department
Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada
Charles Donohue, Administrator, Division of State Lands and State Land Registrar
Marcie E. Ryba, Executive Director, Department of Indigent Defense Services
John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office
Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
John McCormick, Assistant Court Administrator, Administrative Office of the
Courts, Nevada Supreme Court
Amy Coffee, Deputy Chief, Clark County Special Public Defender and Clark County
Defenders Union
Nadia Hojjat, representing the Clark County Defenders Union, Las Vegas, Nevada
Kara Simmons, representing the Clark County Defenders Union, Las Vegas, Nevada
Robson Hauser, Deputy Public Defender, Clark County Public Defender's Office, Las
Vegas, Nevada
David Westbrook, Vice President, Clark County Defenders Union, and Chief Deputy,
Clark County Public Defender's Office
Kimberley Perondi, Deputy of Commercial Recordings, Office of the Secretary of
State:
Raymond "Rusty" McAllister, representing the Nevada State AFL-CIO
Barry Duncan, representing the Nevada Taxpayers Association
Sam DeWitt, representing Compassion and Choices Action Network

Chair Carlton:

[Roll was taken and Committee rules and protocol were reviewed.] This morning we have six bills. Just to let everyone know, Assembly Bill 480 and Assembly Bill 482 will be taken last. I want to get the other ones out of the way so we can keep going, and as we have done in the past, a number of these can be heard and spun around and sent right back out. That is the goal for the next couple of weeks to keep everything moving.

With that, I believe we can go ahead and start with Assembly Bill 471. Who do we have presenting on this bill?

Assembly Bill 471: Revises provisions relating to the system for reporting information relating to cancer and other neoplasms. (BDR 40-1082)

Let us have Ms. Coffman give us a brief walk-through and then we will go to the Division and then to questions.

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 471 provides a fee to be imposed on applicants for the issuance or renewal of a certificate of authorization for a radiation machine for mammography. This is a budget implementation bill. The Nevada Central Cancer Registry proposes a fee increase to operators of mammography and radiation machines to address the solvency issues the budget has been experiencing over the last several biennia.

Chair Carlton:

Thank you very much. Who would like to give us a high-level overview and then we will open it up for questions?

Julia Peek, M.H.A., C.P.M., Deputy Administrator, Community Health Services, Division of Public and Behavioral Health, Department of Health and Human Services:

Good morning, Chair Carlton and members of the Assembly Committee on Ways and Means. My name is Julia Peek and I serve as one of the deputy administrators with the Division of Public and Behavioral Health. Today, our team is here to present and answer questions on Assembly Bill 471.

Assembly Bill 471 is a bill reflecting many years in the making for the Nevada Central Cancer Registry (NCCR).

Timely and complete cancer data are used to evaluate the appropriateness of measures for the prevention and control of cancer and conducting comprehensive epidemiological surveys of cancer and cancer-related deaths statewide and nationally. The NCCR annually compiles comprehensive cancer data for all years of operation and submits a report to the Centers for Disease Control and Prevention (CDC), the National Program of Cancer Registries (NPCR), and the North American Association of Central Cancer Registries (NAACCR) and for analysis, certifications, and inclusion in national cancer statistics. It is a vital tool for monitoring the incidence of cancer within the state and sharing this information with health care providers, researchers, and the general public.

The registry has had a variety of funding sources over the years, from fees to federal grants, to General Fund. The registry used to charge a fee to hospitals for each case of cancer they successfully reported to the registry. At that time, most of the cancer cases were diagnosed and treated in a hospital setting, so this model supported complete reporting and staffing needs of the registry. We changed this model in statute, to not penalize correct reporting from the hospitals, and that fee to the hospitals for correct reporting was removed.

Over this time, the diagnosis and treatment of cancer changed and cases could now be diagnosed and treated outside a hospital setting. With this change, there was confusion around who should report what, and who could be penalized for not reporting. During this time, the registry also depleted the reserves so could no longer provide the staffing support needed based on the number of cases we had to report.

That brings us to last session, where the Division of Public and Behavioral Health (DPBH) requested General Fund to support positions for the registry. We also started to receive case reports from large outpatient cancer treatment facilities, which gave the number of cases we needed. We were approved for the requested positions, but for only one year of the biennium and were required to report on the progress of developing a sustainable fee-based registry through a letter of intent. Over the course of the biennium, we worked hard with stakeholders to develop the most reasonable and equitable fee system to sustain the registry and that is outlined in this bill.

I am happy to walk through the sections of the bill if you would like, Chair Carlton, or I can pause and just speak a little more to the budgetary aspect of the bill.

Chair Carlton:

Go ahead and give us a little bit of a walk-through on the bill. This has been an ongoing issue over a number of biennia and I am very happy to see that I think we are finally where we need to be to be sustainable in the future and have there be a real nexus to the fees and what we are trying to accomplish. Please give us a high-level overview of the bill, and then I will open it up to questions from the members.

Julia Peek:

Within section 1, as defined in *Nevada Revised Statutes* (NRS) 449, a fee will be assessed for each reapplication from a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, or agency to provide personal care services in the home or rural clinic.

Within section 2, as defined in NRS 457, we have clarified the language on what entities must report to the registry, as this has caused confusion in the past. This will now include a provider of health care as defined in NRS 629, as well as "other treatment facility" which has been added and defined.

Within section 3, the Board of Health will prescribe the fee assessed to the facilities and providers noted above.

Within section 4, the language was removed that was confusing related to cases being referred between providers and who had the obligation to report that information.

Section 5 notes the fee will be assessed for mammography and other radiological machines, surgical center for ambulatory patients, and I could read that list but it is the same as noted above.

Sections 6 and 7 align the former language for reporting with the new language to note reporting requirements from that provider of health care in that new definition of other treatment provider.

Sections 8 and 9 notes the fee imposed on radiation machines and medical laboratories.

For the budgetary aspects of this bill, the agency will charge a 6 percent fee to the renewal fees through this biennium, but no more than 8 percent as defined in the bill. We thought it important to put a maximum within that language. This will allow NCCR to collect the funding needed to support the two positions that were approved in the DPBH budget contingent upon approval of this bill.

Just to give you an idea of what that fee might look like, the lowest fee charged will be \$8 per year for a dental machine renewal. The highest fee charged will be \$438 per year to a hospital.

I want to thank the many people who came to the table to help support the development of this concept and who have supported the registry over the past many years.

That concludes my testimony and we are happy to answer any questions.

Chair Carlton:

Thank you very much. This is a budget implementation bill, so the conversation around the budget has already happened in the Subcommittees. With that we will go ahead and open it up. Assemblywoman Titus?

Assemblywoman Titus:

Thank you, Ms. Peek for that information. This surely has been a roller coaster ride on how to fund this agency, or this department. Just for clarification, because this is a different model than what we have heard in the past. In the past, the providers who diagnosed a cancer would be charged a fee for every cancer diagnosis. For example, if I cut off a skin cancer on somebody, who would want to report that, because you would be charging me a fee to report that? It was under reported. Just to be clear now, it is just the facilities when they renew their license and not a provider when they renew their license?

Julia Peek:

Assemblywoman Titus, again, thank you for all your work on this registry over the years. You are correct—I will start with the end of your question—we do not license providers. A dermatologist, for instance, is not licensed by the DPBH, so they would not be charged. It will be what has been identified as a treatment provider in that section. And also, what has been defined as a provider of health care. It is a confusing term because it would imply that it is an individual doctor's office.

Then the second part of your question—and I think that was so important in this new model—is you would be assessed an annual fee of no more than 8 percent with your renewal of the license for those entities. You would not be charged an unknown fee based on the number of cases you report to us. We feel, and the stakeholders feel, that is a better, more sustainable model, because you are encouraged to report, which is absolutely essential. You

would just be investing a small dollar amount annually to support the registry. I will also note that last session we came forward requesting three positions and we had the conversation with you that included an administrative assistant. That person would help us do data entry, but we have moved forward really well in getting electronic reporting, so we are looking forward to that. You will see that position has not been included.

The other model that we looked at during the biennium was billing. Billing is a ton of work that would require at least one administrative assistant. When we billed the hospitals in the past that was a full-time administrative assistant. What we have been able to do with this model is actually eliminate that position because this billing would be utilized through Health Care Quality and Compliance (HCQC) and our radiological health services program. It is no additional workload for us. We have saved a position in the model that is presented in front of you.

Assemblywoman Titus:

This is a fiscal committee and the issue has been, not the importance of the Cancer Registry, but the sustainability of it and trying to find the correct model to gather the most accurate information and keep it funded. So, with the \$6 fee, maximum \$8 fee—and you know how many facilities this would affect—is that the model that you feel will keep the Registry sustainable in two years? We will not have to look at a new funding model? Will there be enough revenue generated with this formula that you feel will be sustainable at least in the near couple biennia.

Julia Peek:

We certainly do. Again, the 8 percent would generate the revenue to sustain at least two positions, if not more, with cost of living increases and other things. One of the things with cancer reporting that I did not note, is that unlike infectious disease reporting, where we report truly the burden that comes into the state, and we report that up to our federal partners, with the cancer registry they tell you at CDC how many cases they expect you to report each year. That number goes up minimally each year, and as you know, cancer is a chronic disease and takes many, many years to develop. So, in the next several years we would not expect a great increase on the number of cases we see. Also, our hospitals and other providers are getting much more complete with their reporting. In some cases, we get batch files so that requires less work. The more we can get to report electronically, the less work. So, we can focus on quality improvement, data analysis, technical assistance, those kinds of things. This is a long answer to say we do feel that this is a sustainable model. If approved, we do not see any reason we would have to come back to talk about the Cancer Registry as we have done for many years outside of just noting the success of the program.

Assemblywoman Titus:

Thank you for that and all of your hard work.

Chair Carlton:

Could you help me remember, when did we set up the Cancer Registry? I am trying to remember the conversation about that.

Julia Peek:

My colleagues say 1995.

Chair Carlton:

Thank you. Committee members, any other questions at this time? Assemblyman Roberts.

Assemblyman Roberts:

I may have gotten lost in all that dialog before, so, right now doctors do pay a fee, and we are going to eliminate that fee and switch over to this new system?

Julia Peek:

Right now, within statute, it says we can charge a flat fee of \$250 for each case we abstract. There is confusion about to whom we can assess that fee and who is required to report and other things. We have not charged that fee. No providers right now are being charged a fee for reporting. This model would develop a way to sustain the Cancer Registry. We do need funds and we need to support two positions. We are not doing that right now through charging that \$250 fee. We would like to charge, as was noted, a much smaller fee that is known.

Chair Carlton:

Committee members, any other questions at this time? [There were none.] This is the hearing for A.B. 471 and we will open it up. Is there anyone in the room wishing to testify on this bill? Not seeing anyone, is there anyone on Zoom, or audio in support of A.B. 471?

Cari Herington, Executive Director, Nevada Cancer Coalition, Reno, Nevada:

I submitted my testimony and you should see that in the notes on this bill [[Exhibit C](#)]. We support A.B. 471, and in fact, the Nevada Cancer Coalition and partners have been working with Ms. Peek for years to continually update our policies regarding our Central Cancer Registry. The Registry has grounds to meet the needs of our state, so we highly support finding funding sources for this.

We were the only state actually charging reporters to report into the Registry, which unfortunately was a huge barrier. We are very grateful we were able to remove that and as such have thoroughly increased our capacity to gather cancer data in our state. We are really excited about this opportunity to better fund the Registry and we thank you for your attention to this bill.

Chair Carlton:

Are there any other callers in support of this bill? [There were none.] Could we open it up to opposition, please? [There were none.] And those in neutral, please. [There were none.] Ms. Peek, do you have any closing comments on A.B. 471?

Julia Peek:

I just want to thank all of you who have been doing this with us for the last decade. We do think that this will be successful for the Registry and appreciate your time and attention on this.

Chair Carlton:

And thank you very much for all of your work on it. So, with that we will go ahead and close the hearing on Assembly Bill 471. Committee members, there will be further discussion about this bill later in the meeting.

I believe we can go to Assembly Bill 479. I will turn it over to Ms. Coffman.

Assembly Bill 479: Revises provisions governing the executive staff of the Public Employees' Retirement System. (BDR 23-1150)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 479 creates a position of the Chief Investment Officer as a member of the Executive Staff of the Public Employees' Retirement System (PERS). In regard to the fiscal impact, on May 3, 2021, the Money Committees approved the addition of this Chief Investment Officer to the PERS. Assembly Bill 479 adds this position to the list of positions in *Nevada Revised Statutes* (NRS) 286.160 whose salaries are approved by the PERS Board as well as the Interim Retirement and Benefits Committee.

Chair Carlton:

With that, we can go ahead and proceed. Good morning.

Tina Leiss, Executive Officer, Public Employees' Retirement System:

Assembly Bill 479 implements a new position requested by the Public Employees' Retirement Board in the budget process. Currently, the Retirement System has one investment staff member. This bill would add an additional investment staff member. The cost associated with this was included in the proposed budget submitted by the Retirement Board and revenue for the system's administrative budget is from transfers from the Trust Fund on a per capita basis.

The system currently has an investment officer in NRS 286.160 and section 1 of the bill would add the position of Chief Investment Officer and rename the current investment officer position to Deputy Investment Officer. The Chief Investment Officer would have a maximum salary one step above the maximum of the Deputy Investment Officer. Section 2 of the bill makes a conforming change to NRS 286.170 and section 3 provides for the initial salary of the position to be as approved in the budget process.

When determining which positions are needed to administer the system most efficiently, the Retirement Board considers factors including succession planning, continuity of governance, financial controls, separation of duties, coverage, and cost efficiency. An additional investment employee would eliminate the potential exposure to the system should the current

investment officer suddenly leave, or for whatever reason become unable to perform his duties. In addition, a second investment employee would facilitate enhanced financial controls which are not possible under a single employee structure. An additional investment employee would also provide a viable succession plan to help ensure the underlying investment program philosophy and culture, which has produced one of the most competitive track records in the industry, endures once our current investment officer retires or moves on.

With that, I would be happy to answer any questions you may have about this position.

Chair Carlton:

With that, Committee members, we will go ahead and open it up for any questions. I believe the budget discussion was the "pitcher" and this is the "catcher." This is how we complete the cycle to get this done. Are there any questions from any of the members at this time? [There were none.]

This is the hearing for A.B. 479. We will go ahead and open it up. Not seeing anyone here in the room to testify on A.B. 479, we will open it to Zoom and audio. Anyone in support of A.B. 479? [There were none.]

Is there anyone in opposition? [There were none.] Anyone in neutral? [There were none.]

Ms. Leiss, did you have any closing comments?

Tina Leiss:

Thank you for considering this bill. It is a very important priority of the Retirement Board and we appreciate your consideration.

Chair Carlton:

Thank you very much. We appreciate your being available for us this morning. With that Committee members, we are going to close the hearing on A.B. 479 and you will probably be seeing this one a little bit later, also.

With that, I believe we are going to skip Assembly Bill 480 as I mentioned earlier. Assembly Bill 480 and Assembly Bill 482 will be at the end of the agenda. We are going to go to Assembly Bill 481. I will turn it over to Sarah Coffman and then we will proceed.

Assembly Bill 481: Requires the Division of Child and Family Services of the Department of Health and Human Services to designate a statewide center to provide assistance to certain victims. (BDR 16-1143)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 481 requires the Division of Child and Family Services, Department of Health and Human Services, to the extent that money is available and for the purposes of collaboration with persons and entities that advocate for the need of victims, to designate a statewide center to provide assistance to victims. With regard to the fiscal impact, the

Money Committees recommended approval of a budget amendment that was submitted by the Governor's Finance Office on April 17, 2021, to provide \$132,102 in fiscal year (FY) 2023 to support two new state positions beginning in October 2022 to be located within the Vegas Strong Resiliency Center in Las Vegas.

The funding is primarily supplied through the Victims of Crime Act Victim Assistance Program, with a state General Fund component providing the required federal match of 20 percent.

Chair Carlton:

With that, Mr. Armstrong. Nice to see you.

Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services:

On October 1, 2017, Nevada experienced the largest mass shooting in United States history. Since that tragedy, there have been lots of lessons, especially for government agencies. Government agencies at all levels continue to work on modifications and improvements to better prepare for and respond to critical incidents throughout the state. Assembly Bill 481 is one of those improvements.

What the October [Route 91 Harvest Festival Shooting on October 1, 2017] shooting quickly revealed and continues to reveal every day, is the need for a designated victim center with processes, trained staff, and victim-centered approaches to respond to complex and significant needs.

In terms of A.B. 481, the bill requires the Division of Child and Family Services (DCFS) to designate a statewide victims center to collaborate with appropriate entities. It establishes the tasks for such a center, which includes but is not limited to, responding to critical incidents throughout the state and serving as a training and technical assistance organization to all communities. It also allows for an account to be created and for the Division to accept donations into that account for furthering the purposes of such a statewide victim's center.

At this time, I hand it off to John Steinbeck and Barbara Buckley, who have been doing a tremendous amount of work since 1 October. They are the boots on the ground in Clark County and will explain what the center has been doing and how this bill will help the people of the state of Nevada.

John C. Steinbeck, Fire Chief, Clark County Fire Department:

Good morning. This is John Steinbeck. I am the Fire Chief of the Clark County Fire Department. I was also the incident commander for the multiagency coordination center on the night of 1 October, as well as running the family assistance center for the following three weeks.

As was just discussed, this was the largest mass shooting in our nation's history. It was well documented that we had 58 people brutally murdered that night. We had more than 800 that

were injured. We had 24,000 people that were terrified and terrorized and running through the streets. The entire community was shaken to their core, as many of you experienced, and shared those feelings with us. Some of you may even have been there that evening.

We did immediate rescues—which is our primary objective following any incident—life safety. Trying to separate people from the incident, trying to get medical care as quickly as possible, and trying to get people to hospitals. It was a combined public-private effort as many heroes stepped up and drove people in their personal cars and vehicles. All of which most of you certainly know, but I think that it adds context to what occurred.

As we try to do the incident stabilization, it comes with family reunification by getting people back together with the people they came with. Many had gone to the hospital by means that we could not track, so it was very difficult. It is rudimentary at the beginning, it is who were you with, where did you last see them, and you try to put them back together away from the incident the best that you can. Also, at the hospitals and at the police station, in those first few hours, as we tried to reunite people and, unfortunately, start to give some of the notifications about the deceased.

Immediately, or as quickly as we could, we opened up what we called the Family Assistance Center at the Las Vegas Convention Center. This also started as the primary notification center for our coroner. We were in unified command there, but we also provided services that we knew would be needed. This included immediate counseling or crisis care, some of the registration for victims of crime, and some immediate social services. There were things that we would not think of as much, such as travel and hotel assistance, getting people their personal effects back, and trying to problem solve for people as we could. We had representatives there from the FBI, the American Red Cross, and our own local social services as well as many other participating agencies. The Red Cross has run those types of incidents much more often than any of us, or at least taken part in them, along with some members of the FBI. They stated that the Family Assistance Center could only stay open for about 14 days maximum. Because of the scope of this, I kept it open for 20 days. Following that, we do not want to tell people there is nothing more we can do for you. We wanted to make sure we were there to be able to assist those in need when they needed it and not on our timelines. Many people went home and did not come out for months. Many people returned to other states and we did not know about them for months or even the following year.

It is really on the victims' timeline as to when they need that assistance. Where was that going to come from? Following the model that Orlando, Florida had put together, because unfortunately, now we had something that we never wanted to have in common with Orlando, as we took their place as the worst mass shooting site. They had built a resiliency center that was for that ongoing care, and we immediately tried to emulate that and within that 20 days we built a resiliency center that could then transition over and look more for the long-term care of the people that had suffered from that incident.

Our goal was to try to lessen suffering. The evil individual that had inflicted this had a single goal of, as far as we could tell, to cause suffering, and ours was to alleviate it in any way possible. If that meant just trying to help with some legal issues you might have, or going through some of the frustrations as to where you would get your care, or trying to put you together with people in a group setting, then that was our goal. Whatever it was, walk in the door and if you have a problem, how can we solve that problem. Ever since the beginning of the incident, we would assign a single individual to the survivor or to the survivor's family. There was a single point of contact to always navigate through that to try to lessen that.

We knew that we got a grant that supplied us for three years. A very difficult grant to navigate through, but we were able to get it through the Department of Justice, and as we have learned that this is certainly going to be much longer lasting than that. I have had the honor of responding to 9-1-1 as a rescuer in New York, and I still to this day get correspondence from them following that incident. No one really knows how long that will go on, or how long the aid will be needed from this incident. But it certainly was not lost on us that people suffer from these incidents every day, people that we want to give the same exact assistance. It just was not as wide scale and did not affect as many people, but if you lose a loved one, or are injured in a random act of violence, you have the same exact needs as somebody that this occurred to there.

We have built something that I think we can be proud of, but more importantly, provides a service that is not provided anywhere else. We want to have that for all of our residents and even visitors when needed, forever. That will be there, and it can be surged up so that we are not building from nothing as we were that morning when we had a tragic event. Anywhere within the state, we have a team that we can surge with additional personnel and send to the incident and serve in those early hour capacities and have a lot larger level of expertise than a fire chief does.

Barbara Buckley and her team have done an amazing job, and I want to give 100 percent support for that and in any way continue to add to this incredible resource that we have, and I hope that you can support that.

Barbara E. Buckley, Executive Director, Legal Aid Center of Southern Nevada:

Chief Steinbeck and Ross Armstrong put the need to you all very eloquently. It has been an honor to work with Clark County Emergency Management, Fire, Social Services, the state Division of Child and Family Services doing their Behavioral Health, and now Victims of Crime compensation function, Las Vegas Metro, and our Legal Aid Center of Southern Nevada staff to provide long-term victim services to those affected by the October 1 shooting.

Victim services is not very robust in the state of Nevada. We have pockets of excellence, especially in domestic violence, sexual assault, nascent efforts to assist in human trafficking, certainly the District Attorney's office and law enforcement have small victims of crime assistance. But that is it. When October 1 hit there was no comprehensive victims' services trained and ready to assist victims.

There is also no comprehensive victim support for other violent felonies. If there is a home invasion, with a murder of a family member, there is no center to serve these victims. In the aftermath of October 1, having the Vegas Strong Resiliency Center available for long-term support of the survivors and families of victims of October 1 and to assist where there are no current services for victims of violent felonies will ensure that the landscape for victims' services can change. That we have a resource available for another critical incident and that we have a resource continuing for those affected by this tragedy and those being affected by violent felonies where there are no comprehensive resources. Our plan is to seek funding in the future from the Victims of Crime Act, private philanthropy, and other ideas. This holistic team is now seen as the best in the country—winning the Victims of Crime Service Award from the Department of Justice just two weeks ago. We now have experts who are sought after by other communities facing critical incidents on how to provide long-term victim's services. It is our goal to continue to assist those other communities and to assist right here in our own state.

With that, Madam Chair and members of the Committee, I am happy to answer any questions. We also have Tennille Pereira here, Director of the Vegas Strong Resiliency Center, in case you have any questions for her.

Chair Carlton:

Thank you very much, Ms. Buckley and Chief Steinbeck. With that I will go ahead and open it up for questions from the Committees.

Assemblyman Roberts:

This is more of a statement than a question, if I may. I was involved in October 1 and when we were trying to get our arms around the investigation, it was very comforting to see people in our community like Chief Steinbeck and Ms. Buckley and others quickly think forward and start to put together a victim advocate center, which was so needed with all the need we had in that incident. This bill really is very forward thinking. In a short amount of time, you guys put something together that really made a difference in people's lives that were impacted by that. Heaven forbid, if we have something like this again, it is important that we have the groundwork and we lay these things in place so we can help people that are in desperate need during difficult times.

We have done a decent job, as you pointed out Ms. Buckley, with some of the small victim advocates, but there is so much need. There are just not enough providers. This will certainly help fill the gap. Thank you all for bringing it forward and I will fully support it.

Assemblywoman Titus:

Again, I echo my colleague's comments regarding the bill, but I do have some questions specific to the bill.

Section 1, down to subsection 2 (e), one of the things that will happen with this is operating a call center for the purpose of providing information relating to support services. Since the Center will be located in a community of over 700,000, would the call center be available

with a toll free number so that those of us who do not live in Clark County could utilize it, or will it be specific to services available within Clark County? How will that be operated?

Barbara Buckley:

One of things we have learned from victims' services is to turn no victim away and to provide support and services. For example, if a victim called from your part of the state and was just a victim of crime, we can easily refer them to the Victims of Crime Program to help them figure out how to recoup some of their out-of-pocket loss relating to their victimization.

In paragraph C of subsection 3 on page 3 of the bill, it also talks about going to communities throughout the state, as Chief Steinbeck mentioned, if there was a critical incident. How we would envision that happening is that Tennille Pereira and the team, the person from Metro, the person with the Victims of Crime Program, our behavioral health support person, would all travel to the affected community. They would then work with whatever service providers are there, in terms of assisting both in the short-term and the long-term. It would be a critical incident resource for the other parts of the state.

This Center will have to be built up, and we will have to make sure that we can secure funding to operate it. Our goal is that we would turn no victim away.

Assemblywoman Titus:

Thank you for that. Back to the call center. We have 2-1-1 and we are looking at 9-8-8 and I am just wondering, will it be operated 24/7 so people can get a resource or is it just in the initial planning what this call center will be doing?

Barbara Buckley:

Right now, we accept calls during regular business hours. If there is a critical incident, we have cell phone numbers and emergency contacts for everyone in charge of a certain function. For example, if there was a critical incident, Chief Steinbeck or his team would reach out to Tennille, and we would then activate the behavioral health response, Victims of Crime response, and everybody on the team. We are just beginning. It would be wonderful to have a 24-hour call center, but we do not have the funding for that right now. We would work in tandem with call centers that handle general information and referral. This center is solely for victims and not general information and referral.

Assemblywoman Titus:

Thank you, and I like that no wrong door concept, where people can get help; however, they find you, you can get them the right resources.

Chair Carlton:

Committee members, are there any other questions at this time? [There were none.] Thank you very much, Chief Steinbeck and Ms. Buckley. We know the good work that was done and we appreciate everyone putting aside things and focusing on the best thing to do at that particular moment in time. Unfortunately, that incident has shown a light on some other things that happen in the state. The one good thing that is coming out of it is we are going to

have resources for other victims to be able to address what they are going through. It is sort of a strange road on how we got here, but I believe the people of the state of Nevada will be much better served as we try to support these types of efforts to give people the resources they need to heal and to move forward. I appreciate the work that has been done on this, as we have had these conversations over the last couple of years.

Committee members, I do not see any questions at this time. This is the hearing for Assembly Bill 481. I will go ahead and open it up. I do not see anyone here in the room in support of A.B. 481, so I will go to Zoom and audio. Do we have anyone on the phone line in support of A.B. 481? [There were none.]

If we could have those in opposition. [There were none.] If we could go to neutral, please. [There were none.]

With that, Chief Steinbeck, Ms. Buckley, and Mr. Armstrong, are there any closing comments before we close the hearing on A.B. 481? Let the record reflect everyone is shaking their head no. Thank you all very much for being here this morning. I will go ahead and close the hearing on A.B. 481 and Committee members put this in the pile for discussion later in the meeting.

Moving on to our next bill, I believe we have Senate Bill 368. I will go to Ms. Coffman to begin.

Senate Bill 368: Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. (BDR S-366)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 368 provides for the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. In regard to the fiscal impact, this bill requires the issuance of not more than \$4 million of the \$100 million in general obligation bonds authorized in 2009 to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program. This bond is required to meet the total of \$12 million that was included in The Executive Budget for Tahoe environmental improvement projects.

Chair Carlton:

I believe we have Mr. Donohue available, so with that, Mr. Donohue please proceed.

Charles Donohue, Administrator, Division of State Lands and State Land Registrar:

It is a pleasure to present Senate Bill 368 this morning. Senate Bill 368 provides for the issuance of \$4 million in general obligation authority for the continuation of the Lake Tahoe Environmental Improvement Program, commonly referred to as the EIP.

I would like to thank the Lake Tahoe Interim Committee for sponsoring this important legislation. The Division of State Lands has been the lead coordinating agency from the

Nevada share of the EIP since 1999. Nevada's participation in the EIP continues to be a success and the EIP is a well-coordinated partnership of federal, state, and local agencies, the Washoe Tribe, and the private sector. The partnership carries out projects to protect and improve the Lake Tahoe environment and has become a national model for collaborative leadership. Nevada is a key member whose commitment to the EIP has funded in excess of 150 projects in focus areas of watersheds, habitat, and water quality, forest management and recreation. The EIP is the primary program to achieve environmental gains in the Lake Tahoe Basin.

A significant amount of this work is coordinated to the Nevada Tahoe Resource Team, the state team assembled to carry out this program with representatives from the Division of State Lands, the Division of State Parks, the Division of Forestry, and the Department of Wildlife. The team implements projects directly as well as awards grants to EIP participating agencies. Recent project highlights include an award of two water quality and erosion control grants.

The first grant is to Washoe County for a project in Incline Village and the second is a grant to the Nevada Tahoe Conservation District for a project at Marla Bay in Douglas County. These are critical capital infrastructure projects that capture storm water and treat fine sediment particles that are known to impact Lake Tahoe's clarity. These projects are implemented in coordination with the Tahoe Regional Planning Agency (TRPA) and the Nevada Division of Environmental Protection (NDEP) to contribute to the region's clarity goals. These two projects are estimated to be in excess of \$3 million.

Spooner Lake Frontcountry Improvements, Phase 1, is a recreation enhancement project located at the Spooner unit of the Lake Tahoe Nevada State Park. The project includes construction of a visitor's center, amphitheater, and entrance road realignment. A contract was successfully awarded in March and construction started just yesterday. The award for this project was approximately \$3.2 million, including a generous gift from the Tahoe Fund of \$300,000 specifically for the amphitheater development.

Phase 2 of the project is currently under design and dedicated funding will bring that to 100 percent design. Park amenities in this phase will include additional trails, comfort stations upgrades, picnic nodes, and a nonmotorized boat launch at Spooner Lake proper.

The EIP bonds also fund forest restoration projects to improve ecosystem health and function and to protect Nevada State Park from catastrophic wildfire. The Division of State Lands has currently secured approximately \$250,000 in federal appropriations from the U.S. Forest Service through the Lake Tahoe Restoration Act to support fuel reduction treatments and an 85-acre fuel break on state land. The team has also been successful over the years in securing Southern Nevada Public Land Management Act funds to complement EIP bonds, restoring forest landscape to a more resilient condition throughout the state park. In this way the team leverages bonds as well as other funding sources to get our work done.

As the agency has done in many of the previous legislative sessions since the start of the EIP, the Division of State Lands is requesting bond authority for the next round of Nevada's projects. Specifically, Senate Bill 368 authorizes the sale of \$4 million in obligation bonds for the continuation of EIP projects in Lake Tahoe Basin. The activities listed in S.B. 368 will continue to focus on the main areas of improving water quality infrastructure, continued forest health improvement to reduce the risk of wildfire, improve habitat, and improve state-owned recreational facilities at Lake Tahoe. In addition to improving the Lake Tahoe environment, these are active capital improvement projects which contribute to a strong economy.

I would also like the Committees to know this request is in the Governor's CIP budget. Passage of S.B. 368 allows the state to build on the success of our past projects and continue moving forward with our EIP partners in protecting and restoring the Lake Tahoe Basin.

Thank you, Madam Chair and Committee members, and I would be more than happy answer any questions you may have.

Chair Carlton:

Thank you, Mr. Donohue. With that, Committee members, I will go ahead and open it up for any questions from the Committees. This is one that for those of us who have been around a little bit, we are pretty familiar with how this actually works. I have been lucky enough to be on the Lake Tahoe Committee a couple of times, and now when I drive around the Lake I look at drop inlets and I know what riprap is and it took a little of the beauty out of it, but it gave me a little bit different appreciation for the Lake. I appreciate all the education from everyone spent on making sure that I understood how important Lake Tahoe was.

Committee members, any questions of Mr. Donohue at this time? [There were none.]

This is the hearing for S.B. 368. We will go ahead and open up the hearing process. Not seeing anyone in the room to testify on S.B. 368, we will go to Zoom and audio to open it up to those in support of S.B. 368. [There was no one.]

We will go to those in opposition to S.B. 368. [There was no one.] Anyone in neutral? [There was no one.]

Mr. Donohue, any closing comments?

Charles Donohue:

Madam Chair, I would just like to say thank you for hearing the bill. I appreciate your comments. I reflect often about many of the field trips that Interim Committee members were on and experienced the EIP with the Nevada Tahoe Resource Team. I recall having a lot of fun afternoons up there with you as well, so thank you.

Chair Carlton:

With that, Committee members, not seeing any other questions or comments, we will go ahead and close the hearing on S.B. 368 and there will be further conversation on that later this morning.

That brings us to Assembly Bill 480, which revises provisions governing legal services for indigent defendants. I have been informed that there is a short presentation on A.B. 480. I will go to Ms. Coffman to open it up, and then we will proceed from there.

Assembly Bill 480: Revises provisions governing legal services for indigent defendants.
(BDR 1-1076)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 480 is a budget implementation bill. This legislation is in response to the consent judgment in the Davis v. State case to address disincentives to provide effective representation for indigents. The Money Committees approved General Fund appropriations of \$1.2 million in each year of the 2021-2023 biennium to fund estimated support to ten rural counties stipulated in the consent and judgment and place the funding in the Interim Finance Committee Contingency account. The Department of Indigent Defense Services could request the amount in the fund needed based upon the actual indigent defense service expenditures reported by the rural counties. I would note there does appear to be a conceptual amendment that has been placed on everyone's desk.

Chair Carlton:

Ms. Ryba, as the director, we will go to you first. Good morning and please proceed.

Marcie E. Ryba, Executive Director, Department of Indigent Defense Services:

I have a quick introduction to this bill. The intent of Assembly Bill 480 is to balance the scales of justice, statewide, for indigent defense. The assembly bill proposes to create independence from the judiciary for indigent defense providers, which is already in practice in Washoe County and Clark County, remove economic disincentives to providing effective indigent defense representation, and provide clarity of public defender duties. The Department believes the fiscal impact cannot be determined. Specifically, in Washoe and Clark counties there will be no fiscal impact as they entered into plans in 2008 complying with these requirements.

The rural counties are in the process of creating their plans, which are due on September 3, 2021, and they have the choice to use the Department for these roles, or to create a new position such as an appointed counsel administrator in their county or judicial district. Also, the fiscal impact would be dependent upon the maximum contribution formula. Arguably, costs related to the implementation of the Board of Indigent Defense regulations were contemplated in the creation of our Department by Assembly Bill 81 of the 80th Session as the Legislature created authority to create a maximum contribution formula to determine the maximum a county may be required to pay for indigent defense services. As already has been provided for rural counties involved in Davis v. State, the American Civil Liberties

Union (ACLU) lawsuit, such costs would come out of that \$1.2 million that has been earmarked in the Interim Finance Committee Contingency Account to fund the maximum contribution [[Exhibit D](#)].

A little historical information. In 2008, the Nevada Supreme Court issued Administrative Orders under ADKT 411 to provide consistency and improve indigent defense services through the state [[Exhibit E](#)]. Ultimately, Clark and Washoe Counties entered plans for the provision of the indigent defense services in compliance with ADKT 411. In these plans, Clark and Washoe created independence from the judiciary in the selection of counsel and approval of attorneys' fees and case-related expenses, which are consistent with this bill. Thus, there will be no fiscal impact for them. However, the rural counties were given a stay to enter a plan until such time as provisions are made by the court or the Legislature for the creation of a flexible statewide approach to indigent defense service delivery that balances the need for state oversight with the need for local autonomy. With the creation of the Department of Indigent Defense Services in 2019, such a system was created.

It should be noted that the Supreme Court ADKT 411 Committee never intended for a dual system of representation to be permitted in Nevada for urban versus rural courts. Within the Department is the Board of Indigent Defense Services, which has adopted temporary regulations, which were effective in March 2021 [[Exhibit F](#)]. The regulations provide for the creation of a plan for the provision of indigent defense services in each county, similar to what was required in ADKT 411 back in 2008. We recommend indigent defense independence from the judiciary as is proposed in A.B. 480. Each plan, with the assistance of the Department of Indigent Defense Services, will set forth the county's process for selection of counsel, how they approve compensation of indigent defense providers, and how they pay and approve case-related expenses. Independence from the judiciary has been recommended by the regulations but is not fully required without a change in the law.

As directed by Assembly Bill 81 of the 80th Session, the Board created a formula for the maximum contribution a county may pay for the provision of indigent defense services. This funding will assist counties in compliance with the regulation, and pursuant to this formula, counties are capped at the average of fiscal year (FY) 2018 and FY 2019, plus inflation. As I said earlier, at the close of the Department's budget, \$1.2 million was earmarked in the IFC Contingency Account for the counties involved in the ACLU lawsuit of Davis v. State [[Exhibit D](#)].

As a quick walkthrough Sections 1 through 11 and Section 17 create independence from the judiciary by creating a distinction between appointment, which is a judicial function, and selection or assignment of the attorney, which should be done independently to discuss payment of fees, approval of expert fees, and to require them to be in accordance with the plan, as is already the practice in Washoe and Clark counties. Such language is consistent with ADKT 411, where the Nevada Supreme Court found that the participation by the trial judge in the appointment of counsel and in the approval of expert witness fees created an appearance of impropriety. Thus, this proposal follows the Supreme Court's recommendation that these duties should be created by an independent body.

Again, the fiscal impact cannot be determined. We believe there will be no fiscal impact in Washoe County and Clark County because this is already in practice. The rural counties are in the process of creating their plans which are due September 3, 2021. In these plans they have a choice as to whether to use the Department in these roles or to create a new position. The fiscal impact would be dependent upon the maximum contribution formula. Further, in section 6, the stipulated consent judgment in Davis v. State obligated the Department to recommend legislation to cure any defects which do not comply with *Nevada Revised Statutes* (NRS) 180.320.

The Department is requesting to remove caps for total payments for appointed indigent defense counsel. It is believed that such caps create an economic disincentive, may not provide adequate hourly rates for counsel, and may impair the ability of the defense counsel to provide effective representation. We believe this will have no fiscal impact as judges already have the authority to increase fees for appointed indigent defense counsel if a motion for excess fees is filed and good cause shown. Such a process, however, is time consuming and increases costs, so we believe that section 6 would actually streamline the process and prevent an economic disincentive.

Sections 13, 16, and 18, limit the duties of county and state public defenders to the definition of indigent defense services as provided in NRS 180.004. It removes duties associated with NRS 62D.100, where you represent a parent in a juvenile case. This is outside the definition of indigent defense services and there is generally a conflict anyway because public defenders are representing the juvenile pursuant to NRS 62D.300. It also removes duties related to representation in NRS 432B, or child welfare cases, as this falls outside the definition of indigent defense cases and appointment in those cases may cause a conflict in later criminal matters.

At this point, the fiscal impact cannot be determined for those sections. The work falls outside the definition of indigent defense services, so it is not subject to repayment pursuant to that maximum contribution formula.

Finally, in section 15 we are proposing an amendment to limit to counties less than 100,000 to require that the compensation for the public defender be in compliance with the regulations of the Board of Indigent Defense Services [[Exhibit F](#)]. We are no longer requesting that subsection 6 in section 15 be deleted, and we have no objection to the friendly amendment from the Clark County Defenders Union [[Exhibit G](#)]. As for this, the fiscal impact cannot be determined. Again, in Washoe and Clark Counties there is no fiscal impact because they have benefited from parity for public defenders for years. However, in the rural counties the fiscal impact will be dependent upon the application of the maximum contribution formula.

That concludes my presentation, and I am open for questions.

Chair Carlton:

Thank you very much. I feel like I was transported to Judiciary for just a moment. I will open it up to any Committee members that have any questions at this time. Thank you, Ms. Ryba, for putting that in nonlawyer language for the Ways and Means Committee. Any questions? [There were none.]

With that, since the presenter did bring up the proposed amendment, I would like to go ahead and bring up those that are proposing the amendment and have a more comprehensive conversation about it. I know this is little bit different than we normally do things, but this has been thoroughly discussed, and I hope it is still worked out and stays worked out until the end of this meeting.

John Piro, Chief Deputy Public Defender, Clark County Public Defender:

We would like to thank Director Marcie Ryba for accepting our amendment [[Exhibit H](#)]. The amendment does, as Director Ryba said, provide for pay parity. Both of our unions in Clark County and Washoe County have fought for pay parity and pay parity is essential to ensuring you have quality candidates on both sides of the aisle and making sure the scales remain balanced.

That is what the amendment does and we are grateful they accept it.

Chair Carlton:

Are there any questions of Mr. Piro at this time?

Assemblyman Roberts:

Just to clarify. Now you support the bill as amended, or if the amendment is accepted?

John Piro:

Yes, Assemblyman Roberts, we do.

If I may just briefly comment on one other thing. As Director Ryba said, in section 1, when we are talking about independence from the judiciary, that is very important for a public defense system to have. We have had issues throughout the country and even here in Clark County, so just want to take us back quite a few years. Back in the day—long before my time—at the Clark County Public Defender's Office we used to assign baby lawyers to serious cases—murder, sexual assault—and the County got the pants sued off them for about \$5 million when Jerry Spence came from Wyoming and filed suit in a case called Roberto Miranda. During that suit, the National Legal Aid and Defenders Association came into Clark County and did a full review on our office [[Exhibit I](#)]. What they found was that we had judicial capture, which means we did not have adequate independency from the judiciary. Our attorneys at that time were more interested in pleasing the judge and keeping the judge happy than providing the zealous representation that is required. And as Vice Chair Monroe-Moreno has observed over her career, she has seen attorneys that, for lack of a better word, are terrible in court and attorneys that are good. It is important that you

have more good attorneys than terrible attorneys, because that is what adequately preserves the system that we hold so dear.

Chair Carlton:

You almost started to testify like you were in Judiciary, but you pulled yourself back. I watched you, you did really good. I do appreciate that; I do not work on the other side of that wall.

Committee members, are there any other questions? [There were none.] Typically, we would have support, opposition, and neutral and if they had a problem with the bill, they would have been in opposition. It seems as though the parties have come together before they got in the room and have come to some agreement. Everyone is willing to look at this amendment going forward.

So, with that, this is the public hearing for A.B. 480 and we will go ahead and open it up. Those that were in the room have already shared their testimony.

Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

Just for the record, we want to voice our support and thank the Department of Indigent Defense Services for bringing forward this bill and working with us. As you heard Mr. Piro indicate, this does have fiscal impact if we do not comply with requirements and mandates to ensure that we have an independent judicial system of public defense versus the judiciary, because of the dramatic impact that the lawsuits can have. You will see all across the nation that there are headlines of justice in jeopardy because of different public defender's agencies being sued, or do not have the resources. We believe this will provide equal justice to all Nevadans, not just those who are in Washoe County or Clark County. We urge your support of this bill. Thank you.

Chair Carlton:

Is there anyone in support of A.B. 480 on Zoom or the phone lines?

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

I am calling in support today of A.B. 480. As Director Ryba indicated, a number of the elements of this bill have been called for in various Supreme Court orders and through our Indigent Defense Commission, which recently we discontinued with the arrival of the Department of Indigent Defense Services. We do support this measure as a way to continue to improve the delivery of indigent defense services in this state.

Chair Carlton:

Thank you, Mr. McCormick.

Amy Coffee, Deputy Chief, Clark County Special Public Defender and Clark County Defenders Union:

I would like to echo the statements of Mr. Piro and Ms. Bertschy and we fully support this bill. I would note I originally signed in opposition, but because of the acceptance of the amendment I am now testifying in support. Thank you.

Chair Carlton:

Thank you for your clarification.

Nadia Hojjat, representing the Clark County Defenders Union, Las Vegas, Nevada:

I am a chief deputy Public Defender and I have done trial and appellate work on behalf of indigent defendants for ten years. I support this bill with the amendment. I previously signed up to oppose the bill, but with the adoption of the amendment, I do support the bill. I believe it will help make sure that we have effective and zealous indigent defense here in Nevada. I believe that with the amendment adopted, this bill will make sure that we have pay parity and that we are able to recruit strong candidates and attorneys who can represent individuals and make sure their rights are protected here in the state of Nevada. Thank you.

Chair Carlton:

Thank you very much. Anyone else in support, please.

Kara Simmons, representing the Clark County Defenders Union, Las Vegas, Nevada:

I am a deputy public defender, and I have been with the office working on behalf of indigent defendants for three and one-half years. I had also previously signed in in opposition of this bill, but now support it with the amendment. Our job is not only vitally important to the criminal justice system, but it is constitutionally mandated. Imagine a world where a poor, mentally ill person could not receive the same zealous advocacy as someone who is financially well-off. As someone who grew up poor, I know how important it is to have someone on your side. Someone who is empathetic and fighting for you. That is why I went to law school to be a public defender and that is why I came to this office. That is why we need to keep pay parity with the prosecutors and we need to offer the same benefits to graduates so that we can get people who are dedicated to public service, because what we do is really hard. As of today, I have 169 open cases and 1,297 closed cases, and I am someone who has only been here for three and one-half years. Our dedication to our clients is what brings us into this office outside normal working hours, what drives us to stay late into the night, and come in on the weekends. We need to make sure we keep quality attorneys here that are dedicated to this level of service, which is why I am testifying in support of the bill as amended.

Chair Carlton:

Thank you. Anyone else in support?

**Robson Hauser, Deputy Public Defender, Clark County Public Defender's Office,
Las Vegas, Nevada:**

I am a deputy Public Defender with the Clark County Public Defender's Office and I have been there for the last five and one-half years. I am also calling to testify in support of the bill as amended. I believe it is important to continue to attract talented attorneys to our office, or as Mr. Piro put it, we might get the pants sued off of us again in the future. Establishing pay parity with the District Attorney's office is one of the most crucial elements to attracting that talent. Therefore, I support the bill as amended. I had previously signed in in opposition and I would now like to change that to support. Thank you for your time.

Chair Carlton:

Thank you very much and if we have more callers in support "ditto" is just fine with us right now. Anyone else in support of the bill at this time?

**David Westbrook, Vice-President, Clark County Defenders Union, and Chief Deputy,
Clark County Public Defender's Office:**

Ditto and thank you for your time this morning. I am available for any questions.

Chair Carlton:

Thank you very much. We appreciate your testimony. Anyone else in support of A.B. 480 that wishes to testify? [There was no one.]

Is there anyone in opposition? [There was no one.] Anyone in neutral? [There was no one.]

Ms. Ryba did you have any closing comments?

Marcie Ryba:

No, just thank you for hearing the bill this morning.

Chair Carlton:

Thank you very much for being here and thank you for working with everyone. It is nice when an amendment switches all the opposition to support and everybody can walk out of the room arm-in-arm and stay that way until it gets out of the Assembly.

I will close the hearing on A.B. 480. Committee members, you will be seeing that one again, soon.

Our last bill in front of us today is Assembly Bill 482. I will turn it over to Ms. Coffman and then we will proceed.

Assembly Bill 482: Revises provisions relating to state business licenses. (BDR 7-1144)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 482 prohibits the Secretary of State from renewing a state business license when the State Controller has notified the Secretary of State that the person who holds the

state business license owes a debt to a state agency that has been assigned to the State Controller for collection, and the person has not satisfied the debt, entered into an agreement with the State Controller for payment of the debt, or demonstrated to the State Controller that the debt was not valid.

With regard to the fiscal impact, this was introduced by the Committee on Ways and Means on May 13, 2021. Since this bill was introduced, fiscal notes have not been fully received due to the timing for that. However, the Secretary of State has provided Fiscal Analysis Division staff with an email, yesterday, indicating that they did not anticipate a fiscal impact.

Chair Carlton:

With that, do we have anyone from the Secretary of State's Office available at this time?

Kimberley Perondi, Deputy of Commercial Recordings, Office of the Secretary of State:

I do have some comments prepared. I do not know whether you want me to go forward with those right now or just answer your questions at the moment.

Chair Carlton:

Go ahead and proceed with your comments and get those on the record. We have another person wishing to make comments and then we will open it up to the Committee for questions.

Kimberley Perondi:

Thank you for allowing us here today to discuss A.B. 482. As was just mentioned, this bill came to us just a few days ago—it was a surprise to our office. While overall, the Secretary of State absolutely supports the concept of preventing debt write-off and preventing those owing money to the state from continuing to profit from state contracts and such, we will be testifying in neutral on this bill because of the way it is drafted.

Our concerns center around the intent to not renew a license instead of placing them on an administrative hold immediately until their debt is resolved. Another concern is that statute currently provides no authority to the Secretary of State to act in a regulatory manner with regard to refusing to issue a license. Furthermore, we question the liability of not renewing a license for, let us say, a corporation with many shareholders because of one person's debt. The Office currently has a way to provide information to the Controller's Office regarding state business licenses and we understand from the Controller's Office this process is somewhat new and there has not been a lot of volume. Therefore, we can manage this new legislation without cost to our office and we will absolutely partner with the Controller's Office on this bill. Thank you.

Chair Carlton:

Thank you very much and as is normal, this time of session, bills do pop up and come forward and we know you will need some time to digest it. I hope with some of the conversations this morning there will be a better understanding of the problem that has arisen

and this proposed solution. I appreciate the Secretary of State remaining in neutral for right now as we move forward. Thank you for sharing your information.

With that, I have Mr. McAllister in front of us. Mr. McAllister if you would like to go ahead and proceed, please.

Raymond "Rusty" McAllister, representing the Nevada State AFL-CIO:

I am also an appointed member of the Division of Industrial Relations Advisory Board. I talked to Assemblywoman Carlton about this issue a while back. Each quarter when we meet, we are faced with a report from the Division of Industrial Relations (DIR) of those outstanding fines or penalties that they have issued to employers that have not been collected. They refuse to pay, or they choose not to pay. Each quarter, we are asked to approve write-offs for this debt, because it may have been for an extended period of time. I have been on this Board for several years and it is not getting any better. We are continually faced with these write-offs. We had asked the DIR what we could do to solve this problem. We met with the DIR representatives and also with representatives from the State Controller's Office. When these debts get to a certain point, they submit them from the DIR over to the Controller's Office to attempt collection. The problem is, they are not having a lot of success in many cases either.

It is not like we are talking about a little bit of money. I have a list here of the DIR's uninsured employers claim account with aged receivables. It breaks it down from claims that are one year, two years, three years, four years, and five or plus years. All total, they have asked us to write off \$20.5 million in fines. Just this last meeting we were asked to write off \$1.04 million for 213 businesses. The problem that we have addressed, or looked at, in trying to do this bill or resolve this problem is that many of those businesses that we have been asked to write off are still in business. They are still doing business in the state of Nevada. They are not paying their fines, they are not being collected, but they keep getting their business licenses renewed and when we talk to the Controller's Office they said maybe that was an opportunity for us to put some teeth in this to collect these fines by withholding their business licenses. If it means just suspending it for a period of time until they pay their fines, whatever the Legislature deems the appropriate means, we feel bad every time we are asked to write off this debt and send it to the Board of Examiners as a write-off. This is money the state could use and at the same time we are tired of seeing these businesses stay in business in the state with no ramifications. I think that explains what our concerns are.

Chair Carlton:

Thank you, Mr. McAllister. And thank you for having this issue bubble up. I know, years ago when I was at the other end of the building, we had problems with people paying their fines. I just want to make sure that it is perfectly clear—these are fines that are associated with Workers' Compensation cases where workers were either put in harm's way and/or hurt. This is not just an administrative type of issue. It is my understanding and my experience that it takes a lot to get a fine in Workers' Compensation in this state. If you could just make sure everyone understands exactly that process and why those fines are there. It is not just a simple "you did not fill out the paperwork correctly." These are serious fines that go along with serious issues.

Raymond "Rusty" McAllister:

The amount of the write-offs just in this last report was over \$1.04 million and involved 213 businesses. This comes from OSHA in Las Vegas, OSHA in Reno, Workers' Compensation for northern Nevada, and Workers' Compensation in southern Nevada, both in premium, where they have not paid their Workers' Compensation premiums, or administrative fines for Workers Compensation. It is across-the-board in the state, not just in southern or northern Nevada. This happens in all corners of the state and it deals with Workers' Compensation and OSHA both.

Chair Carlton:

Just to be clear, and so the Committee understands, if Workers' Compensation premiums are not paid and someone gets hurt on the job, there is nothing there for that worker going forward and that is how they end up in the system. If you would clarify that, Mr. McAllister.

Raymond "Rusty" McAllister:

That is correct. If there is no Workers' Compensation premium being paid, if somebody gets injured they will be referred to the uninsured employers account, which is paid for by all the other employers in the state who are actually paying their bills, paying their Workers' Compensation premiums, or carrying that insurance. They are required to put money into this uninsured employer's account and that helps these workers in the event that they get stranded because their employer did not carry insurance.

Chair Carlton:

I wanted to make sure the Committee members had all that background information on how this came to be and the discussion points that were around it.

I would be happy to open it up for questions from Committee members at this time. Also, to our representative from the Secretary of State's Office, you have now heard the testimony, so you may have a little more information on this. There was a comment made earlier about there possibly being another avenue rather than just not renewing the business license. I am not going to put you on the spot at this moment in time, but I would like you to consider the things that were brought up, and I will ask that you and Mr. McAllister have a conversation about this. We feel that it is important. We ask everyone else to pay their fines and fees and we just had a bill last night about speeding tickets and people not paying those and the things that happen. There needs to be consequences for those who do not pay their fines. Specifically, fines for doing something wrong to the state. Hopefully, we can continue the conversation and go from there.

Kimberley Perondi:

I do appreciate that and we absolutely will have a conversation with Mr. McAllister and work out the kinks. Again, we are supportive of the concept and we understand the problem. There are just some loopholes in the way it is written, so if we can work through those, then we are happy. Thank you.

Chair Carlton:

We appreciate everyone's assistance. We will share the information that we have when we move forward and we want to make sure that everything gets addressed. Any other questions?

Assemblywoman Gorelow:

I was curious—what is the average fine that a business owes? You mentioned there was over \$1 million that we had to write off and over 200 businesses. What is that approximate average that they owe?

Raymond "Rusty" McAllister:

When you say an average, I go down the list of this \$1.04 million and it ranges from one business that has \$31,819 in fines and others have as low as \$135. It looks like a good chunk of them are \$500 to \$1,000 fines.

Assemblywoman Gorelow:

Thank you. That lets me know that these are not exorbitant fines that these people are not paying. Cumulatively, it is a lot of money, but individual businesses could definitely be paying this off.

Assemblyman Roberts:

Regarding the fines, is there an appeal process? If the Board, or whoever, assesses a fine, is there a subsequent appeal process? Would the State Treasurer's Office be notified once that appeals process was exhausted, or what would be the process for that? I am just trying to understand it.

Raymond "Rusty" McAllister:

There is an appeal process for these fines. Those appeals are conducted through the Division of Industrial Relations. Once they have gone through the appeal and the fine has been imposed, then the Division of Industrial Relations will invoice them with the amount that is fined. If they cannot collect that, ultimately, down the road they submit that to the Controller's Office in an attempt to collect the debt.

Assemblyman Hafen:

My question is—we just talked about these are all Workers' Compensation and OSHA, but it was not very clear in here where that was. I know it talks about agencies under *Nevada Revised Statutes* (NRS) 353C. Could you point out where it limits this to the Workers' Compensations and OSHA fines?

Raymond "Rusty" McAllister:

The way that I read the bill, it does not specify Workers' Compensation or OSHA violations for the fines for those. It basically states that if you owe a debt to an agency within the state of Nevada, then the Controller would be responsible for trying to collect that.

Assemblyman Hafen:

My other question is more of a procedural question. Hypothetically speaking, if they move locations and they did not know they had this fine, when they go to renew their business license would they have the opportunity to just pay the fee online through the Secretary of State at that time they are renewing?

Chair Carlton:

I will address that one. If you look under subsection 1, item b, "entered into an agreement for the payment of the debt." If they go to renew their license and the debt is larger than they can handle, they can enter into a payment plan for the debt and would be allowed to renew their license. That way we would have an agreement. We do not want to put people out of business, we just want them to fulfil their responsibility in paying their fines. We would give them an opportunity to set up a payment plan to be able to address that. If it were a small fine, they could possibly do it, and we backfill credit card fees for the Secretary of State all the time. They could put that fine on their credit card and/or they could—as in the case of the \$31,000 fine that Mr. McAllister referred to—set up a payment plan. As long as they stayed current on the payment plan, when they went to renew again, they would be in compliance and be able to renew their business license. We give people an opportunity to make payments if it is a large amount on a fine. Once they have been through, in the Workers' Compensation case, the appeals process they would be very well aware of their responsibilities. But, yes, this is for all agencies because we know in other agencies there might be this, and the accountability and responsibility of paying your fines we believe should be addressed. We do not do fines on the honor system.

Assemblyman Hafen:

I agree with you on that. I do want to be able to collect these fines. My concern though is that under the payment plan that goes through the State Controller's Office and now we are going to the Secretary of State. I just want to ensure that there is going to be some interaction so we do not interrupt the business. I am trying to work through the weeds here, because the payment plan goes through the State Controller's Office and now, we are integrating the Secretary of State's Office. I just want to make sure that agencies are communicating with each other and working together to collect these fines and fees and if we need a payment plan, get those established.

Chair Carlton:

Thank you, Mr. Hafen. Any response, Mr. McAllister?

Raymond "Rusty" McAllister:

My understanding, and certainly it is not my role to speak on behalf of the Division of Industrial Relations, but I will say that during our committee meetings, we did have representatives from the State Controller's Office come and there is a lot of coordination between the DIR and the State Controller's Office in trying to collect this debt.

Assemblywoman Titus:

First, Mr. McAllister, you just mentioned coordination between the DIR and the Controller's office on collecting debt. Was there any real coordination between those two and the Secretary of State's Office? I am not sure the agency this would impact was consulted. So, was there any consulting with the Secretary of State before this bill happened to determine whether the problem could be fixed without legislation?

Raymond "Rusty" McAllister:

Again, I do not work for the Division of Industrial Relations, so I do not know what coordination there was between the DIR, the Controller's Office, and the Secretary of State's Office. I am not privy to that—those discussions would have taken place out of my purview.

Chair Carlton:

Assemblywoman Titus, if I could address that, because this bill is a Committee on Ways and Means bill, the issue was brought to the Chair, the Chair shared the information with the Legal Division, Legal sent the bill out, and it has been moving very quickly. We have the Secretary of State's Office here. There will be continued conversation moving forward. This was an option that was presented in order to be able to hold people accountable. We wanted to make sure we got it out there for people to have the conversation about it and move forward.

Assemblywoman Titus:

As this conversation continues, I absolutely agree that we need to have a process of holding people accountable and picking up these bad debts. We hear about this every session, so it has to have some teeth and I absolutely appreciate that. I am glad to hear that the conversation is going to continue, because sometimes we just need a template to work forward to see what really will work to solve these problems. It is a start and then we need to be able to make sure there is communication between the Controller and the Secretary of State's Office. I am happy to hear you are open to making this work. Thank you.

Assemblywoman Monroe-Moreno:

As I look at section 2, subsection 5, it appears there is already a relationship in place where it states that the State Controller shall notify the licensing agency that if the licensee does not pay the debt that has been assigned to the State Controller for collection, enter into an agreement for the payment of the debt pursuant to NRS 353C.130. It appears to me that was already existing language in NRS, so the relationship should be there with the Controller and the licensing agencies even before this bill. Is that correct?

Raymond "Rusty" McAllister:

My understanding is that is already in current statute. This is to help specify that the Secretary of State's Office would be the ones who would not renew a license. I am assuming that in the state there are other forms of licensees that are not controlled or licensed by the Secretary of State's Office. This specifies the Secretary of State with regard to agencies. That is the best I can interpret it.

Assemblywoman Monroe-Moreno:

Also, in existing language in NRS, when you go down to subsection 8 of section 5, that the State Controller shall verify with the Secretary of State the information related to the state business license of each licensee. So, this bill would just give more teeth to what we already have in statute that should be going, and the communications between the agencies already exists.

Chair Carlton:

With that, Committee members, are there any other questions for Mr. McAllister and/or the representative from the Secretary of State's Office?

Kimberley Perondi:

I would like one follow-up, if I may. The current statute, which I do not have in front of me, but my recollection in reading it is that the Secretary of State, while that language is there, it applies specifically to regulatory agencies and that is why the Secretary of State's Office has not been doing this up until now. We will work with them and figure out a way to get past all of those concerns and see how we can make this work.

Raymond "Rusty" McAllister:

This would probably be a whole lot more proficient in managing this language in this bill if the Secretary of State's Office worked and conversed directly with the head of Division of Industrial Relations, Victoria Carreon, and the Controller's Office, as opposed to having just your average citizen here as your intermediary. I am sure they could work on language and each has legal counsel to work on language that would work and be beneficial for all three offices.

Chair Carlton:

Thank you very much, Mr. McAllister.

So, with that, thank you very much, Mr. McAllister. Thank you to our representative from the Secretary of State's Office. We will go ahead and make sure we put the right people in the right Zoom room to have conversations about this moving forward to be able to address the issue of these dollars being written off from the state, rather than coming to the state.

I believe we can open it up to the phone lines. This is the hearing for Assembly Bill 482. Do we have anyone in support of A.B. 482? [There was no one.]

Do we have anyone in opposition?

Barry Duncan, representing the Nevada Taxpayers Association:

I apologize, an issue just arose with some language pertaining to the bill this morning, or I would have notified you earlier. The concern pertains to section 1, line 16 of the bill, where debt means a tax, fee, fine or other obligation. This would mean that under our understanding, currently, a taxpayer petitioning for redetermination of an audit deficiency would lose their business license.

That is our concern pertaining to the bill. We certainly believe it is wholly appropriate that any individual or company that owes the fine through DIR and other agencies should be obligated to pay those funds. As I said, our concern pertains solely to the language, and the issue I just spoke to.

Thank you for your time and consideration. I will be happy to answer any questions.

Chair Carlton:

Thank you, Mr. Duncan. So, your concern is that the definition under NRS 353C.040 includes the work "tax?"

Barry Duncan:

That would be correct in the sense that—our concern would be that somebody that would be petitioning for redetermination for an audit deficiency, as they are entitled to under law, would lose their business license as the bill is currently drafted.

Chair Carlton:

If I could clarify with you, Mr. Duncan, if debt was never turned over to the Office of the State Controller, it would not happen. If they were in negotiations with the Department of Taxation and there was an appeal process and they were working through that redetermination, their information would not have been shared with the Office of the State Controller, therefore the first domino would not fall moving forward. Would you understand that the same way?

Barry Duncan:

Again, we would not. But I would be happy to further meet with the Office of the State Controller to make sure I have a more complete understanding of that. As I said, this concern just arose this morning.

Chair Carlton:

We appreciate you sharing it and we want to make sure we do not put anyone in the system that does not belong, that is why the safeguard of having your information turned over to the Office of the State Controller as a bad debt would be the first step. But we will clarify that issue before we move forward. Thank you for bringing it to light. If you would send an email to me with your concerns, so I have something in writing to put in the file as we move forward, I would appreciate that. I will make sure Fiscal staff gets it and we can go from there. It is always good to have these comments in writing if possible.

With that, is there anyone else in opposition to A.B. 482? [There was no one.] Is there anyone wishing to testify in neutral? [There was no one.]

Are there any closing comments? [There were none.] Not seeing any closing comments, thank you all very much for your flexibility as things moved quickly through this process and issues pop up. With that, we will close the hearing on A.B. 482 and make sure a little more work gets done so that everyone is comfortable moving forward.

Committee members let us go ahead and do work session on some of the bills that we have heard today. The first bill that we had was Assembly Bill 471, which revises provisions relating to the system of reporting information relating to cancer and other neoplasms. I will turn it over to Ms. Coffman to go through the basics and we will go from there.

Assembly Bill 471: Revises provisions relating to the system for reporting information relating to cancer and other neoplasms. (BDR 40-1082)

Sarah Coffman, Assembly Fiscal Analyst:

Thank you, Madam Chair. Assembly Bill 471 was heard today in Assembly Ways and Means. This is a budget implementation bill and this is to provide for various fees related to radiation machines and mammography in order to satisfy some solvency issues related to the Cancer Registry budgets.

Chair Carlton:

Committee members, are there any questions or comments at this time? Not seeing any, this is a bill from Ways and Means, so this would be a Do Pass.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS
ASSEMBLY BILL 471.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

Are there any questions or comments on the motion?

Assemblywoman Titus:

I will be a yes to get this out of Committee but reserve my right to change. Thank you.

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

Chair Carlton:

With that, we will move forward. I was going to assign this to Assemblywoman Titus, but since we are not sure where she is going to be on the floor, and you cannot have someone who might be in opposition handling the bill, I will ask Assemblywoman Monroe-Moreno to handle it.

With that, we can go to Assembly Bill 479.

Assembly Bill 479: Revises provisions governing the executive staff of the Public Employees' Retirement System. (BDR 23-1150)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 479 creates the position of chief investment officer as a member of the Executive staff for the Public Employees' Retirement System, within *Nevada Revised Statutes* (NRS) 286.160. Tina Leiss was the individual who presented this bill, and there were no individuals who testified in support, opposition, or neutral.

Chair Carlton:

Any questions or comments on A.B. 479? Not seeing any questions or comments, this would be a Do Pass.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS
ASSEMBLY BILL 479.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

Chair Carlton:

I will ask Assemblywoman Peters to handle this one on the floor.

Moving on to Assembly Bill 481, Ms. Coffman.

Assembly Bill 481: Requires the Division of Child and Family Services of the Department of Health and Human Services to designate a statewide center to provide assistance to certain victims. (BDR 16-1143)

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 481 requires the Division of Child and Family Services of the Department of Health and Human Services, to the extent that money is available for the purposes and in collaboration with persons and entities advocating for the need of victims, to designate a statewide center to provide assistance to victims. This particular bill is in tandem with the Money Committees' decisions to provide funding for two positions for the Vegas Strong Resiliency Center. The individual who testified on this bill was Ross Armstrong, along with Barbara Buckley and Fire Chief John Steinbeck. There were no individuals that testified in support, opposition, or neutral and there are no amendments.

Chair Carlton:

Thank you very much, Ms. Coffman. Are there any questions or comments on this particular item? Not seeing any questions or comments, this would also be a Do Pass and the I would accept a motion.

ASSEMBLYWOMAN JAUREGUI MOVED TO DO PASS
ASSEMBLY BILL 481.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

Chair Carlton:

I will ask Assemblywoman Jauregui to handle this bill on the floor. With that I believe we can go to Senate Bill 368. I am doing them in the order we heard them, that is why it is a little disjointed.

Senate Bill 368: Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. (BDR S-366)

Sarah Coffman, Assembly Fiscal Analyst:

Senate Bill 368 requires the issuance of \$4 million in environmental improvement project bonds for the Lake Tahoe Basin. The individual who testified on this bill was Charles Donohue from the Division of State Lands and there were no individuals who testified in support, opposition, or neutral on this bill.

Chair Carlton:

Committee members, are there any questions or comments on Senate Bill 368? Seeing no questions or comments, I would accept a motion to Do Pass.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS
SENATE BILL 368.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

Chair Carlton:

Assemblyman Watts, I am going to hand this one back to you.

I believe Assembly Bill 480 is next.

**Assembly Bill 480: Revises provisions governing legal services for indigent defendants.
(BDR 1-1076)**

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 480 removes limitations and existing law that specify an attorney, other than a public defender who is appointed to represent or defend a person during any stage of a criminal proceeding, is entitled to receive certain fees for his services. Assembly Bill 480 also revises provisions relating to claims for compensation and expenses made by certain attorneys. This is a budget implementation bill. This legislation is in response to the consent judgment in the Davis v. State case to address disincentives to provide effective representation for indigents. The individual who presented this bill was Marcie E. Ryba, and there were seven individuals who testified in support of this bill and no individuals in opposition or neutral. There were two conceptual amendments that were suggested for this bill.

Chair Carlton:

Committee members, are there any questions on the bill and/or the amendments? It seemed as though the amendments solved the problem and got everybody on the same page. Not seeing any other questions, the Chair would include the proposed amendments, so the motion would be Amend and Do Pass.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 480.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN TITUS VOTED NO.
ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

Chair Carlton:

I will take this floor statement and be very nice to Chair Yeager to make sure he can back me up. As I said regarding Assembly Bill 482, we will put some folks in a Zoom room and make sure we are doing exactly what we think we need to do to address unpaid fines in the state.

With that Committee members, I believe that takes care of our business this morning. We will go ahead and open it up for public comment.

Sam DeWitt, representing Compassion and Choices Action Network:

I am calling from Compassion and Choices Action Network in representing thousands of people suffering from incurable disease who are waiting on movement on Assembly Bill 351.

Every day we refresh this Committees' agenda, hoping and waiting for A.B. 351 to be heard. It has been nearly a month since our bill was scheduled and removed from the agenda just hours before the hearing.

According to the bill file, the fiscal note has been removed, so we do not understand why this Committee is holding this bill from being voted on. We have spent decades crafting this legislation, worked with stakeholders all over the state to fine-tune it, and our coalition's recent poll shows that 73 percent of Nevadans across all political, religious, gender, and age lines, want this option for qualified patients. There are terminally ill people who may not live to see the next legislative session who are going to suffer between now and 2023 without this option being available.

Members, Madam Chair, we plead with you to release or vote on this bill and allow democracy to play out. Thank you for your time, your consideration, and your service to the state of Nevada.

Chair Carlton:

Are there any other callers under public comment? [There were none.] Committee members, that accomplishes our work for this morning. We have a joint meeting this evening with Senate Finance, but for today I will be adjourning, but that will be very rare in the near future. We will typically recess so we can come back and continue work.

We are adjourned [at 10:12 a.m.].

RESPECTFULLY SUBMITTED:

Anne Bowen
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 17, 2021, to Chair Carlton and members of the Assembly Committee on Ways and Means, authored and presented by Cari Herington, Executive Director, Nevada Cancer Coalition, in support of A.B. 471.

[Exhibit D](#) is a Stipulated Consent Judgment dated August 11, 2020, filed in the First Judicial District Court of the State of Nevada, Department II, titled Davis v. State, presented by Marcie E. Ryba, Executive Director, Department of Indigent Defense Services.

[Exhibit E](#) is a copy of ADKT 411 dated January 4, 2008, filed in the Supreme Court of the State of Nevada, titled "In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases," presented by Marcie E. Ryba, Executive Director, Department of Indigent Defense Services.

[Exhibit F](#) is a document titled "Temporary Regulation of the Board on Indigent Defense Services," Adopted January 28, 2021, Effective Date March 5, 2021, presented by Marcie E. Ryba, Executive Director, Department of Indigent Defense Services.

[Exhibit G](#) is a proposed amendment to Assembly Bill 480, presented by Marcie E. Ryba, Executive Director, Department of Indigent Defense Services.

[Exhibit H](#) is a letter presenting a proposed amendment to Assembly Bill 480, authored by Rafael Nones, President, Clark County Defenders Union, presented by John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office.

[Exhibit I](#), is a document titled "The Right to Counsel in Rural Nevada, Evaluation of Indigent Defense Services," dated September 2018, authored by the Sixth Amendment Center, presented by John Piro, Chief Deputy Public Defender, Clark County Public Defender.