

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS  
Eighty-First Session  
May 25, 2021**

The Committee on Ways and Means was called to order by Chair Maggie Carlton at 8:18 a.m. on Tuesday, May 25, 2021, Online and in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senate District No. 17  
Senator Keith F. Pickard, Senate District No. 20  
Senator Nicole J. Cannizzaro, Senate District No. 6  
Assemblyman Steve Yeager, Assembly District No. 9  
Assemblywoman Susan (Susie) Martinez, Assembly District No. 12  
Assemblywoman Beatrice (Bea) Duran, Assembly District No. 11  
Assemblywoman Cecelia Gonzalez, Assembly District No. 16



Assemblyman P.K. O'Neill, Assembly District No. 40  
Assemblywoman Selena Torres, Assembly District No. 3  
Assemblywoman Tracy Brown-May, Assembly District No. 42

**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

**OTHERS PRESENT:**

Susan Brown, Director, Office of Finance, Office of the Governor  
Sean Sever, Administrator, Division of Management Services and Programs,  
Department of Motor Vehicles  
Jude Hurin, Deputy Director, Department of Motor Vehicles  
Brad Keating, representing Clark County School District  
Lindsay Anderson, representing Washoe County School District  
Mary Pierczynski, representing the Nevada Association of School Superintendents  
Paige Barnes, representing the Nevada Association of School Boards  
Paul Moradkhan, Vice President, Government Affairs, Vegas Chamber  
Kanani Espinoza, representing the Nevada Chapter of the American Council of  
Engineering Companies and the Nevada System of Higher Education  
Arielle Edwards, representing the City of North Las Vegas  
Brenda Pearson, representing the Clark County Education Association  
Bryan Wachter, representing the Retail Association of Nevada  
Thomas "Tom" Warden, representing Howard Hughes Corporation  
Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada  
Warren Hardy, representing the Council for a Better Nevada  
Connor Cain, representing Las Vegas Global Economic Alliance (LVGEA)  
Dora Martinez, representing Nevada Disability Action Coalition  
Nicole Rourke, Director of Government and Public Affairs, City of Henderson,  
Nevada  
Jeff Horn, Deputy Executive Director, Clark County Association of School  
Administrators and Professional-Technical Employees  
Andy Donahue, representing the Southern Nevada Labor-Employers Cooperation and  
Education Trust  
Mari Nakashima, representing the Washoe Principals and Administrators Association  
Michelle Booth, representing Educate Nevada Now  
Amber Stidham, representing the Henderson Chamber of Commerce  
Meredith Freeman, representing Nevada PTA  
Wendy Ellis, private citizen, Las Vegas, Nevada  
Mark Wlaschin, Deputy for Elections, Office of the Secretary of State

Annette Magnus, Executive Director, Battle Born Progress  
Priscilla Maloney, representing AFSCME Local 4041 Government Affairs Retiree Chapter  
Emily Persaud-Zamora, Executive Director, Silver State Voices  
Jim DeGraffenreid, representing Nevada on the Republican National Committee  
Bob Russo, private citizen, Gardnerville, Nevada  
Andre C. Wade, State Director, Silver State Equality  
Joe Gloria, Registrar of Voters, Clark County, Nevada  
Holly Welborn, Policy Director, ACLU of Nevada  
Christopher Daly, representing Nevada State Education Association  
Barry Gold, Director of Government Relations, AARP Nevada  
Jim Sullivan, representing the Culinary Union  
Hailey Lindsley, representing Planned Parenthood Votes Nevada  
Eric Jeng, representing Asian Community Development Counsel  
Cecia Alvarado, Nevada State Director, Mi Familia Vota  
Marlene Lockard, representing SEIU 1107  
Quentin Savvoir, Deputy Director, Make It Work Nevada, Let Nevadans Vote Coalition  
Janine Hansen, State Chairman, Independent American Party of Nevada  
Lynn Chapman, State Treasurer, Independent American Party of Nevada  
Jolette Gowens, private citizen, Las Vegas, Nevada  
Kimberley Maxim, private citizen, Henderson, Nevada  
Melissa Clement, representing Nevada Right to Life  
Aubrey Rowlatt, Carson City Clerk-Recorder, Carson City, Nevada  
Jamie Rodriguez, Government Affairs Manager, Washoe County, Nevada  
Jennifer Richards, private citizen, Reno, Nevada  
Joanna Jacob, Government Affairs Manager, Clark County, Nevada  
Dagney Stapleton, representing Nevada Association of Counties (NACO)  
Jeff Dixon, Nevada State Director, Humane Society of the United States  
Jennifer Ott, Director, State Department of Agriculture  
Francisco Morales, Policy Advisor, Brownstein Hyatt Farber Schreck  
Mendy Elliott, representing Capitol Partners, Reno, Nevada  
Samantha Glover, Private Citizen, Reno, Nevada  
Tess Opferman, representing the Nevada Women's Lobby  
Victoria Gonzalez, Executive Director, Department of Sentencing Policy  
Jagada Chambers, private citizen, Las Vegas, Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Benjamin Challinor, Policy Director, Faith in Action Nevada  
Harold Wickham, Deputy Director, Department of Corrections  
Christopher P. DeRicco, Chair, State Board of Parole Commissioners  
Jefferey Doucet, Administrative Services Officer, Department of Corrections  
Marla McDade Williams, representing the Reno Sparks Indian Colony  
Stacey Montooth, Executive Director, Nevada Indian Commission  
Jennifer Ouellette, Director, Western Interstate Commission for Higher Education  
Jasmin Margarita Tobon, representing Planned Parenthood Votes Nevada

Bo Bernhard, Executive Director, UNLV International Gaming Institute  
Jan Jones Blackhurst, Chief Executive in Residence, UNLV International Gaming Institute  
Becky Harris, private citizen, Las Vegas, Nevada  
Be-Be Adams, representing the Boys and Girls Club Nevada Alliance  
Susan Fisher, representing Nevada Blind Children's Foundation and SallieMae, and Discover  
Emily Smith, CEO, Nevada Blind Children's Foundation  
Chaunsey Chau-Duong, representing the Las Vegas Valley Water District  
Shane Piccinini, representing the Nevada Center for Civic Engagement  
Andrew MacKay, representing Nevada Center for Civic Engagement  
Kathleen Dickinson, Program Director, Nevada Center for Civic Engagement  
Maria Nieto Orta, representing Mi Familia Vota Nevada and UndocuCouncil  
Erika Castro, representing the Progressive Leadership Alliance of Nevada and the Nevada Immigrant Coalition:  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Michael Kagan, Director, UNLV Immigration Clinic  
Bruno Landivar, representing the Nevada Hispanic Legislative Caucus  
Gillian Block, representing the Legal Aid Center of Southern Nevada  
Joseline Cuevas, representing Mi Familia Vota  
Melody Judilla, Deputy Director, Silver State Voices  
Rico Ocampo, representing Make Well Nevada  
Eric Spratley, representing the Nevada Sheriffs' and Chiefs' Association  
Kelly Wuest, Administrator, Commission on Postsecondary Education  
Mary Dwyer Pembroke, representing Discover Financial Services  
Christopher Sewell, Chief Operating Officer, Department of Employment, Training and Rehabilitation  
Matt Walker, representing the New Fuels Alliance  
Elliott Malin, representing the Nevada Petroleum Marketers and Convenience Store Association  
Amy Davey, Administrator, Office of Traffic Safety, Department of Public Safety  
Bailey Bortolin, representing the Nevada Coalition of Legal Service Providers

**Chair Carlton:**

Good morning, everyone. Welcome to the longest day in Ways and Means you are probably ever going to see. Everybody put on your seat belts, and we are ready to go.

[Roll was called and Committee rules and protocol were reviewed.]

Today we are going to be all over the agenda because things have to move in a certain order, and we received two bills yesterday. So, just to give everybody a heads up we will be starting with Assembly Bill 487, and then Assembly Bill 488. We will be discussing Senate Bill 450. Then we will get into the elections bills while we have the Speaker, Assemblyman Frierson, in the room, which I believe are Assembly Bill 126 (1st Reprint), Assembly Bill 321 (1st Reprint), and Assembly Bill 422 (1st Reprint). Those are at the top

of the batting order, and it is just the first inning. I will let you know what the batting order is for the second inning.

With that, I believe we can go ahead and begin. If I did not call out your bills right now and Assemblyman O'Neill, if you could wait in your office, we want to keep people where they are kind of staged. You are not going to be until a bit later, so no reason to be here. The less we have to use the overflow room, the better off we are. I will make sure to give you plenty of notice to be back in the room. I think we have everybody set.

We can open up the hearing on Assembly Bill 487.

**Assembly Bill 487: Suspends certain required transfers from the State General Fund to the Account to Stabilize the Operation of the State Government during the 2021-2023 biennium. (BDR S-1168)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 487 suspends certain required transfers from the State General Fund to the Account to Stabilize the Operation of the State Government during the 2021-2023 biennium.

**Susan Brown, Director, Office of Finance, Office of the Governor:**

Before you today is Assembly Bill 487. This is a budget implementation bill that suspended the transfer of funds to the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, for the 2021-2023 biennium. Statute requires that 1 percent of the total revenue that is projected by the Economic Forum in May of odd-numbered years, adjusted by any legislation enacted by the Legislature that affects state revenue, be transferred each fiscal year. This bill would suspend that transfer for the upcoming biennium.

With that, I will take any questions.

**Chair Carlton:**

Thank you, Ms. Brown. Committee members, are there any questions of Ms. Brown? Unfortunately, we have seen this a number of other times before.

**Assemblyman Roberts:**

I am just curious as to what the need is to suspend the transfer?

**Susan Brown:**

I believe the need for this is to fund the budget as has been approved through the Money Committees for the 2021-2023 biennium.

**Chair Carlton:**

I would not want to put Ms. Brown in a position of speaking for the Legislature and the conversations that we have had. This is something that we need to do. We know there are dollars coming, but we also know that we have to fund government by May 31, 2021, so we

cannot pretend that money is going to be there, we have to actually use real money that is available right now. Keep in mind, that on the regular Rainy Day Fund, depending upon how money comes in, that money will automatically trip into our other Rainy Day Fund. This is the version. We are in a very unique position where we know the check is coming, but it is not here, so we cannot write the check for anything else.

**Assemblywoman Titus:**

I am sorry if I missed this, Ms. Brown—do we know the number? How much money are we suspending?

**Susan Brown:**

Based on the Economic Forum projections in May, that amount is approximately \$43.4 million in fiscal year (FY) 2022 and \$46.4 million in FY 2023.

**Assemblywoman Titus:**

If we suspend it now, it continues through the biennium. Can we unsuspend it at any time if things look different?

**Chair Carlton:**

It is a piece of legislation, Assemblywoman Titus, and legislation is what it is until it gets changed.

**Assemblywoman Titus:**

Correct. But we would not be able to unsuspend until next session, then, correct?

**Chair Carlton:**

Well, you do not want to use the double "S" words in a regular session, but stranger things have happened in my career.

Are there any other questions at this time? [There were none.]

This will be the hearing for Assembly Bill 487, so we will open it up for input. Those in the room in support of A.B. 487 can come forward. [There was no one.] Anyone in support on the phone line? [There was no one.] Anyone in opposition to A.B. 487? [There was no one.] Anyone in neutral? [There was no one.]

With that, Ms. Brown, I do not believe there any other comments we would need to make. I will go ahead and close the hearing on A.B. 487, and Committee members, you will see this bill very soon again.

With that, we can move on to Assembly Bill 488.

**Assembly Bill 488: Revises provisions governing the Department of Motor Vehicles.  
(BDR 43-1096)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 488 relates to a lawsuit that the Supreme Court determined, which repealed the technology fee for the Department of Motor Vehicles (DMV). This bill reenacts and applies retroactively the \$1 technology fee, beginning June 30, 2020 and expiring by limitation on June 30, 2026.

**Chair Carlton:**

I have Mr. Sever. No PowerPoint today, I am sure. If you would proceed, please.

**Sean Sever, Administrator, Division of Management Services and Programs,  
Department of Motor Vehicles:**

I just wanted to add that the extension of this fee will be important to help the Department of Motor Vehicles (DMV) implement and upgrade the DMV's technology platform and fund its transformation process to move the majority of our services online in the next four years.

During the pandemic it became clear to us that this needed to be our number one goal, as was the same with many other businesses in our state. We implemented online driver's license renewals last September and more than 80,000 Nevadans have taken advantage of this service and avoided an in-person visit to a DMV office, which is a great example of what Nevadans want from the DMV. As such, the DMV is committed to radically changing its long-term service delivery model from in-person brick and mortar services to an online storefront, similar to any online shopping experience you have today. We still will, of course, have offices open for those that prefer in-person transactions. The Department would like to receive funding from the technology fee to continue with this effort as a supplement to a direct appropriation from the Highway Fund.

Thank you for your time and we can answer any questions at this point.

**Chair Carlton:**

Thank you very much. Committee members, we will go ahead and open it up for questions. This bill deals with an issue where a divot has been created in the budget and tries to clear it up and address it moving forward. I am trying to be as polite as I can. Are there any questions?

**Assemblywoman Titus:**

Thank you, sir, for giving that information. I am curious about the amount of money expected from this until 2026.

**Sean Sever:**

We will have to get back to Assemblywoman Titus on that question.

**Assemblywoman Titus:**

I guess I just need some more understanding on the original amount and then when it was extended in 2019. Was it sunsetted to the same date, the 2026 date, that this bill would be?

**Sean Sever:**

No, it was not.

**Assemblywoman Titus:**

So, this actually extended past the previous legislation?

**Sean Sever:**

Yes.

**Assemblywoman Titus:**

Is that for purposes of reimbursement of the one that was overturned, or is it acknowledged that the fees are needed to actually fund the project?

**Jude Hurin, Deputy Director, Department of Motor Vehicles:**

It is actually meant to help us go forward with the transformation offset funds so that we do not have to request any Highway Funds or offset those costs. It is a going forward and not to replenish what was lost. Concerning the funds in the technology fee right now, part of that will be used as a refund purpose because of the Supreme Court ruling, but going forward this will allow us to offset Highway Funds going forward with the transformation project.

**Assemblywoman Titus:**

So, just to clarify a term that our Chair used—the divot that was created—so this is not about that, this is about continuing payment forward?

**Jude Hurin:**

This is continuing to collect a data technology fee to help us modernize our systems going forward to 2026.

**Chair Carlton:**

Any other questions from Committee members at this time?

**Assemblyman Hafen:**

You mentioned the transformation project that this new fee will be used for—do you know how much the transformation project will ultimately cost?

**Jude Hurin:**

I believe it is \$110 million in a 4-year period.



My apologies in regard to the answer to Assemblywoman Titus. I was corrected that this is retroactively correcting fiscal year (FY) 2021. I apologize for that. I read it incorrectly and I did not have the information in front of me.

**Chair Carlton:**

That is alright. I was going to clear that up at the end because if you look, it is very plainly written in section 1, subsection 7.3. We are not trying to hide anything; we are plainly saying that these dollars need to come back in.

This does go back retroactively to June 30, 2020, to make sure that those technology fees are collected to make sure that these projects are completed. It is important that those dollars are there to get this project done. Most people in this building—a lot of the complaints we get are about DMV. Not about you guys, but it is just the public. This is one of the things that will help DMV do their jobs so we do not get those complaints about DMV.

**Assemblywoman Titus:**

Thank you, Madam Chair, for that clarification. How much will it cost to reimburse that \$1 fee?

**Jude Hurin:**

As this point in time we are working with the Treasurer's Office and the Controller's Office on many options to do this—credit refunds and so forth. At this point we do not have that information.

**Sarah Coffman:**

We did receive an estimate, which was approximately \$5.5 million.

**Chair Carlton:**

And this could possibly be one of those instances, as we discovered when we have done other refunds, that it more than likely will cost us more to refund the money than the actual refund itself.

In order to be able to not spend extra dollars that do not need to be spent that could go to other valuable services, this is a way to address that issue moving forward.

**Assemblywoman Tolles:**

Thank you, Chair, and I appreciate that last statement. I do wonder, since it is so potentially costly to go through that process of reimbursing, has the DMV ever looked at using a credit process? What would it take to implement that process and would there be any cost involved?

**Chair Carlton:**

I am not going to let them go there, because the programming involved in the investigations that we have done could cost even more than the actual refund itself. You are basically putting the refund on steroids by trying to do all the programming, which would slow it down

even longer because we would have to hire programmers to do it, and it could take a long time to get it done. Do not go down the programming road with DMV, because it a very long, twisty, dark, scary road. This is the time of year where we have to lay everything on the table.

Nothing against you guys—we understand.

**Jude Hurin:**

Thank you, Chair. I would have to create a PowerPoint for that.

**Chair Carlton:**

Thank you very much. It is always good to have a sense of humor—that will not be happening this evening I am sure.

**Assemblyman Roberts:**

I know you are unable to estimate what this will bring in over the six-year period, but what did it bring in from June 2020, or whenever it was first enacted, until it was repealed by the Supreme Court? What did it bring in then?

**Jude Hurin:**

I have one of our analysts getting that information for you right now, so if I can delay that answer, I would appreciate it. Thank you.

**Assemblyman Roberts:**

Perhaps Ms. Coffman has the information.

**Sarah Coffman:**

The amounts were \$6.7 million for FY 2022 and \$6.9 million for FY 2023.

**Assemblyman Roberts:**

Over a six-year period you are looking at \$72 million to \$75 million—your project is \$110 million. Where will you get the additional funds? Will you come back for an appropriation?

**Jude Hurin:**

That is correct.

**Chair Carlton:**

Committee members, any other questions at this time? Not seeing any other questions, we will go into the support, opposition, and neutral testimony on the bill.

Is there anyone in the room in support of A.B. 488? Not seeing anyone come forward, is there anyone on the phone line in support of A.B. 488?

If the person on the phone line cannot get through to testify, please send an email in support to the Committee and we will be sure to attach it to the record on the bill today. I apologize if there is a technical difficulty, but we do need to move on.

Is there anyone in opposition to the bill in the room?

Good morning, Senators. Welcome to the people's house.

**Senator James A. Settelmeyer, Senate District No. 17:**

Thank you, Madam Chair, I appreciate the opportunity. I know you are absolutely shocked that I am opposed to A.B. 488, especially section 1, subsection 7.3. I have been in discussion with the DMV on possible solutions to the problem, including the concept of sending out a check, which would be actually the worst decision, because that would potentially cost \$30 per check. There are other solutions looking at reprogramming. There was a third discussion I had with the DMV—simply just changing the system, rather than charging a dollar for a period of a year, just changing the system to save a negative dollar to create that credit.

That, as they indicated to me, would not cost much money at all. It would cost the same amount of money as they were ordered to refund by the court to go in and turn off the system. In that respect, I feel there is an opportunity to work in a bipartisan way to find a solution to this problem in order to refund the money that the District Court on October 7th indicated had to be refunded. That meant that the tax that expired in June had only been in place for about four months. However, the Legislative Commission made the decision to appeal that decision, taking it to its finality at the Supreme Court. Just a couple weeks ago, on the 13th of this month, thus, putting it to 11 months that that fund was collected. As the Supreme Court indicated, certifying what the District Court stated, that based on the foregoing, the District Court correctly found in favor of the relief and indicated to enforce what the District Court said, which is to immediately enjoin and restrain from collecting those unconstitutional fees, and that all fee payers and taxpayers from such fees have taxes that have already been collected are entitled to an immediate refund. Judgment has been entered by the District Court in favor of the plaintiffs in the two-thirds case and, in particular, the judgment in favor of the taxpayers and the fee payers, and that judgment has been upheld by the Nevada Supreme Court.

We have a duty, in my opinion, to refund that money. I do not want to belabor this point. I am tired of litigation. The people deserve their money back. Thank you, Madam Chair.

**Senator Keith F. Pickard, Senate District No. 20:**

I come to the Committee in opposition to Assembly Bill 488. On October 7, 2020, the First Judicial District Court of the State of Nevada, in and for Carson City, entered its order after hearing on September 21, 2020. The Court ordered as follows, "that it is hereby further ordered that, defendant Nevada Department of Motor Vehicles and defendant Nevada Department of Taxation, are immediately enjoined and restrained from collecting and enforcing the unconstitutional fees and taxes enacted by Senate Bill 542 of the 80th Session

and sections 2, 3, 37, and 39 of Senate Bill 551 of the 80th Session, respectively, and that all fee payers and taxpayers from whom such fees and taxes have already been collected are entitled to an immediate refund thereof, with interest at the legal rate of interest from the date collected."

The 2020 Legislative Commission decided to appeal the First District Court decision to the Nevada Supreme Court. On May 3, 2021, the Nevada Supreme Court heard oral arguments in that decision. Just ten days later a unanimous Supreme Court affirmed every whit of the lower court's decision, rejecting the same arguments that have been made in support of this bill today. The Supreme Court restated what is universally viewed as the first principle of jurisprudence in the United States, the declaration of Marbury vs. Madison in 1803, that it is emphatically the province and duty of the judicial department to say what the law is. Indeed, the Court rejected the Legislative Counsel Bureau counsel's contention that the court owed any deference to the legislative counsel's interpretation since the constitutional language was plain and unambiguous. Let us be clear, Republicans did not create this problem, but a few law-trained individuals in the Senate majority did last session. The cases cited . . .

**Chair Carlton:**

Senator Pickard, you can cite the case, but you will not make this personal. We will not bring up other legislators in this building. That is not the decorum that befits this institution. Thank you.

**Senator Pickard:**

Very well. The cases cited in the Legislative Counsel Digest of A.B. 488 do not involve private rights of parties, which have vested by a court judgment, nor do they disturb vested rights at all. Retroactive laws, which divest vested rights, deprive citizens of property without due process of law, or interfere with the Judiciary by negating a judgment already granted, are manifestly unconstitutional, similar to ex post facto laws and laws which impair obligations and contracts. Indeed, the United States Supreme Court held in Hodges v. Snyder, 261 U.S. 600 (1923), one of the cases relied on in the Digest, that the private rights of parties which have been vested by the judgment of a court cannot be taken away by subsequent legislation, but must thereafter be enforced by the court regardless of such legislation. Thus, the Legislature lacks the authority to instruct the Executive Branch to disobey the court's orders.

*Nevada Revised Statutes* (NRS) 22.010 defines acts constituting contempt of court; specifically, the statute declares disobedience or resistance to any lawful writ, order, rule, or process issued by the court, as an act of contempt. Assembly Bill 488 is clearly an act of willful disobedience to a lawful order should this body decide to pass it.

I implore this body to put this bill in the drawer and leave it there. Let us avoid another constitutional crisis. We cannot properly authorize what the court's order expressly disallows. Although as a successful plaintiff in the lawsuit, and as a successful respondent in the appeal, I and my fellow plaintiffs will have standing to bring a motion for an order to show cause why those who refuse to obey . . .

**Chair Carlton:**

Senator Pickard, your two minutes have been well extended. Please close up. I just heard the threat of a lawsuit in there, so I think it is time for us to stop.

**Senator Pickard:**

In fact, my point, Madam Chair, is that I urge this body to take the better path and reject A.B. 488 and return to the citizens of Nevada what was illegally taken from them. Thank you, Madam Chair.

**Chair Carlton:**

Thank you, Senators. I appreciate your input and your opposition, but this Committee has to weigh all facets. If it is a \$5 million refund and it is going to cost us \$8 million to give it back and that impacts other services in the state, I believe it is our responsibility to weigh those as we move forward, and make the best decision that we need to make for the people of the state.

With that, is there any other opposition in the room? [There was none.] Is there any opposition on the phone line? [There was none.] Is there any testimony in neutral in the room? [There was none.] Is there any neutral testimony on the phone line, please? [There was none.]

I do not believe any closing comments need to be made on this particular piece of legislation. I will close the hearing on A.B. 488. Thank you very much.

The next item on our agenda is Senate Bill 450.

**Senate Bill 450: Revises provisions relating to the financing of school facilities. (BDR 30-1153)**

**Senator Nicole J. Cannizzaro, Senate District No. 6:**

Good morning, Madam Chair and members of the Committee. It is good to be here with you this morning. Thank you for the opportunity today to present to you Senate Bill 450, which addresses funding for schools.

The genesis of this bill goes all the way back to 1997, when the Legislature allowed school districts to ask for voter approval to issue bonds over a 10-year period, providing certain conditions were met. As this rollover bond authority started to expire, the Legislature granted an extension into 2015, allowing school districts to issue general obligation bonds for an additional period of 10 years without voter approval subject, of course, to certain findings. That brings us to 2021 and Senate Bill 450. This bill would simply grant school districts the authority to issue general obligation bonds for a second additional 10-year period under the same conditions set forth in NRS 350.0201 for the 2015 extension.

As with the prior legislation, Senate Bill 450 allows the school districts to use excess revenues from the existing tax rate to fund pay-as-you-go capital improvement projects,

including remodeling and other needed facility improvements. This bill ensures that the debt service and reserve funds are not affected. Since the school districts had bonds approved at different times, they are not on the same schedule, but Clark County School District is coming to the end of its 2015 extension and has a list of much-needed projects ready to go. I should point out that these rollover bonds must be reviewed by the oversight panels for school facilities, which were set up by the Legislature in 1997, and continue to serve an important oversight function in Clark and Washoe Counties. In addition, rollover bonds are required to be reviewed and approved by the Debt Management Commission in each county. As we know, our school districts have an ongoing and uphill battle to keep their buildings and facilities up-to-date and in good repair. Anything that we can do to help fund these needed projects, without increasing the tax rate, is a smart move. Also, this measure ensures that our students and staff members are studying and working in buildings that are safe.

Madam Chair, that concludes my very brief introductory remarks, but I do have some individuals here with me who I would like to turn the testimony over to. I also wanted to extend my deepest appreciation to Speaker Frierson, to Chair Carlton, and Majority Leader Benitez-Thompson, plus so many more who have signed on as cosponsors of this measure because I do think it is an important measure to go forward to ensure that we can continue having up-to-date school facilities.

With your approval, Madam Chair, I would like to turn the microphone over to Brad Keating from the Clark County School District. We also have Lindsay Anderson of the Washoe County School District, and Mary Pierczynski representing the rural county school districts. I urge this Committee's support, and we are happy to answer any questions that you or the Committee may have. We also have technical experts from Clark and Washoe Counties available via Zoom for questions that may come up as well Jeremy Aguero of Applied Analysis, who can also provide answers to any questions on the school bonds and the facilities. Thank you very much.

**Chair Carlton:**

I know you probably have to get back to the second floor, so if there are any questions for the Senator, let us do those at this time so she can get back to do the things she needs to do.

**Assemblywoman Titus:**

Thank you, Senator, for bringing this forward and supporting our schools. I do not know whether this question is for you or our Legal Division, but I am curious since we are raising revenue by extending bonds, why is this not a two-thirds vote?

**Chair Carlton:**

I am not going to let you go there. In 2015, when this was passed, it was not passed with a two-thirds vote, it does not have the two-thirds notation because of its previous history and inconsistency. That is the reason it does not have the two-thirds notation at this time.

Any other questions for the Senator? [There were none.]

Thank you very much, Senator. We appreciate you being here this morning. We will see you again later when we come visit the second floor.

With that, Mr. Keating, you are the next batter up.

**Brad Keating, representing Clark County School District:**

I know the agenda is busy this morning, so I will not go through my prepared remarks fully. I will give some highlights of some important points.

Senate Bill 450 is important for one simple reason—our schools are aging and many remain overcrowded. The Clark County School District (CCSD) has more than \$10.8 billion of identified near-term school construction project needs, and further, 64 percent of schools in CCSD are a minimum of 20 years old. Over 41 percent of those schools have reached, or exceeded, 100 percent school capacity. These needs will compound in the coming years and nearly 100 schools, between 10 and 19 years, will need predictable but significant capital improvement in the next 10 years. As Senator Cannizzaro spoke about, we will work closely through our Board of School Trustees and our Bond Oversight Council in moving these projects forward. We have provided a list of proposed projects to you through the exhibits [\[Exhibit C\]](#).

One thing we will look at that is important to us is the available seats moving forward. The few available seats we have are not located in areas where dense student population and growth exists. Moreover, CCSD currently has 2,456 portable classrooms. The useful life of a portable classroom is 20 years. We currently have 651 portables that are over 20 years old and 30 portables that were built before 1969. Your help in moving this bill forward will help us remove those portables. Modernization and rehabilitation of existing schools is incredibly important to us. Not only doing major modernization of older schools, but specialized programs also to provide equity for all schools, such as science labs, making sure every school has those, improved security for our schools, and addressing infrastructure limitations and technology upgrades.

The central purpose of this bill is to ensure that our teachers have a safe and effective environment to teach and that our students have a safe and effective environment to learn. That being said, S.B. 450 is also a jobs bill. Extension of the bond rollover will free up approximately \$2.9 billion in additional resources in Clark County, and directly and indirectly support 24,000 person-years of employment and generate \$1.3 billion in wages and salaries for Nevada's workers. For those reasons, and many more, which we are happy to discuss with you as we have the technical experts on the line, we urge your support of S.B. 450. Thank you.

**Chair Carlton:**

Thank you. Ms. Anderson, go ahead.

**Lindsay Anderson, representing Washoe County School District:**

The Washoe County School District's journey to properly address school construction needs has been long and winding. Although maybe not as bad as the DMV programming road, but long and winding, nevertheless. Prior to 2016, and unlike other school districts across the state, our only source of funding for school construction was this rollover bond revenue. A failed attempt to increase revenue for school construction funds in 2013 led to legislation sponsored by former Senator Debbie Smith in 2015, to allow community stakeholders to craft a ballot question and allow the voters to decide on an additional revenue stream for this purpose. Through the work of the Public Schools Overcrowding and Repair Needs Committee, and then the Save Our Schools Initiative, WC-1 in 2016 was approved by voters, which increased the sales tax in Washoe County to fund additional school construction projects. This sales tax, along with the property rate, has become a comprehensive combination of funds that support a robust capital program averaging over \$100 million in annual local investments. That is addressing both new construction as well as refurbishing our existing aging schools.

As you may know, schools in Washoe County are old, with the average age of our schools over 43 years. These aging systems need to be repaired and replaced to ensure an adequate learning environment. As we build new schools, keeping our older schools on a level playing field is important to fulfil our commitment to equity and access for our students. Currently, the rollover bond proceeds pay for approximately half of our funds to school modernization and revitalization projects. Losing access to these funds would significantly impact our ability to keep up with these projects. Our current 10-year projection for school CIP totals more than a billion dollars, compounded by the fact that current construction escalation costs are alarming and risk negatively impacting our ability to complete these projects with the current available revenue. Loss of this property tax stream would decimate our ability to meet the needs of our rapidly growing community.

Examples of our projects include \$50 million a year of districtwide renewal projects such as roofing, HVAC, and other existing equipment replacements, new schools primarily in the areas of enrollment growth of North Valleys and Spanish Springs, and major expansions in renovations to existing schools, like Billingshurst, Mendive, and Shaw Middle Schools. Our school construction program has a tremendous amount of oversight between our Capital Funding Protection Committee, Oversight Panel on School Facilities, and the Board of Trustees. Our amazing capital projects team has a proven track record of delivering projects in full compliance with Nevada law into our educational specifications, on time and on budget. We ask that this Committee acknowledge this track record and the clear need to continue investing in school construction so the current kindergarteners, the class of 2032, can be assured of a school facility to meet their needs. Thank you.

**Chair Carlton:**

Thank you very much. Ms. Pierczynski.



**Mary Pierczynski, representing the Nevada Association of School Superintendents:**

This morning I am addressing the needs of the rural districts. You have heard about Washoe and Clark Counties and their needs, but in the rural districts there is a great need as well to continue this rollover bond. Carson City, Churchill, Douglas, Humboldt, Lyon, Mineral, Nye, Pershing, Storey, and White Pine Counties will all benefit from this piece of legislation. Rural districts use the money for routine maintenance on their buildings just as you heard from Clark and Washoe Counties. But let me give you some examples of the need in the rural areas.

In the White Pine County School District, where the oldest continuously operating school in the state is located, the David Norman Elementary school was built in 1909 and it has been a school for 112 years. Another school in the county has been continuously operating since 1913—White Pine Middle School has been housing students for 108 years. You can imagine the work that needs to be done on schools like this to keep them up. They are in constant need of repair and modernization, especially with all the new technology.

Humboldt County School District also has a rollover bond and the average age of their buildings is 59 years. Their superintendent reports that their rollover is critical for their building maintenance. Pershing County, Churchill County, and Carson City all use this money to maintain their buildings, which, as you have heard, are getting old. There needs to be a lot of infrastructure for the technology that these schools need, as well as just keeping the roofs repaired.

We are in full support of this bill, and we hope you can support our rural districts. Thank you.

**Assemblywoman Tolles:**

While I have you both at the table, I know that we have worked for many years on this capital funding issue and I know that one of the frustrations has been that it is confusing for the public. Oftentimes, because we have to keep coming back every ten years or so and ask them, are you sure we can still do this process, are you sure we can still use this money? For your average voter, they are confused because they are thinking is this new money, or are they always coming back and asking for more money, and more money, and it is just reauthorizing that same process by which we fund our schools. Could you just help us understand as a Committee that this solves that problem and that it is not a new process or a new fee, it is just helping to reduce that confusion for the public.

**Lindsay Anderson:**

I think you articulated it well. Also, just a reminder, school districts cannot run their own ballot questions and so a separate, community-based committee is required to come together, fund a ballot question campaign, and do exactly what you just articulated—ask for continued permission for the same amount of property tax. I can confirm that this extension does not increase the property tax rate at all, it just allows school districts to continue accessing that property tax rate going forward.

**Chair Carlton:**

Committee members, are there any other questions at this time? Not seeing any, thank you ladies. Are there any other presenters on the bill? Not seeing any other presenters, we will go ahead and take support, opposition, and neutral on S.B. 450.

Those in support of the bill in the room, please come to the dais.

**Paige Barnes, representing the Nevada Association of School Boards:**

Senate Bill 450 allows for a smooth continuation of current practice. Bonding authority is crucial to support all districts across our state, and most importantly, our students. As representatives of our communities and voters, we are here in strong support of S.B. 450, and encourage you to do the same. Thank you.

**Paul Moradkhan, Vice President, Government Affairs, Vegas Chamber:**

The Chamber is in support of S.B. 450. The Chamber was actually in support of the original extension in 2015 and previous ballot measure in 1997. The Chamber believes the school district in Clark County has done an excellent job in managing these dollars and has built quality education facilities. As you have also heard, this will allow other resources to be made available for other commitments in the school district by reallocating those dollars for these construction dollars. Thank you for your time this morning.

**Kanani Espinoza, representing the Nevada Chapter of the American Council of Engineering Companies:**

The American Council of Engineering Companies supports S.B. 450 as it will create thousands of design and construction jobs and have an immediate impact on our economic recovery. On behalf of the design and engineering community, we support the bill and encourage your support, as well. Thank you.

**Arielle Edwards, representing the City of North Las Vegas:**

We are in support of Senate Bill 450 and believe that this will provide jobs and ensure the quality of educational facilities continues to be a priority for all students. We would like to thank the bill's sponsor for bringing this bill forward and urge its support in passage. Thank you so much for your time and consideration today.

**Brenda Pearson, representing the Clark County Education Association:**

We are here in strong support of Senate Bill 450. We want to mention the 2,500 portables that are currently on Clark County School District property, that house approximately 62,000 students, which is 20 percent of the total student population. Something to consider as this is moving forward. Thank you for your time.

**Bryan Wachter, representing the Retail Association of Nevada:**

We are in favor of Senate Bill 450. When it comes to lowering class sizes, you can only do that by doing two things: building new schools and hiring more teachers. This helps on one of those and so we urge your support.

**Chair Carlton:**

Thank you. Anyone else in support in the room? Anyone in support on Zoom?

**Thomas "Tom" Warden, representing Howard Hughes Corporation:**

I am in support of Senate Bill 450. On behalf of my role with Hughes Corporation, we are the developer of the Summerlin master planned community, but also on behalf of the Clark County School District's Partnership Advisory Council. I have served on the Council for more than 20 years, and during that time I would say all of us on that Council have really come to appreciate the pressing need for capital funding to refurbish and rebuild in many areas of the older schools in southern Nevada. The Council has come to that insight through some of the programs that are offered by the partnership office, and I am thinking of programs such as Focus School Project in which a school that is high-risk is matched with a business and they come up with unique solutions to improve education. Great program. The need to fix schools, coupled with the need to construct new schools in our growing community, are the reasons we support S.B. 450. We also agree with Mr. Keating on the jobs that would be created—a very impressive number of jobs—and I think it would be important to that ongoing economic recovery.

Thank you, Madam Chair, as well as thanks to Speaker Frierson and all the primary sponsors and cosponsors of the bill. We appreciate you all.

**Chair Carlton:**

Thank you, Mr. Warden. Is there anyone else on Zoom in support of the bill? Not seeing anyone else wishing to be recognized in support, we will go to phone line. Is there anyone in support of S.B. 450 on the phone?

**Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:**

Senate Bill 450 is a critical part of improving the quality of education for our students. Just take a quick drive through any part of east Las Vegas and you will realize how much our schools need modernization. We believe that, in fact, the Clark County School District has identified over \$10 billion worth of much-needed construction projects. This will not only help young kids in education, but it will also create jobs. Finally, although the primary driver of this legislation is to improve the quality for our kids, as it should be, we also believe, as I stated, that it would be a positive economic impact for our community. Lastly, I want to say, off script a little bit—these portables—kids deserve so much better than that. Portables are not classrooms. They were meant to be just for a moment in need, not permanent. Let us get our kids out of these portables and let us get them into brick and mortar, so they can have the best chance at life. Thank you.

**Warren Hardy, representing the Council for a Better Nevada:**

We are privileged to be here today in support of this bond rollover, so that the school districts in our state can continue to provide for the education of our children. Thank you, Madam Chair.

**Connor Cain, representing Las Vegas Global Economic Alliance (LVGEA):**

We are also in support of Senate Bill 450. Thank you.

**Dora Martinez, representing Nevada Disability Action Coalition:**

We ditto all of the prior callers, and I just want to add to the list of the young lady was saying regarding the other school—there are the Title 1 schools, Sierra Crest, and many other, schools that need this update with the building. Thank you so much, have a great day.

**Nicole Rourke, Director of Government and Public Affairs, City of Henderson, Nevada:**

Good morning, Madam Chair, and members of the Committee. We are also here in favor of the issuance of general obligation bonds for the construction of new schools and maintenance and repair of the existing schools through Senate Bill 450. Thank you.

**Jeff Horn, Deputy Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:**

Our organization represents approximately 1,300 Clark County School District administrators, of which 98 percent of those eligible to join our association are current members. We would like to voice our support for Senate Bill 450. As a former principal and school associate superintendent, I am well aware of the need to build, modernize, and replace schools and systems which are in constant need of repair. Each year, like clockwork, HVAC systems at schools fail in 100-plus degree weather, sometimes forcing evacuations of students and staff. Older buildings that have served their lifespan are routinely unable to be repaired due to the lack of available parts and equipment. Students, parents, and community members grow impatient as older, overcrowded, and inefficient buildings are serviced over and over again in hopes that permanent fixes are on the way. Senate Bill 450 will provide school board trustees the flexibility to approve bonds in order to rectify these deficiencies. This will allow students, staff, and administrators to work, learn, and play in a more stable and comfortable educational learning environment. New and improved facilities instill pride and a sense of ownership with members and school communities and increase retention and recruitment of highly qualified staff as a byproduct of well-maintained, efficient, and modern buildings and systems. We ask for your support for S.B. 450 so that our communities can continue to keep pace with the growing needs of our school districts. Thank you, and I appreciate your consideration and time.

**Andy Donahue, representing the Southern Nevada Labor-Employers Cooperation and Education Trust:**

This is a strong and direct bond rollover bill. We support this. Thank you.

**Mari Nakashima, representing the Washoe Principals and Administrators Association:**

We are calling in support of this measure and we are grateful for your time. Thank you.

**Michelle Booth, representing Educate Nevada Now:**

I am calling in support of this bill. Thank you.

**Amber Stidham, representing the Henderson Chamber of Commerce:**

In the interest of time, I will just say "ditto." We support this measure.

**Meredith Freeman, representing Nevada PTA:**

We are in support of S.B. 450 as a needed measure to ensure students and staff have safe and modern schools in which to learn. As our state grows, it is essential that new schools can be built to address chronically overcrowded classes and make certain aging schools are repaired or a place to provide the best possible education environment for all students. Every public school student in Nevada should have access to facilities that meet their needs to succeed. Senate Bill 450 provides school districts with the ability to plan to address construction needs into the future. Thank you.

**Chair Carlton:**

Are there any other callers in support of S.B. 450? [There were none.] We will go to opposition. Is there any opposition here in the room? [There was none.] We will go to opposition on the phone line. [There was none.] Is there anyone neutral here in the room? [There was no one.] Is there anyone neutral on the phone line, please?

**Wendy Ellis, private citizen, Las Vegas, Nevada:**

I would like to testify in opposition. I am listening to this, and I am hearing all of these people—oh, they care so much about the children. You have not even been in the schools. I want to know where my property taxes went for the schools, which is a considerable amount. You guys can spend money faster than anybody I have ever seen. Thank you.

**Chair Carlton:**

Anyone else in opposition? [There was no one.] We asked for neutral in the room. We were going to neutral on the phone lines and had to go back around the corner and come back at it. So, neutral on the phone lines, please? [There was none.]

I do not believe any closing comments are really necessary. I think everybody in the phone book spoke for this fairly well.

With that, we are going to go ahead and close the hearing on Senate Bill 450. This is a Senate bill; therefore, it has no deadlines with this Committee right now and when the time is appropriate, we will move this bill.

The next bill on our agenda, in the batting order, are the three election bills. I believe that is Assemblyman Frierson's world.

**Assembly Bill 126 (1st Reprint): Revises provisions relating to elections. (BDR 24-99)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

I am here to present Assembly Bill 126 (1st Reprint), which would move Nevada to be the first state in the nation in a presidential nominating process and change our current presidential nominating caucus system to a primary. I will note, and I provided early this

morning, an amendment that essentially strikes the changes that were in the original bill with respect to changing the filing deadlines and the filing dates, because that created some complications for election officials. The proposed amendment in that regard would eliminate section 6.5 and also any conforming sections that were proposed to be changed as a result of section 6.5. That change, however, does not have an impact on the fiscal note. As you can see, there is no fiscal note during the upcoming biennium for this bill, because our next presidential primary will not be until 2024.

We will have time to plan for the associated costs and include them in the budget for the next biennium. I recognize that no legislature can tie the hands of a future legislature, so obviously, the subsequent legislative session would have to address this, but for the purposes of this biennium, there is no impact on the state for this biennium. I will simply close by saying, Nevada has consistently punched above our weight when it comes to elevating the issues we experience every day of national importance, from addressing racial justice, climate change, and staunchly working to expand voting rights. Our voices are diverse and better reflect the rest of the country than the current nominating structure. It is time for Nevada to take its rightful place, as I believe, not just in the west, but first in the nation as a diverse state, a state with diverse issues, and a state that is small enough and manageable enough for candidates to come here. Not only for Nevada to get attention but for candidates to be able to make their case before the kind of constituency that is going to ultimately elect our next president.

That concludes my remarks and I would be happy to answer any questions.

**Chair Carlton:**

Thank you, Assemblyman, for going through that. You were a little quick at the beginning. If you could repeat the sections that are going to be deleted to make sure that I have it correct in my notes.

**Assemblyman Frierson:**

Essentially section 6.5 is the section of substance that is proposed to be deleted. All of the other sections throughout the bill are conforming language—adjustment language—but the substantive section is 6.5.

**Chair Carlton:**

Thank you very much, I wanted to make sure I heard you correctly. With that, Committee members, I will open it for questions at this time.

**Assemblywoman Titus:**

Thank you, Madam Chair, and thank you, Mr. Speaker. I am looking at the bill, and I do not see a section 6.5. I see section 6 and then a 1, 2, 3, but I just want to catch up.

All my friends on this side of the dais are pointing out to me that it is on page 7 of the bill. I am catching up here. Thank you, sir.

**Chair Carlton:**

Committee members, are there any other questions at this time?

**Assemblywoman Tolles:**

I am just curious if we could walk through . . . maybe I am missing something, but I am looking at the fiscal notes and they seem to be . . . some are zero, some are \$5.2 million—are we going to walk through that?

**Assemblyman Frierson:**

I do not want to oversimplify the issue, but there is not a presidential primary during this biennium and so the cost associated with the policy change would be in a subsequent biennium, particularly with respect to the state. I do see a representative from the Secretary of State's Office as well as the Clark County Registrar. If they have a different perspective, that is certainly their prerogative, but there is no presidential primary this biennium.

**Assemblywoman Tolles:**

Thank you. I heard you say that in your opening remarks, which is why I am sort of scratching my head a little bit. Maybe if we could get that clarification, that would be helpful.

**Assemblyman Frierson:**

Not to preempt them, but I frequently scratch my head about some of the fiscal notes that are submitted, so I would submit that we are probably going to talk about some of those today as well.

**Chair Carlton:**

Thank you. With that, we can go to the Secretary of State's Office, if you would like to have a brief response and then I will go to Mr. Gloria, if needed.

**Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:**

The Office of the Secretary of State is opposed to this bill due to the negative fiscal impact it will have on the state. If Assembly Bill 126 (1st Reprint) is passed, the Office of the Secretary of State will reimburse county expenses due to the provisions in section 49, stating that the cost of the presidential preference primary election is a charge against the State and must be paid for from the Reserve for Statutory Contingency Account. Additionally, *Nevada Administrative Code* (NAC) 293.200 requires the Secretary of State to reimburse the counties for the cost of basic stock for ballots. If passed, the total estimated fiscal impact has been identified at approximately \$5.2 million for each additional presidential preference primary election, which would occur, as the Speaker mentioned, only once every four years, and not until the next biennium.

We have broken down these costs that we assessed into three categories. The first was calculated based on cost estimates gathered from each of the 17 counties and includes the anticipated cost of ballot stock and other costs that the counties would likely ask for

reimbursement. Ultimately, though, based on section 49 of the bill, the Secretary of State would recommend to the Board of Examiners exactly what those costs to the state would be.

The second cost focused on voter outreach and education, which would be an important part of our statewide effort to clarify for voters how the new presidential preference primary would work and would include details of the timeline and other provisions. Of note, our total marketing budget as an agency is only \$900 for the fiscal year and none of that is the elections budget. It is for Commercial Recordings, whose rates speak for themselves, and need very little advertising, hence the anticipated marketing costs associated with this bill.

Finally, the third cost estimate focuses on an increase in temporary workers needed to adjust the increased volume of phone calls, emails, and other public inquiries that these additional elections would bring. This estimate is based on a temporary labor cost from the 2020 general election. Thank you for your time, and I am available for questions.

**Chair Carlton:**

Yes, the question is, why would you submit a fiscal note on something that will not impact us in this biennium? This Legislature—this Committee—deals with the budget for this biennium only. Why would you submit a fiscal note on something that will not impact your office within the next two years? There will be another legislative session where this fiscal note would be much more appropriate.

**Mark Wlaschin:**

We were asked to provide information on the fiscal assessment. We looked closely if there were going to be changes and we wanted to identify that, at least in this biennium, for your decision making that there is a zero impact to the state. So, while there are costs associated with future biennia it is important for us to identify that at least right now, it is zero, but there will be something later on down the line.

**Chair Carlton:**

Thank you, we appreciate that. I am really glad other agencies do not do that. We would never get done in 120 days.

With that, Committee members, are there any other questions?

**Assemblywoman Tolles:**

Just a follow-up comment—I appreciate the amount of education that the Secretary of State's Office keeps referring to, and we will be hearing other bills on civics education, and I think that speaks to the importance of civics education in our state.

**Assemblyman Roberts:**

This will be for the Secretary of State's Office. I understand that this budget cycle does not have a fiscal impact, and this fiscal note was based on the future. Just curious—if you moved everything to one primary, what would the impact be then? If you moved all the primaries and aligned all the primaries, would that be a fiscal impact?



**Mark Wlaschin:**

Yes sir, absolutely it would have an impact, but it would be significantly lower. Because, as you mentioned, if you lined up the primaries with the other existing elections, those costs are already accounted for and the counties and the state have already identified those fiscal impacts to the state. This would just simply be a modification of the ballot with minor adjustments and not the establishment of a brand-new election as this bill implies.

**Assemblyman Frierson:**

If I may make a note with respect to Assemblyman Roberts' question. I would be remiss if I did not mention that while it might not have as great of an impact on the state, it would certainly have an impact on local government that has to implement it. That is reason I why I would propose to take it out—because of that impact by the people who actually have to implement it. In conversations both with our local elected officials and with the courts, it would create problems outside of our state budget that outweighed the benefits as we originally contemplated.

**Assemblywoman Benitez-Thompson:**

This is really exciting, and I do not want it to be lost through all of this. I am not offended by the fiscal note because I think this is the direction we should go and fund it and fund it to make it right—that will be a future Legislature's issue. I am affectionately attached to our caucus system, but also know that it is time to evolve and move on. To think that we could be having this kind of conversation is really a privilege because it talks so much about the landscape of Nevadans and how much Nevadans have engaged in this process. I will mourn having to give up spending time and volunteering for caucuses days on end for this process, but that is ok because we will get a better process. I think what we saw from some of the other changes that we made—good changes we made—in our election laws, if we make the process easier to engage in, people will engage. We have an electorate that cares. We have an electorate that wants to show up and all we have to do is remove barriers and they will engage in a way that our founders absolutely dreamed of. I am excited about this.

**Chair Carlton:**

Are there any questions from other Committee members at this time? Not seeing any, Assemblyman Frierson, did you have anyone else you wish to present anything at this time? If not, we will move into the support, opposition, and neutral portion of the bill.

With that, this being the hearing on Assembly Bill 126 (1st Reprint), we will open it up for support here in the room.

**Annette Magnus, Executive Director, Battle Born Progress:**

I am here today in support of Assembly Bill 126 (1st Reprint). We urge you to invest in this bill because it will make a more fair and equitable presidential primary process in Nevada. We believe we should be first in the nation, and that is worth the cost. Please support A.B. 126 (R1).

**Priscilla Maloney, representing AFSCME Local 4041 Government Affairs Retiree Chapter:**

We are in support of this bill. There are too many reasons for why that is, so we will just say "ditto" to what Ms. Magnus said.

**Chair Carlton:**

Thank you for your brevity, Ms. Maloney. Anyone else in support? Not seeing anyone else in support, we will go to the phone lines.

**Emily Persaud-Zamora, Executive Director, Silver State Voices:**

I am here in support of Assembly Bill 126 (1st Reprint). We believe it is vital that we apportion the proper resources to ensure that more Nevadans are able to participate in our presidential preference primary election. We ask that you invest in our democracy by voting yes on A.B. 126 (R1). Thank you for your time.

**Chair Carlton:**

Thank you very much. Are there others in support on the phone line? [There was no one.] Is there anyone in the room in opposition to Assembly Bill 126 (1st Reprint)? Not seeing anyone come forward, is there anyone on the phone lines in opposition?

**Jim DeGraffenreid, representing Nevada on the Republican National Committee:**

The Nevada Republican Party is firmly in opposition to this bill. The fiscal note on this bill estimates the cost of a primary election at well over \$5 million. Given the budget situation in Nevada, this is not a good use of state resources, particularly when our party has demonstrated the ability to hold a successful caucus with participation rivaling that of a primary election. We heard earlier today, under Assembly Bill 488, that there are other needs in Nevada. Taxpayers know what the Legislature apparently does not—namely that government resources are not unlimited, and the job of the Legislature is to prioritize limited resources to the most critical needs. This bill is not an important need for the state. Nevada is already first in the west, and it is not possible for us to become first in the nation. New Hampshire has a state law that says they must hold the first primary in the nation, and they will hold their primary as early as necessary to remain first. We have no ability to change the laws of the state of New Hampshire, and this is a waste of our \$5.5 million to chase that impossible goal.

To address Assemblyman Roberts' question on holding a full primary election in February, that would result in a fiscal issue, but it would come at the cost of starting our filing and election fees at the end of the prior year, which would require our clerks and their staff to work on the election during the holidays. The bill creates an unacceptable risk to Democrats and Republicans in Nevada while wasting resources, and we respectfully urge this Committee to not pass A.B 126 (R1).

**Chair Carlton:**

Are there any other callers in opposition?

**Bob Russo, private citizen, Gardnerville, Nevada:**

I just found out about this bill yesterday, and I want to say that I do not think it is a good bill. I think it is a waste of money, \$5.5 million for another primary election. Let us just keep our caucuses and allow the political parties to determine how they will select their nominees for president. With the way the economy is going and could go in the future—I am sure that \$5.5 million would be well served someplace else. Please oppose this bill. Thank you very much.

**Chair Carlton:**

May we have the next caller in opposition. [There was no one.] Is there anyone in the room in neutral? [There was no one.] Is there anyone on the phone line in neutral?

**Andre C. Wade, State Director, Silver State Equality:**

I wanted to call in and say we are in support of Assembly Bill 126 (1st Reprint). Thank you.

**Chair Carlton:**

And thank you very much. We appreciate that. Anyone else in neutral? [There was no one.]

Assemblyman Frierson, did you have any closing comments?

**Assemblyman Frierson:**

I will only close by wanting to clarify, because our one caller indicated that they had just found out about this—this is not new. We have had a substantive hearing and this has been—I do not remember the date of the initial hearing—but weeks in the making. I wanted to make sure there was no misconception about whether or not this has already been out there. It has and has already had a substantive hearing. I want to thank the Committee for their time and attention.

**Chair Carlton:**

Thank you, Assemblyman Frierson. I see the date on the front of both bills in February, so that tells you.

Alright, with that we can go ahead and close the hearing on Assembly Bill 126 (1st Reprint).

The next bill is Assembly Bill 321 (1st Reprint).

**Assembly Bill 321 (1st Reprint): Revises provisions relating to elections. (BDR 24-927)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

I thank you for your time and consideration of Assembly Bill 321 (1st Reprint), which continues what we accomplished with Assembly Bill 4 of the 32nd Special Session. We have worked with county election officials and the Secretary of State's Office to build upon the success of A.B. 4 of the 32nd Special Session and the mail primary election that the Secretary of State ran to develop a system that continues to expand freedoms of Nevadans to vote.

Briefly, A.B. 321 (R1) provides for mail-in ballots for all elections while strengthening election processes and aligning other election-related deadlines and requirements. Again, we have already had a substantive hearing, so I will address the fiscal note, or the reason why we are here today. I would note that the Secretary of State's Office has submitted a fiscal note of approximately \$5.7 million per year. However, that is not consistent with what the Governor's Finance Office reports as having been what was reimbursed in the previous election cycle. That amount was approximately \$3 million in 2020, with \$900,000 that was not reimbursed. What you are looking at is what was reflected in 2020 as \$3.9 million and what is reflected in the fiscal note moving forward, which is \$5.7 million, by the Secretary of State's Office, which simply does not necessarily reflect the reality of a past presidential election cycle versus a nonpresidential upcoming with a turnout that would be lower. I think it would be up to the Secretary of State's Office to address why it would be so much more this upcoming election cycle than it was in the most recent election cycle. I recognize also that when we open up these issues I think there is a tendency for folks to look for the ideal and say, since we are opening it up anyway, let us find an ideal way to do all of this, which is not always necessary or practical.

With that, I just want to make sure that there is an opportunity to make clear what is different from the next election cycle that we did not experience this past election cycle.

**Chair Carlton:**

Thank you. I am going to ask you to repeat that, again, because it went by—so we have a current fiscal note from the Secretary of State's Office, but we have confirmed the previous expenses through the Governor's Finance Office (GFO) and that was \$3.9 million. Three million of it was reimbursed and \$900,000 was not reimbursed. There seems to be a delta between what we actually spent last time and what they are prospectively thinking we are going to spend next time, even though it is a midterm and it tends to a little bit of a different situation in a midterm.

**Assemblyman Frierson:**

You stated that much more concisely and slower and I appreciate it, Madam Chair.

**Chair Carlton:**

So, with that—I just want to make sure we have a really clear record about how this is going. I will open it up to the Secretary of State's Office to give us their viewpoint on the difference between those two numbers.

**Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:**

I will start by addressing the Speaker's concerns. First of all, he mentioned and commented on the fact that the turnout would be lower, but I think perhaps I am missing something. Assembly Bill 321 (1st Reprint) proposes to send a mail ballot to every active registered voter, period. So, turnout does not really affect a midterm any more than it would a general election, as every one of the 1.8 million active registered voters we have would be receiving that ballot. Those costs that I identified were in reference to that. The fact that, again, 1.8 million ballots would be printed and mailed to those individuals across the state,

regardless of their turnout. We certainly would try to increase turnout to make the expenditure to pay for those ballots more worthwhile, so to speak, but turnout really as it relates to A.B. 321 (R1) does not necessarily have an impact.

**Chair Carlton:**

If I could stop you right there just to make sure that we are clear. I want this to be crystal clear. So, you are saying there really would not be a difference between the cost of the last election and the cost of this next election because you would mail ballots to everyone anyway. That leads to my next question—if it was \$3.9 million last time, why is there an increased number this time with your statement that this would be the same?

**Mark Wlaschin:**

Two reasons. One, increase in ballot drop boxes. We identified 121 ballot drop boxes in our initial fiscal note. That number would more realistically go over 221. Again, an estimate of about \$1,500 each, just to purchase and not even to install. And then, two, the fact of the matter is we did not reimburse the counties for quite a bit of money they spent on this last election cycle. Case in point: Clark County specifically for their ballot stock historically spent between \$7,000 and \$40,000. In the 2020 general election they spent \$778,000, and we only compensated them for \$11,000 based on what we have provided in the past. Costs like those are the ones that we identified and put into our fiscal note.

**Chair Carlton:**

And if I could ask why did you not reimburse those costs and would that be the same in the future? Is that a policy that runs through, or would you consider reimbursing Clark County in the future?

**Mark Wlaschin:**

We did not reimburse them in part because of the CARES Act [Coronavirus Aid, Relief, and Economic Security Act] and Assembly Bill 4 of the 32nd Special Session—there were other means for them get funding for those bills. As I understand it, again, to clarify that occurred and those discussions were had prior to my assumption of this role. But I can look into it, and I will get you more information if there is something different.

**Chair Carlton:**

We just want to make a complete record because we know the last election cycle was very unique and a lot of work was put in to make sure that the people of this state could vote no matter what they were facing at that time. Being able to compare to that is good in some ways, but not necessarily the truest measure because we were all in a different moment in time. Thank you for elaborating on that and those of us from Clark County always want to know what the impact to Clark County would be.

Are there any other comments from the Secretary of State's Office at this time?

**Mark Wlaschin:**

Madam Chair, with your permission I do have a brief statement about our fiscal note to provide additional context.

The Office of the Secretary of State is opposed to this bill due to the negative impact that it will have on the state.

**Chair Carlton:**

If you are going to go into opposition, I am going to have to ask you to wait. This was more for informational purposes in a presentation mode over the bill. If you are in opposition, I will take you when we get to the opposition. Thank you very much. We just want to make sure the record is clear and everybody is in the right category where we need them to be. Committee members, are there any questions of the Secretary of State at this time?

**Assemblywoman Tolles:**

Just to wrap my head around the process and the costs involved—we have the cost of the card stock, the postage going out, and the postage coming back, correct? So if for some reason that was rejected, we incur the cost for the postage of those ballots being returned, and then we have also the back-end processing, where we have our election officials and workers facilities for space to have to go through processing all those mail-in ballots. Am I capturing all of it? From just the mail-in ballot piece, and of course you already addressed earlier the additional drop boxes. I see you nodding your head.

**Mark Wlaschin:**

There is one other problem I think is worthy of calling out—the requirement for additional election workers. With an increased number of ballot drop boxes, there is a balance that the county clerks are going to have to look at to achieve, where if they have less boxes they may be bigger, then there is still a number of bipartisan teams that will have to drop to each of these drop boxes in their unique locations. That cost for election workers is a very significant cost to the counties and is absolutely worthy of note when discussing Assembly Bill 321 (1st Reprint).

**Assemblywoman Tolles:**

Thank you for that. Do we know how many ballots were returned from the last election cycle? Do we have a report on that—it may have been flushed out in the policy discussion, but because it has a fiscal impact that might give us a better idea of just how much postage was burned on return ballots?

**Mark Wlaschin:**

We do have that information, but it will take me a moment to pull it up. I can tell you that we did mail out 1.8 million ballots to the entire active registered voter population of the state, prior to the 2020 general election cycle, and only 38 percent of those were actually cast, either mailed in or brought to their clerk's office at this part of the election. Again, the rough numbers on that, I believe, was about 600,000 that were totally used.

**Assemblywoman Titus:**

Thank you, Madam Chair. I appreciate the opportunity to ask a question of the Secretary of State's Office. A lot of the discussion has been the need for this to actually increase voter turnout. So, this question is about the cost versus the actual increased percent of voter turnout. And it has been thrown out that we had a maximum increase of voters this time around. What I would really like to do is compare apples to apples and on the last presidential election cycle it was my understanding that we did not really have a significant....

**Chair Carlton:**

Assemblywoman Titus, you are getting into the policy of the bill.

**Assemblywoman Titus:**

Thank you, Madam Chair. I am going to ask what the cost was per this election versus the last election cycle—strictly fiscal.

**Chair Carlton:**

If the Secretary of State's Office can answer that right now, that is fine, if not please send it to us and we will make it available to all of the Committee members.

**Mark Wlaschin:**

Thank you, Madam Chair. I will provide that information to you at a later time.

**Assemblywoman Benitez-Thompson:**

One of the things in this bill is an opt-out provision so that people who do not want to vote by mail can remove themselves from that process and send an affirmative statement to the registrar of voters office that they intend to do the process in person. Do you have some analysis about how that impacts your ballot stock number and ballot box number as well?

**Mark Wlaschin:**

Absolutely. Assuming that Assembly Bill 321 (1st Reprint) passes, that would be an important part of our voter education. The idea being that if we can identify the voters and explain to them what that process looks like to opt out of receiving a mail-in ballot, every single person we identify is a cost savings to the county and to the state ultimately. There is less work for the county clerks if we have fewer ballots to process, to verify, to send out, to receive. In regard to the fiscal impact, we do not have a specific number because it is hard to assess how many people would be interested in opting out, but it is something we take very seriously and are looking very closely at to make sure we get the word out. That would be cost savings to the state, ultimately reducing the fiscal impact.

**Assemblywoman Benitez-Thompson:**

So when I read this, I should know that you are working on the assumption that every single person would stay engaged in the process—you do not already have assumptions built in here about a certain percentage of the population who might engage in that opt out. The assumptions and the numbers I am seeing are 100 percent engagement through mail in process.

**Mark Wlaschin:**

Yes ma'am, that is correct.

**Assemblywoman Benitez-Thompson:**

The other thing I wanted to ask about was the ballot boxes. As I read the fiscal note, the high-quality ballot boxes range from \$500 to \$4,000. Tell me about the types—we obviously purchased some of these for the last election cycle and have some, so I guess is this assuming replacement boxes or are these assuming an increase in overall quantity of boxes?

**Mark Wlaschin:**

Our analysis and discussion about the ballot boxes that resulted in that portion of our fiscal note was really a blank slate. We understand that counties did purchase some ballot boxes for use, but have not had a detailed discussion with them about whether they were satisfied with them or they were not; if they intend to keep them, in some cases they only held on to them for a short period of time. We did identify through our discussions with other states that ballot boxes, especially in states that have universal vote by mail, there is a percentage between 2 percent and 5 percent of the total ballot boxes that have to be maintained or replaced each year, so we attempted to account for that as well in our discussions.

And lastly, we did not talk necessarily about the specific locations, street intersections, that sort of thing, where each of these ballot boxes would go. Ultimately, the county clerks would work with them to identify those locations to see if certain areas require bigger ones or smaller ones—again balancing that requirement to then also pay for workers to go to these ballot boxes to empty them. It is a fairly complicated bit of calculus that, again, if A.B. 321 (R1) passes, we would have to go out to each county and, based on their county's unique requirements, assess exactly what that fiscal impact would be. Does that answer your question?

**Assemblywoman Benitez-Thompson:**

If I could get a little bit more specific. It is not a large number we are talking about here; it is \$196,000. So, tell me how that number was determined. Is that based on the 2 to 5 percent replacement number that you talked about?

**Mark Wlaschin:**

Yes. Additionally, the fiscal note we submitted was based on the "as written" bill with an estimate of approximately one box per 15,000 active registered voters, which is something of a best practice to be identified when talking with some of my counterparts across the country. Since the amended version of the bill has come out, it now says there is a requirement for



ballot drop boxes at every polling location. It allows for the county clerks to establish drop boxes at other locations, which would be more in keeping with what they did during the 2020 election cycle and ultimately getting us to 220 drop boxes. Again, we did account for and discuss in our initial planning assessment what that replacement schedule would look like.

**Assemblywoman Benitez-Thompson:**

I think we have some of the counties, at least Clark County, who might be available. So, if it is ok, when we get to that point, I am going to have the same question about that opt out and what the thinking is around how that might impact card stock.

**Assemblywoman Monroe-Moreno:**

Assemblywoman Benitez-Thompson asked my questions about the ballot boxes. I was curious about what happened to those boxes from the last election—who purchased them, the Secretary of State or the counties themselves? My next question is about the voter education. Could you let us know what you currently do for voter education and outreach when it comes to elections and how much you currently spend on that outreach?

**Mark Wlaschin:**

Our voter education campaigns, up to this point, have been fairly low cost and certainly a low impact to the state. In part, because again, over the last few years as has been explained to me, the voter outreach that we do is typically in person visits to conferences and various organizations that request the Secretary of State to come talk and discuss what voter education looks like. But, there has really been a change we have identified over the last election cycle where previously voters would ask "how do I register to vote, can you talk me through the 19th Amendment," and now the questions are more focused on "from the time I touch a screen, how does my vote go from there to ultimately being in front of the Supreme Court as part of that aggregate for their canvas." We are having to explain a lot of the very specific detailed technical aspects of the elections process, which from our point of view is great. The more people know that, the less likely they are to be suspicious. The more transparency there is in the process, the more folks realize that the machines we use for voting in person, the processes we use for mail in ballots, it is not magic, it is not a mystery. We follow the statutes, and the county clerks across the state and the Office of the Secretary State work closely together to make sure regulations are as they need to be to the benefit of the voters.

Currently, our voter education campaign—or again, from this point looking back—has been fairly minimal and low cost because we do not as an elections division have a marketing budget at all. That is something I have identified already with the team, and we have discussed putting into our 82nd Legislative Session budget build—we have already incorporated that—recognizing going forward that we need to have more active outreach programs. Something that has to be sustained and needs to be the sort of outreach campaign that will reach not only current residents, but also the folks that are moving to Clark County next week, or into Washoe County, or anywhere in the rurals. So there is a sustained amount of information going out there. We are hitting the new electorate every year when folks turn

eighteen or move to the state. Given the transient nature of our state it is a hard project to work on.

**Chair Carlton:**

If I could ask you to start paring back the remarks that are more related to the policy side and focus more on the fiscal side. I believe the question was more about the dollars. We love to hear about voter education, but this is not the policy committee. We really need to focus on the fiscal side of voter education, please.

**Mark Wlaschin:**

Previously we spent zero dollars. Going forward, it is going to be more than zero dollars. We do not have a solid number identified for that. Does that answer your question?

**Assemblywoman Monroe-Moreno:**

Thank you for the long explanation. Yes and no. Your fiscal note is over \$600,000 in both of the upcoming fiscal years, but you have not really said what you are going to be doing. Are you paying for staff, are you paying for attending meetings, is that travel expenses that you are incurring? You have already talked about the ballot stock, so it is not that. Is it \$661,000 in employee fees or HR—I do not get it—I do not understand?

**Mark Wlaschin:**

I apologize for not clarifying. The two fiscal note years and dollar values that you identified for \$661,000 into two separate fiscal years are modeled after the campaign that we did following the passage of Assembly Bill 4 of the 32nd Special Session. So that would include ads on the internet, that would include Facebook-type ads, again to get social media-type involvement to the advertisements out there. That also includes the voter education postcards that we had on there as well. Something that we did following the passage of A.B. 4 of the 32nd Special Session. So, there would be something similar to that—they would be more focused based on our electorate in the coming years.

**Assemblywoman Monroe-Moreno:**

Thank you for saying that. So, with the passage of A.B. 4 of the 32nd Special Session, you had already incurred some of these costs, and these are already processes you have in place. Why the additional costs if you have already put these in place with the passage of A.B. 4 of the 32nd Special Session?

**Mark Wlaschin:**

Not processes and I apologize. Previously, what that money went toward was a contract with an organization that did outreach and public awareness. That money paid for very specific targeted ads to describe A.B. 4 of the 32nd Special Session and made people aware of what was going to happen prior to the 2020 general election. This was not additional staff, there were not additional processes identified.

**Chair Carlton:**

Thank you very much. Are there any other questions from any other Committee members? We need to roll along here. This is not a policy meeting, so please be careful.

**Assemblyman Roberts:**

I am trying to get to the funding aspect of it. You did talk about the fiscal note that you put on there, the additional cost. Do you believe there would be any savings related to in-person voting as a result of this, or does that pretty much stay static?

**Mark Wlaschin:**

Thank you for the question. I do anticipate that there will, over the long-term, be a reduction in the overall costs. As people get more comfortable voting by mail, that number will go up. The number of persons voting in person will decrease and that will have a direct effect on the county clerks. The number of polling centers the county clerks will have to establish will in time begin to decrease. At least with the coming biennium, that will likely not be the case, but there is certainly potential for that in future.

**Assemblyman Roberts:**

On your estimate on opt in versus opt out; if you opted in—let us say that roughly 38 percent of the electorate that were mailed ballots opted in—to actually using them. Do you think that could change the savings for in-person voting if you switched from an opt out to an opt in?

**Mark Wlaschin:**

It could, but it is hard to assess what exactly the electorate is going to do given 2020 was, as previously identified, a bit of an anomaly. We can look at it and provide some further analysis later, if that is acceptable, Assemblyman.

**Assemblyman Leavitt:**

I am just following up on the fiscal side of the opt in/opt out that my colleague had mentioned. Have you done an analysis of what the cost of opt in versus opt out would be when you doing were doing your fiscal analysis on this?

**Mark Wlaschin:**

We looked closely at our current process and our current process is that opt in process where we have no excuse absentee ballot requests. Anyone can go to their county clerk and identify the requirement for an absentee ballot and they can get it. As a result, we have had a fairly low percentage of our electorate that has chosen to do so. The opt out would be the opposite end of the spectrum, where we would have a large number of persons get ballots, every one of our active registered voters, and there would be some persons that would ultimately figure out and be made aware of the opportunity to opt out. But really it is the two ends of the spectrum in regard to the fiscal impact to the state.

**Assemblyman Watts:**

What is your average cost per ballot?

**Mark Wlaschin:**

The 2020 election cycle identified \$1.46 per ballot. That is, unfortunately, unique to 2020, as we have already been notified by the U.S. Postal Service that their rates are going up for future years, so that the \$1.46 is not something you will likely see again. It is also worthy of note that each county ultimately pays a different cost based on the numbers of ballots they are getting. Looking to the future, it will be above \$1.46 per ballot.

**Assemblyman Watts:**

Is that cost consistent with what we would see in Clark County? I do not know if the Registrar might be able to step in.

**Chair Carlton:**

We will go ahead and go to Mr. Gloria if it is a question about Clark County. I think that is most appropriate.

**Joe Gloria, Registrar of Voters, Clark County, Nevada:**

That number is pretty consistent with what our costs are here in Clark County. As Mr. Wlaschin mentions, it varies according to the number of ballots that are returned, or actually sent out. There is a savings in cost.

**Chair Carlton:**

I will go to Assemblywoman Benitez-Thompson for a final question and then we need to move on.

**Assemblywoman Benitez-Thompson:**

I just wanted to confirm the numbers that I just heard because of the fiscal note. It says the cost for ballot stock, based on information from the counties, and reimbursements in the ballot stock of the 2016 general election, worked out to be \$2.97 per ballot. Then I just heard \$1.46 per ballot, which is about \$1.50 less per ballot. Tell me what the difference is in those two numbers, or what I am missing from the written statement versus the verbal statement.

**Mark Wlaschin:**

The difference is that \$1.46 is the cost of the ballots overall. That is the statewide aggregate, based on the 2020 general election. As you know, it was a unique year. Vendors were doing everything from trying to reduce costs to help expedite given the unique conditions that the entire country was under. When we heard that the U.S. Postal Service would be increasing their rates, instead of using what we knew then to be a demonstrably false set of numbers—\$1.46 per ballot. Recognizing that it would not be that cheap going forward, we looked at the previous election cycle and identified the \$2.97 that you referenced earlier in regard to cost for ballots. We estimate that may be, at the very least, closer to it, and will also drive home the importance of making sure folks are aware of the opt out process and how important it is for every single voter to be aware if you do not want a ballot.

**Assemblywoman Benitez-Thompson:**

Thank you so much. I will just leave my last comment on the record, and I thank you for allowing me to do so, Madam Chair, but I think conversations around changing it to an opt in versus an opt out are substantial policy changes, and I think couching it behind a fiscal note is a red herring. It is an absolute policy decision—I just want to make sure I leave that on the record.

**Chair Carlton:**

That is enough questions, I believe, to get enough information on the fiscal notes. So, with that, we will move into the support, opposition, and neutral portion of the hearing. We will go ahead and open it up for support on A.B. 321(R1) here in the room.

**Annette Magnus, Executive Director, Battle Born Progress:**

I am here in support of Assembly Bill 321 (1st Reprint), and believe this investment in increasing access to voting for Nevadans is one of the best investments this Committee can make. We saw the positive results from your investment with Assembly Bill 4 of the 32nd Special Session and now we need to invest in these measures permanently. Please support A.B. 321 (R1). Thank you.

**Holly Welborn, Policy Director, ACLU of Nevada:**

We are a proud member of the Let Nevadans Vote Coalition. During each election cycle I serve as the lead election protection manager for Washoe County, where we assist hundreds of voters, Republicans, nonpartisans, Democrats, and third-party voters with their mail ballots, understanding the same-day voter registration system, understanding their First Amendment rights at polling places, and more. One thing is clear—no matter where one falls on the ideological spectrum, or one's opinion on mail-in voting, the majority of Nevadans want options. We should invest in voting systems to ensure that we do not repeat the mistakes of the 2020 primary, where the last person in Clark County cast their ballot at 3:00 a.m. That is a failure of democracy.

As our distinguished Speaker pointed out, this is not standing in line at Costco for a \$1.49 hot dog. This is the exercise of an individual's most sacred constitutional right—the fundamental right to vote. The state should invest in making it as easy as possible. Thank you.

**Priscilla Maloney, representing the AFSME Local 4041 Government Affairs Retiree Chapter:**

Again, I will try and be brief, but I do want to add a little bit that we were not able to include because of a scheduling conflict to testify on the policy side back in April. But this was one of our top priority bills this session, and that was in part because of the success from my members' individual experiences after Assembly Bill 4 of the 32nd Special Session was passed. My group was frightened at that time and concerned about their ability to get to a poll. They recognized there would be a cost, and that this would be controversial in the background of the pandemic, but they were very grateful that, anecdotally, after they had voted that they had all these different options, depending on their individual circumstances. As I said, our membership is an older population with a lot of differently abled folks in that

population. As far as the cost goes, yes, change does cost some money, but this seems enormously like a good idea. Thank you for your time.

**Christopher Daly, representing Nevada State Education Association:**

We are in support of Assembly Bill 321 (1st Reprint). The Nevada State Education Association does engage in elections and we talk with students about the democratic system and participation. We believe that A.B. 321 (R1) is worth the state's investment to adopt the best practices of vote by mail while also ensuring in-person voting options and addressing concerns about election integrity and security. Thank you.

**Chair Carlton:**

Is there any other support here in the room? [There was none.] Is there anyone in support on Zoom? [There was no one.] We will go to support on the phone line, please.

**Barry Gold, Director of Government Relations, AARP Nevada:**

Many people, whether they be older adults, people with disabilities, people with lack of technology, have difficulty applying for an absentee ballot. Helping these people—actually the value of helping these people and actually the value of helping all active registered voters exercise their fundamental American right to vote—is worth so much more than this fiscal note. The AARP, on behalf of the thousands and thousands of AARP members across the state, who by the way, frequently are the largest voting bloc in elections, strongly support this bill and urge the Committee to pass it. Thank you.

**Jim Sullivan, representing the Culinary Union, Las Vegas, Nevada:**

I will keep my comments brief. We fully support this bill for all the reasons that my colleagues have just brought forth. Making voting easier and more accessible for Nevadans is something the Culinary will always, 100 percent, support. We stand fully in support of this bill and thank the Speaker for bringing it forward.

**Emily Persaud-Zamora, Executive Director, Silver State Voices:**

We are in strong support of Assembly Bill 321 (1st Reprint). We believe it is imperative of the state that we properly invest in the civic engagement of our citizens. I urge this Committee to support voting rights for all Nevadans. Please support Assembly Bill 321 (1st Reprint). Thank you for your time.

**Hailey Lindsley, representing Planned Parenthood Votes Nevada:**

Planned Parenthood Votes Nevada is supportive of Assembly Bill 321 (1st Reprint) because we believe that every Nevadan should be engaged in the electoral process. The more accessible this process is, the more open to others who would otherwise not be able to participate. That makes for a better, stronger democracy.

Assembly Bill 321 (1st Reprint) increases access for BIPOC [Black, Indigenous, People of Color] communities and our rural Nevadan communities by establishing convenient ballot drop boxes and giving Nevadans a variety of options to make their voices heard and cast their ballots in a safe way. We believe in safe and secure elections, and that includes participation

in elections that make for a better Nevada. Planned Parenthood Votes Nevada urges your support for Assembly Bill 321 (1st Reprint) to give Nevadans a choice in how they cast their ballots. Thank you.

**Andre C. Wade, State Director, Silver State Equality:**

In short, we are in full support of Assembly Bill 321 (1st Reprint) because it would extend access to the ballot box while ensuring election security. Thank you very much.

**Dora Martinez, representing Nevada Disability Action Coalition:**

We "ditto" everybody's statement before mine. As a person with a disability representing people with disabilities in the state of Nevada, we strongly agree with this bill and support this bill. Thank you, Speaker Frierson, I will be going for that hot dog. Thank you, have a good day.

**Chair Carlton:**

Cannot mention a Costco hot dog in this building. Is there anyone else in support?

**Eric Jeng, representing Asian Community Development Counsel:**

Based on the data we are seeing, the 2020 voter turnout for the Asian Pacific Islander voters was unprecedented—127 percent increase compared to 2016 for early ballots, and a 30 percent increase for overall vote share for the Asian Pacific Islanders communities. To continue to make voting safe and accessible for Nevadans we are able to allow our community to fully participate and make their voices heard—it is critical that Assembly Bill 321 (1st Reprint) passes to protect access to democracy. We thank you, Speaker Frierson, for bringing this up and "ditto" to all the previous testimony. Thank you.

**Cecia Alvarado, Nevada State Director, Mi Familia Vota:**

We proudly support Assembly Bill 321 (1st Reprint) on behalf of the all the hardworking Latino families to expand the options for voting. It is protecting our democracy and building a more inclusive democracy. We appreciate the sponsors for supporting this bill and our partners. We encourage this Committee to pass Assembly Bill 321 (1st Reprint). Thank you.

**Marlene Lockard, representing SEIU 1107:**

We are in support of Assembly Bill 321 (1st Reprint), as the others have already stated the many reasons to support this legislation. We commend the sponsor for bringing it forward. Thank you very much.

**Chair Carlton:**

Are there any more callers in support of Assembly Bill 321 (1st Reprint)? [There were none.] Is there any opposition in the room? Seeing no opposition, we will go to the phone line. Wait a minute, I skipped Zoom. I apologize, Secretary of State's representative. We will go to opposition in Zoom.

**Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:**

The Office of the Secretary of State is opposed to this bill due to the negative fiscal impact it will have on the state. If Assembly Bill 321 (1st Reprint) is passed, the state and counties would incur significant costs each election cycle. These costs would include the reimbursement of appropriate county expenses due to *Nevada Administrative Code* (NAC) 293.200, which requires the Secretary of State to reimburse the counties for the costs of ballot stock as well as the purchase of, and installment of, ballot drop boxes across the state as well as a voter outreach campaign to inform voters. If passed, the total anticipated fiscal impact has been identified as approximately \$6.8 million in FY 2022 and \$6.3 million in FY 2023 and approximately \$11.3 million for each future biennium. The anticipated costs of ballot stock was calculated based on historical costs. The initial anticipated costs of ballot drop boxes was based on an estimate of 1 per 15,000 active registered voters and was approximately \$196,000. However, sections 8 and 56 of the amended version of the bill now require a ballot drop box at every polling location and allows for county clerks to establish other drop box locations. That would increase the number of drop boxes from an initial estimate of 131 to approximately 220 drop boxes, based on the number used during the 2020 general election cycle. However, the cost identified in our original fiscal note remains valid as each county will validate their drop box locations prior to the next election cycle and there may not be as many required as there were during the 2020 general election.

Regarding our estimated costs for the voter outreach and education, we estimate approximately \$1.6 million to pay for a focused and sustained voter outreach campaign. A voter outreach campaign would focus on the requirements of section 23 of the bill and would also stress to our voters to permanently opt out if they so desire as described in sections 3 and 51. Of note, our total marketing budget as an agency is only \$900 per fiscal year, and none of that is in the elections budget.

Thank you for your time.

**Chair Carlton:**

Thank you. I do not see any other opposition on Zoom. We will go to opposition on the phone line.

**Quentin Savvoir, Deputy Director, Make It Work Nevada, Let Nevadans Vote Coalition:**

We are deeply appreciative of the Speaker for bringing this measure forward. We support Assembly Bill 321 (1st Reprint) because expanding voting access is the best way to ensure a strong democracy and a strong Nevada for our future. Thank you so much for your support. I appreciate it.

**Janine Hansen, State Chairman, Independent American Party of Nevada:**

We oppose Assembly Bill 321 (1st Reprint). The fiscal note from the Secretary of State's Office is over \$11 million for the biennia, but the cost of A.B. 321 (R1) will be much greater. The United States was founded as a republic with principles of democracy demonstrated through our elections. What we have witnessed around the world in many other countries is



that when people lose confidence in the integrity of their elections, a breakdown of the peaceful democratic process gives way to violence. This is born of deep frustration because people believe their vote does not count, and there is no peaceful recourse. Because the Democrats have a majority in both houses of the Legislature and the Governor, does not mean it is wise to change the time-honored election process in Nevada to one which mirrors California. Almost half of the voting population in Nevada does not believe we had an honest election in 2020. When you chose to implement all mail-in voting, ballot harvesting—electronic, rather than human, signature verification—you simply perpetuate and exacerbate the feelings of distrust in the election process.

One problem in our law that creates distress is the fact that NRS 483.391(4)(c) requires driver's authorization cards be numbered from the same sequence of numbers as the driver's license. There is no way to distinguish a driver's license of a citizen from a driver's authorization card of a possible noncitizen. This means that the Secretary of State, and any local election official, has no way of determining, by checking the number on a driver's authorization card or a driver's license, if the person registering to vote may not be a citizen. This is by legislative design and handicaps the Secretary of State and local election officials in checking and possibly removing noncitizens from our voter registration rolls. This further creates distrust in the election process. Assembly Bill 321 (1st Reprint) enshrines in our law that people registering to vote at the DMV do not have to show proof of identity or residency the first time they vote for federal elections. Please do not squander any trust left in our election process. Vote no on Assembly Bill 321 (1st Reprint). Thank you.

**Bob Russo, private citizen, Gardnerville, Nevada:**

I oppose Assembly Bill 321 (1st Reprint). One of the most devastating effects of the November election is that it left a considerable portion of the electorate distrusting the election process, and a huge scar on our nation, including the state of Nevada. This is not a Democrat versus Republican issue. It is an election integrity issue. According to a Rasmussen poll from November of last year, 20 to 30 percent of Democrats believe that fraud was an issue in the election. Unfortunately, this bill does nothing to restore election integrity. It would ensure that the voting irregularities we observed in the last election under Assembly Bill 4 of the 32nd Special Session continue indefinitely. Mail-in ballots are a waste of money and ripe for misuse, especially when the option to request an absentee ballot is easily available. Ballot harvesting adds to the chance for abuse, and it does not require someone to appear in person with a valid identification the first time they vote. These are just a few issues concerned with this bill. It should be in the interest of both parties to initiate practical election reform that includes cleaning up the voter rolls so that we are assured that our votes will count and not be cancelled out by someone trying to cheat the system. I still prefer paper ballots accompanied by voter identification. Simple and straightforward. Again, the measures in this bill will not restore integrity to our elections and trust in the election process. No, they will open the door to potential election fraud and further weaken and divide our state in the process. I will conclude by saying, when I last checked, the opinions against this bill were 1,939 against 818 in favor. It is a substantial difference between the two. Please, I urge you to oppose Assembly Bill 321 (1st Reprint) and get our elections back on track. Thank you.

**Jim DeGraffenreid, representing Nevada on the Republican National Committee:**

The Nevada Republican party stands in strong opposition to this bill. As I testified earlier on A.B. 126, this Committee is concerned with allocating resources. Even if the expenses are only \$3.9 million per election versus \$5 million, we are still talking about millions of dollars of taxpayer money being spent on a bill that does not provide the turnout benefits that supporters have referenced in their testimony earlier. This bill is presented to extend the temporary emergency provisions of Assembly Bill 4 of the 32nd Special Session and make them permanent for all elections going forward. Assembly Bill 321 (1st Reprint) is being falsely presented as a way to increase voter turnout but the facts show that A.B. 4 of the 32nd Special Session did not increase turnout significantly. Yes, more total votes were cast, but that is because there were more registered voters to cast them. Both numbers increased by about 25 percent over those four years. Secretary of State data reports that from 2016 to 2020 registered voters in Nevada increase from 1.4 million to 1.8 million. At 77.26 percent, 2020 turnout was only about one-half of one percent higher than the 2016 election of 76.7 percent. Far from being record turnout, it was down more than 3.5 percent from 80.77 percent in the 2012 presidential election.

To answer Assemblywoman Titus' question from earlier—if Nevada would have had the same turnout of 76.7 percent in 2020 without A.B. 4 of the 32nd Special Session—then A.B. 4 of the 32nd Special Session can be credited with an additional 10,160 votes cast. If the cost stated earlier of \$3.9 million is accurate, then it is difficult to make the case for the increase of 10,160 votes out of 1.8 million registered voters being worth spending \$3.9 million of taxpayer dollars.

In closing, there is no reason to believe that this bill will increase turnout or ballot access. Nevadans have always had complete freedom to choose to vote in person or by mail, on election day or early, even without new laws. All A.B. 321 (R1) will do is needlessly increase state costs while making permanent the gravely reduced security of our election that was temporarily created by A.B. 4 of the 32nd Special Session in 2020. We strongly urge a no vote on Assembly Bill 321 (1st Reprint).

**Chair Carlton:**

May we have the next caller in opposition?

[The caller's testimony was unintelligible.]

**Chair Carlton:**

I apologize, caller. We are only getting every couple of words. If you would like to email your comments in, we will make sure they are associated with the bill, but we have a very bad connection, so I apologize. We need to move on to the next caller please.

**Lynn Chapman, State Treasurer, Independent American Party of Nevada:**

We oppose Assembly Bill 321 (1st Reprint). People are still talking about the last election. They are not saying it went well, or it was a wonderful experience, but they are saying it was a train wreck. We should not be spending more, or any, tax money on elections that we do

not even trust or believe in. Mail in ballots, ballot harvesting, automatic voter registration systems, and the lack of proof of identity and residency are most concerning. We believe taxpayer money will not be spent wisely. This bill is a train wreck using taxpayer money. Thank you.

**Jolette Gowens, private citizen, Las Vegas, Nevada:**

I would like to communicate my strong opposition to Assembly Bill 321 (1st Reprint). I have a simple question for each of you: how many fraudulent votes are acceptable? The correct answer is zero. What if it was you that lost by less than a few hundred votes? Would you have been outraged or would you just continue to say that there is no widespread fraud? In 2020, dead people, thousands of noncitizen votes cast from vacant lots, illegitimate ballots were sent to nameless residents or cast, and people were willfully buying and selling votes on video. Yet, not a single person. . .

**Chair Carlton:**

Ma'am, I am going to cut you off. Your opposition is more to the policy piece. It is not aimed at the fiscal side, so if you have oppositions as far as the fiscal component, we would be more than happy to hear that, but you are going to the policy side and we do not do that in this Committee. Please proceed if you have fiscal concerns.

**Jolette Gowens:**

My fiscal concern is that not \$1 should be spent on continuing this farce. Thank you so much.

**Chair Carlton:**

Thank you. Next caller in opposition, please.

**Kimberley Maxim, private citizen, Henderson, Nevada:**

I am in opposition to the bill. I have been in Nevada since 1980 and I think we have all made it to the polls just fine, whether I have been working or not. With the introduction of early voting there is no reason why anybody cannot make it to the polls to vote. I also have small property up in Esmeralda County, and so fiscally speaking, there is not enough money in Nevada's budget to keep this type of voting going on indefinitely. We have so many other things that we could spend money on instead of drop boxes that are not needed. Mailed ballots are not necessarily needed, either. I think it is a total waste of money, and I do not know how our smaller communities, our rural counties, are going to keep up with this kind of fiscal demand. They have roads to clear; they have other places to spend their money besides printing and drop boxing and blah, blah, blah. Please do not put this bill forward, it is not fiscally stageable. Thank you so very much for your time. Have a good day.

**Chair Carlton:**

Anyone else in opposition? And please, opposition callers, remember this is opposition to the fiscal component, not to the policy. The bill has already had a policy hearing. Next person, please.

**Wendy Ellis, private citizen, Las Vegas, Nevada:**

I am calling in opposition to Assembly Bill 321 (1st Reprint). It is a whole lot of money spent on printing ballots for every so-called active registered voter, which is a misleading term. I wish that people would decline it. To print and mail all these ballots—I personally received ballots, delivered to my home, and I am the only person that lives here—these were addressed to people who do not live here. So, to say that this is ensuring integrity of the vote is simply not true. It would cost far less to educate people and have an opt in, rather than an opt out. Also, earlier, I heard some testimony on Assembly Bill 488—the DMV needs money. Well, maybe they should get out of the business of voter registration and stick to vehicle registration and driver's licenses. I resent my tax dollars being wasted in order for somebody to just pick up a live ballot—I could have cast all three of those ballots. It would not have been legal, but it seems that our Legislature does not care about that. But I resent my tax dollars being used for—just to mess up an election—which is exactly what happened in 2020. Thank you for your time. I urge you to vote again.

**Chair Carlton:**

We have taken a lot of testimony in opposition. If there are any more on the line, I am only going to take two more and after that we will ask the others in opposition to email their opposition and we will associate it. We have one more bill to do today moving forward, so, opposition only the next two callers and then from there we will stop. Next person, please.

**Melissa Clement, representing Nevada Right to Life:**

I am in opposition to Assembly Bill 321 (1st Reprint) in general, because we learned that unsecured ballots going out to everyone, without a chain of custody, throughout the ballot process is inherently problematic. As such, we are concerned with the lack of fiscal notes for resources devoted to ballot security, election fraud investigation, and election prosecution. In the 2020 election there were numerous complaints of possible election fraud. Several times we were told that there were insufficient resources currently devoted to investigation, so investigations did not happen. A cursory glance at the attached fiscal notes shows no fiscal resources being devoted to these areas. There is not a fiscal note to the Attorney General's Office, or any of the district attorneys who would presumably investigate and prosecute any issues. Additionally, there are no fiscal notes for counties. Election security is a bipartisan issue that will affect both parties for the future. Please vote no on Assembly Bill 321 (1st Reprint).

**Chair Carlton:**

May we have the final caller in opposition, please. [There was no one.] With that, we will go to neutral. Is there anyone in neutral here in the room? [There was no one.] Is there anyone in neutral on the phone line? I do mean neutral.

**Joe Gloria, Registrar of Voters, Clark County, Nevada:**

I am coming in representing Clark County to testify neutral. There has been much testimony today—I only wish to convey the message that we sincerely appreciate Assemblyman Frierson's efforts to include the input of election officials in trying to make the language in place work so that we can administer it and uphold the integrity of the election process,

which is our main goal. As long as the resources are provided, we will be prepared to support the bill language and provide mail ballots across the board. Thank you.

**Chair Carlton:**

Thank you, Mr. Gloria. Thank you to you and all of your staff for everything that you did through the last election cycle to keep our democracy running forward. We really appreciate all the work you have done. Thank you for being neutral.

With that, is there any neutral testimony on the phone line?

**Aubrey Rowlett, Carson City Clerk-Recorder, Carson City, Nevada:**

Carson City is neutral on this bill as well. I just want to add an additional fiscal thought to consider—that active registered voters who, within the allowed timeframe, change any information on their voter registration, which includes party changes, addresses, or names, either through the regular registration update process or through the process at DMV, will automatically be sent a new mail ballot. This does incur an additional mail ballot packet and the postage cost. Additionally, many rural county clerk offices are not adequately sized to perform all functions required to administer an all-mail election. We will need to find alternative office location solutions, which will be a cost to the city or the county. For the 2020 general election, due to COVID-19, alternative county and city buildings were available for use due to the closures; however, this will not be the case in future elections. Thank you so much.

**Chair Carlton:**

Thank you. Any other callers in neutral? [There were none].

I will invite Assemblyman Frierson back to the table for any closing comments and then we will move on to the next bill.

**Assemblyman Frierson:**

I will be brief. We have had a substantive hearing on this issue. Much of what was raised today was addressed in the substantive hearings and amendments. Many of the concerns are with respect to election security and integrity and trust in the process. I will thank the Committee for their engagement in pointing out that while there are concerns about cost, those concerns did not take into account the changes that will result in a decreasing cost, such as opt out, such as efforts that were amended into it to make it easier to clean the rolls and do it more frequently. I will also point out that while we, on a couple of occasions, have talked about voter education, that clearly was not an issue for the Secretary of State before now. There are organizations in the community that do this for free, who would be more than willing to partner with the Secretary of State at a significant decrease, if not zero cost, to do voter education in the community. I appreciate our local election officials, in particular, who I have communicated and worked with extensively throughout this process. I appreciate that their comments were reflective of the costs and not of the substance. I certainly appreciate the note that they are neutral on the policy but concerned about the cost and wanting to make sure it is provided for. I think that, for any agency, would be the appropriate position when

your only concern is fiscal impact, but that is why we are in Ways and Means. Again, I thank you all for your time and attention.

**Chair Carlton:**

Thank you very much, Assemblyman Frierson. We are going to go ahead and close the hearing on Assembly Bill 321 (1st Reprint).

Assemblyman Frierson is still at the table—this is Speaker Frierson morning in Ways and Means. We are going to go ahead and open the hearing for Assembly Bill 422 (1st Reprint).

**Assembly Bill 422 (1st Reprint): Makes various changes relating to elections. (BDR 24-1040)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

I am pleased to present to you Assembly Bill 422 (1st Reprint), which will update and modernize the voter registration database. Right now, Nevada is one of just six states to use the bottom-up voter registration system. County clerks and registrars maintain their county voter registration rolls and use a database specific to their county. Voter information is collected and stored at the local level and reported up to the statewide system on a regular basis. This level of coordination inherently makes the process slower. Assembly Bill 422 (1st Reprint) will move us away from a bottom-up system and move us to a top-down system instead.

Additionally, while bottom-up systems in other states share information in real time, our data sharing is only transmitted daily. Of course, we are here because of the fiscal note. I will simply note with respect to the fiscal note that from what I could glean, the Secretary of State's fiscal note reflected approximately \$9.2 million. This is something that is going to take at least four years to implement and everyone who has been involved with elections has indicated an interest in moving us to a top-down system. However, I believe the Secretary of State's Office has also indicated in meeting and presentations that \$4.8 million from the Help America Vote Act (HAVA) grant would be going toward a top-down system, and I did not see in the fiscal note where that was taken into account to reduce the \$9.2 million fiscal note that was provided.

I will note, as with the previous proposed legislation, that the fiscal note seemed to reflect the worst-case scenario and not necessarily a practical approach that could mitigate costs. I think that what we are trying to do here is enhance and make sure our system competes with other states and is the best, but we also want to mitigate costs and do that by taking advantage of federal dollars and other measures that would not increase the costs unduly.

I think states across the country, especially Nevada, notice the effects of outdated technology and infrastructure that have hampered our state and local governments' ability to deliver services effectively and efficiently to our constituents. I believe modernizing our voter registration database and processes is a step in the right direction to streamline our state

government. That concludes my testimony, Madam Chair. I will be happy to answer any questions.

**Chair Carlton:**

Are there any questions from the Committee for Assemblyman Frierson at this time? This is the fiscal policy, so we are going to focus on the fiscal note. I think we need to have the Secretary of State respond with the concern of how the dollars are available. If you could put that on the record, Secretary of State, please.

**Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:**

I appreciate the Assemblyman's comments and absolutely understand and agree that the intent from the very start, even before A.B. 422 (R1) was developed in draft form, was to use the HAVA grant to conduct this transition to a top-down system. Currently we have about \$6.8 million left in the HAVA grant, and it is very much our intent to use at least the first \$4.8 million directly to put toward this project. Honestly, regardless of the past of A.B. 422 (R1), the long-term goal is to use the HAVA grant through the biennium. As a result, there is not a current intent or requirement, or request rather, for any appropriation during the coming biennium relating to the passage of A.B. 422 (R1).

**Chair Carlton:**

Thank you very much. With that, Committee members, are there any other questions at this time? [There were none.]

This is the hearing on Assembly Bill 422 (1st Reprint). We will go ahead and open it up for those in support. Those in support in the room, please.

**Annette Magnus, Executive Director, Battle Born Progress:**

I am here in support of Assembly Bill 422 (1st Reprint). By investing in this legislation, we will be able to have a much more secure, modern, and efficient top-down system. We ask you to support this critical investment to continue to make our state the best in country in terms of voting. Please support A.B. 422 (R1). Thank you.

**Chair Carlton:**

Anyone else in the room in support? [There was no one.] Anyone in support on Zoom? [There was no one.] Anyone in support on the phone line?

**Emily Persaud-Zamora, Executive Director, Silver State Voices:**

I am calling in strong support of Assembly Bill 422 (1st Reprint). Investing in this bill is critical so we can prevent any costly mistakes brought on by the inefficiency and inconvenience from our current bottom-up system. We ask that you invest in our democracy by voting yes on Assembly Bill 422 (1st Reprint). Thank you so much for your time.

**Chair Carlton:**

Thank you. Next person in support, please. [There was no one.] With that, we will go to opposition in the room—is there any opposition in the room? [There was none.] Is there any opposition on Zoom? [There was none.] Is there any opposition on the phone line, please? [There was none.]

We will go to neutral. Is there any neutral in the room? [There was none.] Is there any neutral on Zoom?

**Joe Gloria, Registrar of Voters, Clark County, Nevada:**

Thank you for the opportunity. We are testifying in the neutral position, representing Clark County; however, I want to emphasize that there is nothing more critical than the investment in the top-down voter registration. No election official in the state of Nevada would tell you any different. The top-down voter registration is necessary to give us the tools that we need to protect the integrity of the voting process, to improve our ability to clean the rolls, and to improve our canvassing time period. Most everything that is critical administratively in providing elections for the citizens of Nevada and Clark County tie into the ability for us to go to a top-down voter registration system. Thank you for the opportunity.

**Chair Carlton:**

Thank you, Mr. Gloria. Anyone else on Zoom in neutral?

**Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:**

The Office of the Secretary of State is neutral on this bill. However, while I just did talk about the intent to use the HAVA grant, I do want to stress that as discussed, our fiscal note, while it certainly seems large, the intent was not to make this something overbearing or intimidating, but something to capture the anticipated costs. This agency very much believes that we have a moral obligation to preserve tax dollars and going forward if this bill is passed, we absolutely are going to do everything we can to reduce the costs to the taxpayers while conducting this transition to a top-down system that, as Mr. Gloria said, is absolutely vital to elections here in Nevada. Thank you.

**Chair Carlton:**

Thank you. If we could go to neutral on the phone line, please. [There was none.]

I will go ahead and invite Assemblyman Frierson to provide closing remarks.

**Assemblyman Frierson:**

If my hearing is correct and there is a zero fiscal impact, I will stop now and yield back to the Committee.

**Chair Carlton:**

Quit while you are ahead, Mr. Speaker. We need to put that on a wall someplace so people read it more often.



We will close the hearing on Assembly Bill 422 (1st Reprint).

With that Committee members, since we have Assemblyman Frierson here and who knows whether I will get him back later today, we are going to open the hearing on Assembly Bill 220 (1st Reprint).

**Assembly Bill 220 (1st Reprint): Establishes provisions relating to the use of mobile devices by peace officers. (BDR 23-924)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

Thank you, Madam Chair and members of the Committee. I will attempt to be brief. Assembly Bill 220 (1st Reprint) simply requires law enforcement agencies to develop a written policy that sets forth standards of conduct for using publicly issued and official mobile devices and prohibits the use of mobile applications that use end-to-end encryption with the intent, and this is incredibly important, "with the intent to avoid the creation or retention or lawful discovery of records or data relating to the communications of a police officer." In short, and I am going to not even read my script, apps like Signal should not be used in a way that avoids detection of discoverable evidence. My understanding is both Las Vegas Metro and the Department of Corrections initially submitted fiscal notes, but upon follow-up and clarification of the intent of the bill, have removed their fiscal notes. I have provided that to Fiscal Analysis Division staff.

**Sarah Coffman, Assembly Fiscal Analyst:**

Madam Chair, that is correct.

**Chair Carlton:**

Thank you very much and thank you Assemblyman Frierson. Are there any questions of Assemblyman Frierson at this time on A.B. 220 (R1)? Not seeing any questions at this time, thank you very much Assemblyman Frierson for not letting that one slip by me.

With that, we will go ahead and open up the hearing for testimony on A.B. 220 (R1). Those here in the room in support of A.B. 220 (R1), if you would like to come forward. [There was no one.] Not seeing anyone in support, anyone on Zoom? I see no one on Zoom.

With that, I will open up the phone lines for support of A.B. 220 (R1). [There was none.]

Do we have anyone in opposition in the room? [There was no one.] Any opposition on the phone lines, please? [There was none.]

Anyone in neutral in the room? [There was no one.] Anyone in neutral on the phone line, please? [There was no one.]

Thank you very much, Assemblyman Frierson. No closing comments?

With that, I will close the hearing on A.B. 220 (R1).

I will invite the Majority Leader to present Assembly Bill 196 (1st Reprint). I believe this is the last bill we will have a hearing on this morning. We need to do a work session, so we will see how long this takes and, we will go from there. This is the time of year when we all have to be flexible. The Majority Leader is handing an amendment to Fiscal staff, and staff will pass it out, and then we will open the hearing.

I am happy to open the hearing on Assembly Bill 196 (1st Reprint). Assemblywoman Benitez-Thompson, please proceed.

**Assembly Bill 196 (1st Reprint): Requires courthouses to contain lactation rooms for use by members of the public under certain circumstances. (BDR 1-734)**

**Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:**

Thank you so much, Madam Chairwoman, and thank you, members of the Assembly Ways and Means Committee, for hearing Assembly Bill 196 (1st Reprint). The conceptual amendment [[Exhibit D](#)] is requesting an appropriation to the Administrative Office of the Courts for the purpose of awarding grants of money to municipal and justice courts for the cost of making sure we can offer public spaces within our courthouses for people who come in to be able to express milk. Many of the courts have already identified existing space that they can call a lactation room. There are a handful of courts that are not able to identify an existing space to allow a mother to express her milk. For those specific instances, what we are looking to do with this bill is provide some money so there can be a matching grant program to allow for the purchase of lactation pods.

Going to the conceptual amendment, section 1.1, you are going to see that in the initial bill we talk about requiring a place for a mother to express milk in each courthouse, and I have the requested amendment to change this to, as opposed to each courthouse, to allow for language that there be one place, a room or a pod, when the consideration is that you have multiple courts that are housed in the same building or in the same campus. That is often true. We do not need one for each court if they are all in the same building, we would just need one for that building.

Section 1.5 is being amended. I believe that in the first reprint you see \$500,000 and we lopped off a zero, so it is \$50,000. You also see that as opposed to having this be a process in section 1.5 that comes back through the Interim Finance Committee (IFC)—that did not work well because the courts do not come back to IFC for dollars. It makes more sense to hand this off to the Administrative Office of the Courts.

And third, the District Courts have asked to be written into this so they could have an opportunity to apply for these dollars as well. Per their request, I am adding them in. I also want to note for the record that under section 1.5, subsection 2, is already existing language about allowing for grants from other sources, as well as other public and private dollars. In conversations with the courts, knowing that they, in anticipation of holding jury trials and expecting a lot more public to be in their building, especially at the municipal level, want to

put an effort into getting more lactation pods in there, and we will be searching for other ways to do that.

That is it, and I stand open for questions.

**Chair Carlton:**

Thank you very much, Assemblywoman. Are there any questions from Committee members?

**Assemblywoman Tolles:**

Thank you so much for bringing forward this legislation. I work with a lot of lawyers and judges, and this is also for members of the public who engage in court proceedings. These are barriers that maybe not every member of the population could understand, but really do create a barrier for working professionals as well members of the public with an access to justice. It is their constitutional right to participate, and this is helpful.

I just wanted to confirm that when we have the one-time appropriation of \$50,000—I just want to make sure we do not run into a situation where there is a court building that might not be compliant if that \$50,000 runs out. Could you tell me a little bit more about how you came to that \$50,000 number and what we would do if that amount is not sufficient to ensure compliance across the state?

**Assemblywoman Benitez-Thompson:**

Thank you, I appreciate the question. You are going to see one fiscal note already submitted from the Carson City area, stating that they have two courts that they can identify right now that do not have a space that they can call a lactation room upon request for someone. We know there is one also in Washoe County, so there are three that we know of that lactation pods are approximately \$10,000 each. I have been talking with Clark County about what their need might be, and we anticipate that there will need to be a couple more. If you look at the language within section 1, we give a lot of latitude for lots of different considerations to make sure that this does not end up being an unfunded mandate. If you look at the implementation dates as well, we are allowing section 1.5 to become effective on July 1, 2021, which means we get the money to the Administrative Office of the Courts out first, and then the remaining provisions on January 1, 2022. The hard policy enforcement will follow later.

**Chair Carlton:**

Committee members, are there any other questions at this time? Not seeing any, thank you very much, Assemblywoman Benitez-Thompson.

We will open it up for support, opposition, and neutral. Those in support of Assembly Bill 196 (1st Reprint) please come forward.

**Arielle Edwards, representing the City of North Las Vegas:**

We would like to state for the record that we are in support of Assembly Bill 196 (1st Reprint) and would like to thank Assemblywoman Benitez-Thompson for bringing this piece

of legislation forward. We appreciate that this bill prioritizes women and gives them a safe space to take care of their families. Thank you so much for your time and consideration today.

**Chair Carlton:**

Thank you very much. Is there anyone else in the room in support? [There was no one.] There appears to be no one on Zoom. Those in support on the phone line, please.

**Jamie Rodriguez, Government Affairs Manager, Washoe County, Nevada:**

We are in support of Assembly Bill 196 (1st Reprint) and we were in support of it in the policy committee as well. As Assemblywoman Benitez-Thompson mentioned, we do potentially have one courthouse in Washoe County—the Incline Village Justice Court—for which a lactation pod is something that needs to be made available. The rest of the courts in Washoe County would be in compliance with the legislation. I want to thank you for the appropriation to help offset some of those costs and hope that we are able to move this forward. Thank you so much.

**Jennifer Richards, private citizen, Reno, Nevada:**

I am a lawyer, a mom, and I live in Assembly District No. 27. Thank you Madam Chair and Assemblywoman Benitez-Thompson for working with me to bring this bill forward. I know this is not a policy committee, so I will just speak briefly to the health benefits for mom and baby to breast feed, which are numerous. Providing reasonable accommodations for women to continue this will have cost savings. It is a modest accommodation, and we hope you will approve the funding so courthouses can provide a space for all women who need to attend the courthouse and have business there. Thank you very much.

**Chair Carlton:**

May we have the next person in support? [There was no one.] Anyone in opposition in the room? [There was no one.] Anyone in opposition on the phone line? [There was no one.]

Is there anyone in neutral in the room? [There was no one.] Anyone in neutral on the phone line?

**Joanna Jacob, Government Affairs Manager, Clark County, Nevada:**

We are neutral on this bill, Madam Chair. The Majority Leader has worked with Clark County and other local governments on getting us the flexibility to implement this bill. We do have in Clark County about eight outlying justice courts outside of the Las Vegas Valley, including locations such as Bunkerville, Searchlight, Good Springs, and Moapa Valley, that we will work to repurpose a room or place in a pod. We may have the need to install pods, but certainly the language in the amendment [[Exhibit D](#)] that was offered today in the Committee is also going to help Clark County, because we do share space with other courts. This will allow us some flexibility, and we just have to figure out the logistics. I would like to say, because this might be the last time I get to testify on one of the Majority Leader's bills, that I really do appreciate the work that she put in to work with local government on this bill.

**Chair Carlton:**

Anyone else in neutral?

**Dagney Stapleton, representing Nevada Association of Counties (NACO):**

We are neutral on the bill, and I want to thank the Majority Leader for reaching out to us early on this bill and working with us. Thank you for the flexibility that is written into the bill, as well as the funding included to carry out the policies ensuring that there are lactation rooms for nursing mothers in our courts. We also want to thank you for the conceptual amendment before us today, adding District Courts to section 1.5, so they can access the funding as well.

**Chair Carlton:**

Next in neutral, please. [There was no one.]

I will invite Assemblywoman Benitez-Thompson back for any closing comments, and she is going to take a pass.

With that Committee members, I will go ahead and close the hearing on Assembly Bill 196 (1st Reprint). We do need to work session a couple of bills so we can keep things rolling, especially those that are going to need to have amendments drafted. I would like to get those out of the way this morning. Our Legal Division does not start working on amendments until we actually process the bill.

Give me a second to coordinate with Ms. Coffman, and then I will give you the list of where we are going to go.

We are focusing on amendments mostly, as I said earlier, to make sure that we have time to get them amended. I just want to make sure Fiscal staff has everything in front of them as we start moving forward, because we know how fast this rolls. Then we will go through the list of what we are going to do.

In coordination with Ms. Coffman, we will be moving Assembly Bill 484, the Department of Employment, Training and Rehabilitation, that was heard yesterday; Assembly Bill 387 (1st Reprint), the midwives bill with the amendment; Assembly Bill 341 (1st Reprint), the cannabis bill with the amendment that we heard Saturday; Assembly Bill 482, the bad debt bill which we heard about a week or so ago and some work was done on it to be able to address those business licenses. There is an amendment that changes that, so I think we have address the issues on that; Assembly Bill 445 (1st Reprint), the grants bill; Assembly Bill 487, the bill we heard this morning; Assembly Bill 196 (1st Reprint), just presented by Assemblywoman Benitez-Thompson; and Assembly Bill 220 (1st Reprint), I believe we can go ahead and move and keep things headed down to the desk so that we do not get a backlog later on in case something jumps the tracks.

Did you need me to repeat that one more time? Is everybody good? I will do it again for the public.

- Assembly Bill 484.
- Assembly Bill 387 (1st Reprint).
- Assembly Bill 341 (1st Reprint).
- Assembly Bill 482.
- Assembly Bill 445 (1st Reprint).
- Assembly Bill 487.
- Assembly Bill 196 (1st Reprint).
- Assembly Bill 220 (1st Reprint).

I know they are a bit out of order, but that is how they are listed on my sheet. With that, we can go ahead and turn it over to Ms. Coffman and proceed.

**Assembly Bill 484: Requires the disbursement of certain federal money in certain circumstances to the Employment Security Division of the Department of Employment, Training and Rehabilitation for the upgrade of its unemployment compensation information system. (BDR S-1162)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 484 authorizes \$54 million to upgrade the Department of Employment, Training and Rehabilitation's unemployment compensation information system.

**Chair Carlton:**

Thank you very much. This was heard in a full joint meeting yesterday. Are there any questions or comments on Assembly Bill 484? I am not seeing any questions or comments. There were no proposed amendments, and this would be a do pass.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS  
ASSEMBLY BILL 484.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

I believe the next bill that we would like to address is Assembly Bill 387 (1st Reprint).

**Assembly Bill 387 (1st Reprint): Revises provisions relating to midwives. (BDR 54-225)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 387 (1st Reprint) establishes the Board of Licensed Certified Professional Midwives and would require the Board to adopt certain regulations. The bill requires the Division of Public and Behavioral Health to perform certain tasks relating to regulations of licensed certified professional midwives and provides licensure of professional midwives. The bill also authorizes the licensing of midwives to utilize a certified professional midwife birth assistant and prescribes the requirements relating to the practice of midwifery.

With regard to the fiscal impact, as amended, the Division of Public and Behavioral Health, Department of Health and Human Services, indicated that the fiscal note was addressed.

I would note there was a fiscal note provided by the Division of Health Care Financing and Policy noting there would be savings in the Medicaid account. However, the Division would also incur expenditures of \$52,000 in their administration account, so the Committee may wish to provide transfer authority to the administration account to provide for those administrative costs.

**Chair Carlton:**

Committee members, are there any questions on A.B. 387 (R1) at this time? [There were none.]

I believe the motion would include that transfer authority. We want to give the agency as much authority as they need to be able to accomplish this. This bill was amended in the policy committee, and this is another amendment in our Committee, so the motion on this would be amend and do pass as amended with the transfer authority.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 387 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED. (ASSEMBLYMEN HAFEN, LEAVITT,  
ROBERTS, AND TITUS VOTED NO.)

**Chair Carlton:**

The motion passes and as it gets to the floor we will ask Assemblywoman Monroe-Moreno to handle the bill.

The next bill for consideration is Assembly Bill 341 (1st Reprint).

**Assembly Bill 341 (1st Reprint): Provides for the licensure and regulation of cannabis consumption lounges. (BDR 56-583)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 341 (1st Reprint) provides for the licensure and regulation of cannabis consumption lounges by the Cannabis Compliance Board. The bill sets forth requirements for the licensure and operations of cannabis consumption lounges. The Board is required to adopt regulations establishing requirements for the preparation and sale of ready-to-consume cannabis products. This bill applies excise tax related sales dollars of the cannabis and cannabis products by cannabis consumption lounges and, lastly, provides, as amended, to

allow for consumption of cannabis and cannabis products in public places or in cannabis establishments for purposes of authorizing a person to engage in such activities in the cannabis lounge.

I would note that there is an amendment to the bill.

**Chair Carlton:**

I believe that was the proposed amendment during Saturday's hearing.

**Sarah Coffman:**

That is correct, Madam Chair. With the amendment, the Department of Taxation has provided that there is no fiscal impact. The Attorney General's Office indicated it would be able to meet the fiscal impact of their note within their AG CAP. I believe all of the fiscal notes on this have been addressed.

**Chair Carlton:**

Thank you very much, Ms. Coffman. I will open up for questions from the Committee. This was our Saturday hearing. Assemblyman Yeager presented the bill with the amendment. I believe the bill had been amended in the policy committee also. We were working from the first reprint, if I remember correctly.

**Sarah Coffman:**

Madam Chair, there was a proposed amendment that related to reducing the number of lounges. I believe it limited it to a total of 40 lounges, of which, I believe 20 were independent and 20 were related to existing established dispensaries.

**Chair Carlton:**

Assemblyman Yeager, we usually do not do this, but I want to make sure we get the right motion. Please come to the table for just a couple of quick questions. This bill was previously amended in the policy committee, so we were working from the first reprint, correct?

**Assemblyman Steve Yeager, Assembly District No. 9:**

Correct, Madam Chair.

**Chair Carlton:**

Thank you. I just wanted to make sure we accept the correct motion. So with that, Committee members, if there are no other questions or comments, the motion on this bill would be an amend and do pass as amended.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS  
AS AMENDED ASSEMBLY BILL 341 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.



**Chair Carlton:**

Are there any comments or questions on the motion?

**Assemblyman Roberts:**

I will be a yes to get it out of Committee. I still have a couple of questions that I need to work out before the floor vote. If I change my mind, I will certainly let you know. Thank you.

**Chair Carlton:**

The Chair would definitely appreciate that, especially at this time of the session. Seeing no other questions or comments, all in favor please signify by saying aye.

THE MOTION PASSED. (ASSEMBLYMEN HAFEN, LEAVITT, TITUS,  
AND TOLLES VOTED NO.)

**Chair Carlton:**

Assemblyman Roberts, if you get that information you might want to share it with them. Thank you.

With that, we can move on to Assembly Bill 482. I believe Fiscal staff has an amendment they need to pass out on this bill [[Exhibit E](#)]. It is already on the desk. I apologize.

**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 if the State Controller has notified the Secretary of State that a person who holds a state business license owes a debt to the 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 debts or demonstrated to the State Controller that the debt is not valid. As the Chair indicated there is an amendment on this bill [[Exhibit E](#)].

**Chair Carlton:**

The amendment changes it from "not renewed" to "suspend," and instead of "applicant," the "license holder" and adds language that the Secretary of State shall reinstate a business license that has been suspended if the Secretary of State receives a letter issued by the State Controller stating that the person whose state business license was suspended has satisfied the debt, entered into an agreement for repayment, or the debt is not valid.

The concerns that the Committee shared, working with the Division of Industrial Relations (DIR) and the Secretary of State, were to make sure that everyone had every opportunity to be able to pay the debt, be aware of the debt, and to clear the debt before their license is not renewed. It will not be "not renewed," the correct term would be "to suspend the license." That is the proposed amendment, and that was proposed by the Secretary of State to address the issues that were brought up in the Committee that day.

Are there any questions at this time?

**Assemblywoman Titus:**

Thank you. Actually, I have a comment before my vote. I can wait until then.

**Chair Carlton:**

Committee members, are there any other questions or comments? We sent them off to go get the work done and thank goodness they did it without me, otherwise we would not be at this spot right now. Seeing no questions, I would accept a motion to amend and do pass Assembly Bill 482.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND  
DO PASS ASSEMBLY BILL 482.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion?

**Assemblywoman Titus:**

Thank you. We have frequently heard in this Committee different bills that encourage people to keep working. For example, we changed the law regarding traffic tickets because we did not want people losing their ability to go to work if they lost their cars or went to jail. This bill suspends a license—how are we going to ask folks to pay these fees when they no longer have the business to do so? Unfortunately, although I feel the amendment makes it a little bit better, I still cannot support removing any person's opportunity to pay bills. I will be a no on this bill.

**Chair Carlton:**

Thank you, Assemblywoman Titus. These are debts that are owed the state through the Department of Industrial Relations (DIR). They are made very well aware of what their debt is and the DIR Board is expunging these debts. The goal behind the bill is to make sure people pay the debts they owe the state, and this is an accountability measure. It was never meant to put anyone out of work. It is meant to give people the opportunity to rectify the debt they owe to the state, rather than have it expunged from the state books. We expect everyone to pay their fines and fees to the state.

Assemblyman Hafen, did you have a comment?

**Assemblyman Hafen:**

I just wanted to put on the record that I will be voting yes out of Committee. If I do change my mind, I will be sure to let you know, based on the amendment. Thank you.

**Chair Carlton:**

Thank you very much. Are there any other questions or comments? Seeing none, there is a motion before the Committee.

THE MOTION PASSED. (ASSEMBLYWOMEN TITUS AND TOLLES  
VOTED NO.)

**Assembly Bill 445 (1st Reprint): Revises provisions relating to financial administration.  
(BDR 18-862)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 445 (1st Reprint) extends an existing grant matching pilot program, creates the grant matching fund with a \$1 million transfer from the unclaimed property that currently goes to the General Fund, and moves the Office of Grant Procurement from the Department of Administration to the Governor's Office. The bill expands the membership of the Nevada Advisory Council on Federal Assistance to include two members appointed by the Speaker of the Assembly and the Majority Leader of the Senate, who represent nonprofit organizations, a local agency, or a tribal government, the State Treasurer, and the State Controller.

With respect to the fiscal impact, the Department of Administration's Grant Procurement Division indicated that they had a slight revision to their fiscal note and would require a total of \$1,279,979 in FY 2022, of which \$1 million would be from the Unclaimed Properties account, and \$2,091,010 in FY 2023, also with \$1 million from the Unclaimed Properties account. The Controller's Office submitted a fiscal note that originally provided for \$150,000, however, in discussions with the Controller's Office they indicated that a management analyst 3 position would be appropriate in order to address the workload increases associated with this bill. That would require an additional \$89,537 in FY 2022 and \$115,772 in FY 2023.

**Chair Carlton:**

Thank you very much. With that, Committee members, are there any questions? We would incorporate the appropriate appropriations into the bill. Are there any questions on the bill? This bill had currently been amended in the policy committee, so this would be an amend and do pass as amended, with the appropriate appropriations attached to the bill. Correct? And there is the other amendment that dealt with the unclassified pay. So, the amendment that was discussed Saturday and then encapsulated in that amendment would be the appropriate appropriations.

The Chair would accept a motion to amend and do pass as amended.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS  
AS AMENDED ASSEMBLY BILL 445 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion?

**Assemblywoman Titus:**

This is a bill that actually makes good fiscal sense, and I feel that we can actually generate more funds back into Nevada. I am highly supportive of this bill.

THE MOTION CARRIED UNANIMOUSLY.

**Chair Carlton:**

We can go to Assembly Bill 487, heard this morning.

**Assembly Bill 487: Suspends certain required transfers from the State General Fund to the Account to Stabilize the Operation of the State Government during the 2021-2023 biennium. (BDR S-1168)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 487 suspends certain required transfers from the State General Fund to the Account to Stabilize the Operation of the State Government through the 2021-2023 biennium.

**Chair Carlton:**

Are there any questions or comments from Committee members on the bill that we heard this morning? [There were none.] I believe this would be a do pass.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS  
ASSEMBLY BILL 487.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion?

**Assemblywoman Titus:**

Contrary to my prior statement, I do not think this bill makes good fiscal sense. I have seen no need in our budget hearings to have this Rainy Day Fund swept, and I will be a no on this motion. Thank you.

**Chair Carlton:**

Unfortunately, we are put in a position if we want to fund government and get the things done we believe government is responsible for, this is not something that I take lightly. I had hoped I would never have to do this again in my career, but unfortunately, we have all been put in a position where we have a responsibility to do the right thing for the state, so that is why the bill is here.

Are there any other questions or comments from Committee members? [There were none.]

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

**Chair Carlton:**

We will move on to Assembly Bill 196 (1st Reprint).

**Assembly Bill 196 (1st Reprint): Requires courthouses to contain lactation rooms for use by members of the public under certain circumstances. (BDR 1-734)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 196 (1st Reprint) as amended, requires courthouses to contain lactation rooms under certain circumstances for the use by members of the public to express breast milk and to make a General Fund appropriation to the Interim Finance Committee of \$500,000 for the allocation of grants to municipal and justice courts for the cost of creating lactation rooms, contingent upon matching money being provided by the courts and applying such grants for sources other than appropriations. I would note there was an amendment that was discussed this morning that reduces the appropriation from \$500,000 to \$50,000. It also provides that section 1.1 would be revised to require at least one lactation room per location when municipal courts are housed in the same building and campuses. I would also point out that there was a fiscal note from the Administrative Office of the Courts with \$20,000, but it appears that the amendment would address that fiscal impact.

**Chair Carlton:**

Committee members, we heard this bill just a few moments ago, so are there any questions or comments on the bill at this time? [There were none.] I will accept a motion to amend and do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 196 (1ST REPRINT).

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

I believe the next bill under consideration is Assembly Bill 220 (1st Reprint).

**Assembly Bill 220 (1st Reprint): Establishes provisions relating to the use of mobile devices by peace officers. (BDR 23-924)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 220 (1st Reprint) requires each law enforcement agency to adopt a written policy establishing standards of conduct for the use of a mobile device issued by law enforcement agencies to any peace officer employed by the agency to establish specific requirements relating to that policy. I would note that both the Department of Corrections, as well as Las Vegas Metro, have removed their fiscal impact.

**Chair Carlton:**

Committee members, are there any questions or comments on A.B. 220 (R1)? [There were none.] This will be a do pass as amended.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS AS AMENDED ASSEMBLY BILL 220 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

Committee members, keep in mind that as we send things out, when the amendments appear, things will be rolling straight into General File, so things will be moving quickly. Be prepared for that and if it is your bill you should be getting the floor statement. If not, they will all come to me—all floor statements will come to me—and then we can deal with them at the appropriate time because it is moving so quickly. I just want to make sure everyone has the opportunity to move forward.

With that, we are going to go into a scheduled recess, and we are going to try to get back into this room as soon as possible after Legislative Operations I believe, if not a few minutes earlier depending upon what the schedule looks like. We do have a couple of members who sit on both, but there are a couple of those we could have the hearings on and move forward. We will do our best to coordinate to get everyone back in the room. Please do not leave the building.

With that, we are in recess [at 11:52 a.m.].

[Reconvened at 6:09 p.m.]

**Chair Carlton:**

Assembly members, you are allowed to wait in your office until we get to your bill. It is not necessary that you are in the room, and actually, we prefer that because we have very limited space, so it allows room for other folks to be in the room.

With that, we are going to do a little bit of a work session, but Assemblyman Frierson is not here, and I want him to be here when we start working some things. Let me go ahead and give everybody sort of a lay of the land of what we are going to call up first. We are in the second inning and that way folks will know if they need to be close by.

Wait just a second—we might end up doing a work session anyway. Whether we do work session or not, this is going to be the batting order. We will go ahead and pull up Assembly Bill 170 (1st Reprint), Assembly Bill 224 (1st Reprint), Assembly Bill 241 (1st Reprint), Assembly Bill 247 (1st Reprint), and Assembly Bill 270 (1st Reprint). Then we will move on from there. It may change up a little bit, depending upon what happens this evening. We plan on being here as long as it takes to get through this tonight, because time is short. I want everyone to understand that I would like a two-minute overview and two to three minutes of discussing the amendment. For members of the public in support, opposition, and neutral, we are going to about five minutes each. We are not going to spend ten minutes in support, twenty minutes in opposition—we are going to do five minutes each. If you do not get in, please submit it. We have a lot to get done. This is the fiscal committee and we want to make sure everything is aimed at the fiscal components of the bill. That way we can get our work done as quickly as possible.

We are going to pause here for just a minute and go from there. Give us all a minute to get everybody staged in the right spot.

We are going to go ahead and do a bill or two and then hopefully we will be able to break and get into a work session to keep stuff moving before the sun goes down.

We will open up the hearing on Assembly Bill 170 (1st Reprint). I will invite Assemblywoman Martinez forward.

Just a moment, Assemblywoman Martinez, I apologize. I have two bill draft requests (BDR) that need to be introduced.

**Sarah Coffman, Assembly Fiscal Analyst:**

Thank you, Madam Chair. Bill Draft Request (BDR) 43-1174 relates to the Department of Motor Vehicles, temporarily authorizing the Department to collect a technology fee; making a supplemental appropriation to the Department to pay the cost of issuing refunds of certain technology fees paid during fiscal year (FY) 2021; and providing other matters properly relating thereto.

**Chair Carlton:**

Committee members, are there any questions on the bill draft introduction? [There were none.] I will accept a motion to introduce.

ASSEMBLYWOMAN MONROE-MORENO MOVED FOR COMMITTEE  
INTRODUCTION OF BDR 43-1174.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

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

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

**Chair Carlton:**

May we have the second bill draft introduction please, Ms. Coffman.

**Sarah Coffman, Assembly Fiscal Analyst:**

Thank you, Madam Chair. Bill Draft Request S-1175 makes a supplemental appropriation to the Department of Motor Vehicles for the cost of issuing refunds of certain fees paid during fiscal year (FY) 2021; and providing other matters properly relating thereto.

**Chair Carlton:**

Are there any questions from any Committee members?

**Assemblywoman Titus:**

I apologize. I know Ms. Coffman has spent a lot of evenings here and is getting tired, but she just faded off at the end, so I did not hear exactly what she said.

**Sarah Coffman:**

Thank you, Madam Chair. Bill Draft Request S-1175 makes a supplemental appropriation to the Department of Motor Vehicles for the cost of issuing refunds of certain fees paid during fiscal year (FY) 2021; and providing other matters properly relating thereto.

**Chair Carlton:**

With that, Committee members, are there any questions? [There were none.]

ASSEMBLYWOMAN MONROE-MORENO MOVED FOR COMMITTEE  
INTRODUCTION OF BDR S-1175.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.



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

**Chair Carlton:**

Assemblywoman Martinez, thank you for your patience. We will go ahead and open the hearing on Assembly Bill 170 (1st Reprint).

**Assembly Bill 170 (1st Reprint): Revises provisions governing animals. (BDR 14-762)**

**Assemblywoman Susan (Susie) Martinez, Assembly District No. 12:**

Good afternoon, Chair Carlton, and members of the Assembly Committee on Ways and Means. I am pleased to present Assembly Bill 170 (1st Reprint) for your consideration.

Before I begin, I would like you to know that there are two friendly amendments that have been submitted and should be available on NELIS [[Exhibit F](#) and [Exhibit G](#)].

With me today to present the bill and discuss the proposed amendments are Jeff Dixon from the Humane Society of the United States and Francisco Morales, from Brownstein Hyatt Farber Schreck. I also have with me the Director of State Department of Agriculture, who will discuss the fiscal note further.

Assembly Bill 170 (1st Reprint) provides technical fixes to Senate Bill 342 of the 80th Session, which passed with bipartisan support in 2019. Assembly Bill 170 (1st Reprint) requires that a notice of the rights of a person lawfully arrested for certain crimes involving animals to request a hearing, also be provided to a person who is lawfully issued a citation for such violations. The bill authorizes an animal control officer employed, or officially designated, by a board of county commissioners, or governing body of a city, to prepare signs and serve written citations of persons to enforce laws concerning leaving a pet unattended in a motor vehicle and cruelty to animals.

Additionally, the bill requires local detention facilities to post and maintain a written notice concerning the impoundment of an animal owned or possessed by a person who was arrested and detained. The bill requires the Department of Agriculture to create the written notice.

With the Chair's permission, I will now turn it over to Jeff Dixon and Mr. Morales who will discuss two friendly amendments that should be available on NELIS. Then after their brief remarks, Director Jennifer Ott and Deputy Director Conrad will also discuss the fiscal note.

**Jeff Dixon, Nevada State Director, Humane Society of the United States:**

Thank you, Assemblywoman Martinez. The amendment I am discussing has to do with the notices [[Exhibit F](#)]. We have added three sections to section 1 of the bill. This had to do with some confusion—some lack of specificity—around the responsibility for creating and maintaining the signs. As the Assembly member said, the Department of Agriculture will be creating the signs, but the signs have information on them which needs to be kept current. What we are asking for in this amendment is that the shelters, the government-operated

shelters, that will be listed on the sign, they have a responsibility to tell the Department of Agriculture of any changes to the contact information and then the Department of Agriculture is responsible for maintaining a list and when there are any changes to the list, they are responsible for updating the jail operators where these signs are posted.

What this amendment does basically is just assign responsibilities to the party that is most appropriate to handle it.

**Chair Carlton:**

Thank you. Director Ott, are you on the line? If you could address the proposed amendment and the fiscal note and if those two pieces of the puzzle fit together.

**Jennifer Ott, Director, State Department of Agriculture:**

We submitted a fiscal note and it is approximately \$3,000 every fiscal year for translation services and printing the signage required in the bill.

**Chair Carlton:**

Thank you. So approximately \$3,000 per year on the fiscal note. There is another amendment. I have never seen so many amendments in Ways and Means in my career. We are drowning in amendments. This amendment is proposed by Brownstein Hyatt Farber Schreck.

**Francisco Morales, Policy Advisor, Brownstein Hyatt Farber Schreck:**

Good afternoon, Chairwoman Carlton. What we are trying to do here is there were some concerns about the delegation of police powers to nongovernment entities [[Exhibit G](#)]. We looked into statute and it is something that has been done before. It already exists in *Nevada Revised Statutes* (NRS) 484B.470, where the delegation of power is granted to volunteers to enforce handicapped parking violations. Carson City already delegates some of that animal control power to the Nevada Humane Society. They enter into contracts with them. We are making it clear that they also are allowed to issue citations because they are already the ones responding to instances of animal cruelty, but with the exception of right now, they are not allowed to actually issue the citation. They have to pull a sheriff's deputy to come to the situation and then oftentimes the sheriff's deputies do not have the time to do that. We want to free them up to not have to respond to these calls and instead allow the contracted body to be able to issue those citations.

We took the framework that already exists in statute. We used the exact same language and obviously replaced it to meet the needs of this bill. We also capped it at counties less than 100,000 population.

**Chair Carlton:**

So, you are going to give police powers to private citizens working for a nonprofit?

**Francisco Morales:**

That is correct.

**Chair Carlton:**

Whose idea was that?

**Francisco Morales:**

The problem exists—Carson City already subcontracts. They contract with the Nevada Humane Society to enforce laws related to animal cruelty. The problem is that currently they can respond to the call, they can impound the animal, but they cannot actually issue any citations. They require the sheriff to come in and do that actual issuing of the citation. In that regard, to really make it more expedient and to allow them to also issue the citation there and then and not take the sheriff off the street—this is why we are looking to do this. It is a very unique circumstance that exists in Carson City. I am not aware that it exists anywhere else in the state. Certainly not in Washoe County or Clark County and that is why we decided to cap it at populations under 100,000.

**Chair Carlton:**

It is my understanding that, in a way, what Carson City is doing right now is a little bit outside of what they really have permission to do, by subcontracting that out. So, this basically clarifies that they now have permission to subcontract this function and move forward from there.

**Francisco Morales:**

Essentially, yes. They have entered into the contract. The Mayor of Carson City, and Carson City, generally, think it has been a great partnership, because they do not have the capacity to be able to have the whole separate animal control department. They have had a really good relationship with the Nevada Humane Society. I think adding this additional authority will make things better and allow for them to really issue the citations without having to pull the sheriff into every circumstance and potential animal cruelty or animal abuse.

**Chair Carlton:**

Thank you very much. That is an explanation. Any other comments or anyone else to present on the bill?

**Assemblywoman Titus:**

Just a quick question. Could you tell me how many citations Carson City issues annually, or how many times they have to request deputies to come to issue that citation?

**Assemblywoman Martinez:**

We can get you that information, and to the Committee, as soon as we find out.

**Assemblywoman Titus:**

I am just concerned about the number of incidents and, again, the police powers. Thank you.

**Assemblyman Hafen:**

The citations that will now be issued by the nonprofit, or maybe even a for profit company, where would those funds go? Would they go to a county fund, the police department, the General Fund, the Department of Agriculture? I do not see that in the proposed amendment.

**Francisco Morales:**

Those funds would be going back to Carson City. They would be undertaking the functions of a normal animal control officer.

**Assemblywoman Benitez-Thompson:**

I apologize, Madam Chair, because it sounds like we are getting a little into policy, but since there is an amendment, is it ok if I ask a couple of questions?

I hear what you are saying, which is it seems onerous to pull a sheriff away to say come and ticket this person. I am not savvy enough to know about what other ways this might be accomplished. I should start by saying it looks like you are trying to cover the area between something that is really egregious and which a law enforcement officer would respond, and then having the animal impounded. So, the animal is impounded and taken out of harm's way—you are saying there is no other way for the system to look at responsibility for the homeowner—or having accountability for the homeowner—if there is cruelty involved, or there is abuse and neglect. I know the child welfare stuff, but I am sure this is different than that, right?

**Francisco Morales:**

Thank you for the question. I do not want to get too deep into the parallel between child welfare, but essentially it is very similar in that we are dealing with fundamental rights here of people, too. The other privileges of the bill really strengthen the due process rights of the people that are being cited and/or arrested. But normally, you would have animal control officers employed as government workers, and they would go and impound the animal, take it to the shelter, and then do that process. Here in Carson City it does not work that way. They have contracted with the Humane Society, and the Humane Society can respond to the instances of animal cruelty. They can impound the pet, or the animal, but they cannot actually issue citations. So, sometimes impounding an animal, taking the animal away, you still have to cite the person, and you cannot do that right now. Certainly, Carson City could stand up their own animal control department where those folks would be employed by the City of Carson City. But I think just because of their size and because of the level of activity involved in Carson City, they think it is more efficient to do it this way, where the Humane Society could come, they could investigate, they can issue a citation, and they can take the animal to one of their shelters all in one step. That is what we are looking to do. It is very narrowly tailored. As you can see from the amendment, the language nears that which already exists in granting volunteers some of the citation power. It is certainly not something that we are doing for the first time. I do not know if that answers your question.

**Assemblywoman Benitez-Thompson:**

It does. I appreciate it because I feel like you are saying we have a problem here. It feels like there might be further conversation about whether or not this is the right patch for that problem. I just wanted to make sure I was understanding the service area that Carson City was having the trouble dealing. I was just trying to figure it out. Thanks.

**Assemblywoman Gorelow:**

I had a question regarding the fiscal note and the signs. I see that it has to be available in English, Spanish, Tagalog, and standard Chinese—you are going to be doing some translation services—I wondered if any of that happened to be currently done in the Department? Also, if you could tell me a little bit more about what the signs are made out of and how many you will have to do. Thank you.

**Jennifer Ott:**

I apologize for my video being off. I am losing connectivity here. We do not have translation services within the Department currently. We hire those services through an approved vendor through the state. We estimate as part of fiscal note that we would be doing 30 signs.

**Assemblywoman Gorelow:**

Thank you very much.

**Assemblyman Roberts:**

I was involved in changing statute to allow volunteers to write citations for Las Vegas Metro, where I worked, and there is a big difference between writing tickets to a parked car in a handicapped spot than issuing tickets to people. There are a lot of challenges with that, and it is really not quite the same. I am curious as to how many times have you had instances where the officers could not respond, or they did respond and did not issue citations? Do you have any data on that?

**Jeff Dixon:**

I think that is a question for the Nevada Humane Society.

**Chair Carlton:**

We will see what we can get. I understand where you are going—writing a citation on a parked car versus writing a citation to a person that may have just had their animal impounded might be a totally different set of circumstances.

Are there any other questions at this time? [There were none.] Thank you, gentlemen, we appreciate it. Thank you, Director Ott, for clarifying the fiscal note for us.

This is the hearing on Assembly Bill 170 (1st Reprint). I will go ahead and open it up. Are there folks in the room in support of A.B. 170 (R1)?

**Mendy Elliott, representing Capitol Partners, Reno, Nevada:**

I just want to draw your attention to a letter of support from the City of Carson City from Mayor Lori Bagwell [[Exhibit H](#)]. One clarification just for your reference is that the powers will come from the sheriff, through the Sheriff's Department to the animal control officers. Carson City is unique in that the animal control officers, as well as the shelter, are run by the Nevada Humane Society—it is one and the same. We will be able to provide some statistical data for your reference as it relates to how many citations have been previously issued and how many could not have been issued because the Sheriff could not make it to whatever the incident might be. We are happy to provide that data for you.

**Chair Carlton:**

Thank you very much. Anyone else in the room in support? [There was no one.] Is there anyone on Zoom in support of A.B. 170 (R1)? [There was no one.] Anyone on the phone line in support of A.B. 170 (R1)? [There was no one.]

Anyone in opposition in the room? [There was no one.] Anyone in opposition on the phone line, please? [There was no one.] Is there anyone in neutral in the room? [There was no one.] Is there anyone in neutral on the phone line, please? [There was no one.]

With that, Assemblywoman Martinez, do you have any closing comments?

**Assemblywoman Martinez:**

Madam Chair and Committee, I would just like to say thank you for the privilege of your time and your consideration for A.B. 170 (R1).

**Chair Carlton:**

With that we will close the hearing on A.B. 170 (R1) and open the hearing on Assembly Bill 224 (1st Reprint).

**[Assembly Bill 224 \(1st Reprint\)](#): Provides for access to menstrual products in certain public schools. (BDR 34-767)**

**Assemblywoman Beatrice (Bea) Duran, Assembly District No. 11:**

Good evening, Chair Carlton, and members of the Committee. Thank you for your time and consideration for Assembly Bill 224 (1st Reprint). This bill provides access to menstrual products in certain restrooms in public, middle school, junior high school, high school, and charter schools at no cost to the students. Samantha Glover, who is on the big screen, a sixteen-year-old from Reno High School, brought this bill to our attention to promote menstrual equity and decrease the stigma around period poverty. Some teachers were paying out-of-pocket for these necessary period products for students who did not have access or who may have started their period unexpectedly.

With that, Madam Chair, I would like to turn this over to Brad Keating, of Clark County School District and Lindsay Anderson, of the Washoe County School District, who are going to discuss the fiscal notes.

**Chair Carlton:**

I think we will go to your copresenter for just a moment. Welcome to Ways and Means—I am not sure whether you have ever testified before Ways and Means before. If you would like to give brief comments and then we will have conversations about the fiscal note, so please go ahead.

**Samantha Glover, private citizen, Reno, Nevada:**

I would like you all to imagine any public restroom without toilet paper, toilet seat covers, paper towels, or soap, and asking students to carry around their own toilet paper just in case of emergency. This is a reality for all menstruating students in Nevada. One in four students have missed class time because they cannot afford menstrual products. Today, in order to respect your time, and understanding there is a lot you all have to get done today, we have requested that nobody comes to do public comment. But I would like to represent the 717 students, parents, and educators who have signed on in support of this bill, and the 19 organizations that support it. I ask that you understand and consider the experiences of menstruating students in Nevada and the struggle that we have to attend class while on our period in making sure that these necessary products are not treated as a luxury in our schools. Thank you.

**Chair Carlton:**

Thank you very much. We do appreciate you not having everybody in Reno show up on public comment. That got you some points. I will invite the two school district representatives up for the fiscal impact conversation and then we will go from there.

**Lindsay Anderson, representing the Washoe County School District:**

I am super proud of Ms. Glover. I am also a Reno High School alumnus and so proud to have our students participating in this process. In terms of fiscal impact, based on the first reprint of the bill, which did limit the number of schools we would be responsible for to 25 percent of our secondary schools, Washoe County School District submitted a revised fiscal note—I am not sure where it is. I will just quickly say that our estimates are approximately \$20,000 per year for menstrual products and about \$7,200 to do the initial installation of the dispensers in these schools. I know there may be opportunities to get those products for less money, certainly through donations. We would look for those opportunities. As you know we are subject to the procurement requirements as outlined in NRS 332, so we cannot commit to a potential vendor at this point the fiscal note is based on our research, and a lot of assumptions based on how much usage we are anticipating—otherwise I will just leave it there. Thank you, Madam Chair.

**Chair Carlton:**

I think you have covered enough—that is fine. Mr. Keating.

**Brad Keating, representing Clark County School District:**

Thank you, Madam Chair. Thank you for allowing Ms. Anderson to go first on this topic. But, yes, as with the Clark County School District, similar to what Ms. Anderson said, our

fiscal notes have been calculated similarly on both sides based on the information from the reprint. We anticipate it will be about \$4,900 per school between the dispenser and the products for each school year. As we worked with the bill sponsor and Ms. Glover, we think we may be able to get that down. It is just a matter of going through the purchasing guidelines and following those to figure out how many products will be used, and how many dispensers, and making sure they do not break and all that fun stuff. We will continue working with the bill's sponsors in this trial period to see what the cost is going down the line.

**Chair Carlton:**

Would this be in every school, or was this 25 percent of the middle schools, junior highs, 25 percent of charter schools? Was it also 25 percent of high schools? We are just talking a quarter of the schools; we are not talking every single school? I would like to understand how those schools will be chosen.

**Lindsay Anderson:**

I believe there was language added in the amended version to indicate that priority would be given to schools with the highest percentage of free and reduced lunch based on a past three-year average. That is how we have identified the schools potentially for Washoe County. Again, it is a two-year pilot, but expecting full implementation after those two years is the expectation of the legislation. We would expect to go to 100 percent of schools after this two-year pilot project based on the current language.

**Chair Carlton:**

Mr. Keating, can you confirm the same for Clark County, please?

**Brad Keating:**

Based on section 3.3, we will do this moving forward in 25 percent of our junior high, middle schools, and high schools, and it will be based on the preceding three consecutive years—which schools of those have the highest percentage of pupils receiving free and reduced price lunches.

**Chair Carlton:**

Thank you very much. I just wanted to make sure we had that all on the record for everyone. With that, I thank you both very much for being here.

**Assemblywoman Titus:**

Just going on record so you know where I am coming from, I am a proud, primary sponsor of this bill. When you talk about cost, and those are real products, and I appreciate that you can calculate the cost of the cases and dispenser machines, but just to put it in perspective from a fiscal aspect, one of the reasons that this bill is important is that young women will not go to school, frequently. I am wondering about the cost of a student not going to school. I know you get per-pupil funding and so many days they have to be in school. Is there a cost besides the loss of education when a student is not in the classroom?



**Lindsay Anderson:**

I think Ms. Glover probably has more data on that from a national perspective. I would just offer that our per-pupil is based on enrollment, not attendance. So, attendance does not negatively impact our per-pupil allocation at this point.

**Assemblywoman Titus:**

Thank you, that is what I wanted to hear.

**Assemblywoman Tolles:**

I just wanted to confirm, too, that I believe we wrote into this bill that they can accept donations. Is any of that factored into your fiscal analysis?

**Lindsay Anderson:**

Because we cannot predict what kind of donations we will get, our fiscal note is based on the full cost of the 25 percent of schools in the first two years.

**Assemblywoman Tolles:**

I do believe our copresenter, Samantha Glover, has secured some potential donations for this, so I am in support. It is a good bill, period.

**Chair Carlton:**

It is not even 7:00 o'clock. We can get all those answers as we move forward. Thank you very much for addressing the fiscal concerns.

This is the hearing on Assembly Bill 224 (1st Reprint). I will go ahead and open it up for support. Is there anyone here in the room for support?

**Annette Magnus, Executive Director, Battle Born Progress:**

I am here in proud support of Assembly Bill 224 (1st Reprint). As someone who has firsthand experience with this issue, I strongly support all students having access to menstrual products in our schools. This is desperately needed and worth the money spent to keep our young folks in the classroom and meeting their health needs. This is basic health care. If you can invest in these products for free in this building, our young people in this state deserve the same. I commend Ms. Glover and Assemblywoman Duran for their hard work on this critical issue. Thank you.

**Chair Carlton:**

Is there anyone else in support in the room? [There was no one.] Before we continue with support, there was one fiscal note that did not get addressed because I overlooked it. It is from the Department of Education. Do we have a representative from the Department of Education available in the room or online? Apparently, no hands are being raised.

I am actually looking for a representative from the Department of Education on Zoom. If anyone is available if you would raise your hand and be recognized. Apparently not.

We do have a fiscal note from the Department of Education, but we will investigate it further and go from there. We will not slow down the hearing for that.

With that, we will go ahead and go to support on the phone lines.

**Tess Opferman, representing the Nevada Women's Lobby:**

I, too, have experience in this realm. Menstrual cycles can be difficult and embarrassing for adolescents, and they can also be financially prohibitive. For that, we think this is a good investment of the state and well worth the funds to make sure menstrual cycle products are in schools and to take away this barrier for young women. We thank you for your time this evening and we urge your support.

**Chair Carlton:**

Thank you very much. With that, is there anyone else in support on the line? [There was no one.] Is there anyone in opposition in the room? [There was no one.] Is there anyone in opposition on the phone line? [There was no one.] Is there anyone in neutral in the room? [There was no one.] Is there anyone in neutral on the phone line? [There was no one.]

With that, are there any closing comments from Ms. Glover or Assemblywoman Duran?

**Assemblywoman Duran:**

Five other states previously passed bills similar to this and attendance did increase by 2.4 percent for young women that had these free period products supplied for them. With that I would like to conclude my presentation with a quote. When New Hampshire's Governor Chris Sununu signed a similar bill into law in 2019 he said, "New Hampshire's bill would help ensure young women can learn without disruption and free of shame or fear of stigma." It is my hope we can give our students in Nevada that same opportunity. Thank you again for taking the time to consider this measure.

**Chair Carlton:**

Thank you. We will go ahead and close the hearing on Assembly Bill 224 (1st Reprint) and if Assemblywoman Gonzales is going to make her way downstairs, I need her. From there we will have Assemblyman O'Neill come back in.

Assemblywoman Gonzales, welcome to the Committee. We will go ahead and open up the hearing on Assembly Bill 241 (1st Reprint).

**Assembly Bill 241 (1st Reprint): Establishes provisions governing credits on terms of imprisonment during certain declarations of emergency. (BDR 16-982)**

**Assemblywoman Cecelia Gonzalez, Assembly District No. 16:**

Assembly Bill 241 (1st Reprint) provides good time credits in the event that we unfortunately have to experience a pandemic again. Right now, the issue is that folks are not able to program due to how transferrable the virus was. In the event that we ever have to experience that again, this will have in statute that people will be able to receive 5 credited days per month for up to 60 days. We have come to an agreement with all stakeholders involved, around the current pandemic, and so you will see the amendment—I am sorry I do not think I sent the amendment because I got it super late, [\[Exhibit I\]](#), but the amendment took out the retroactiveness of the bill. The Nevada Department of Corrections can speak more to the agreement that we have come to. But, posted on NELIS you will see the two letters from the Department of Corrections [\[Exhibit J\]](#) and the Board of Parole Commissioners [\[Exhibit K\]](#), where they have removed their fiscal notes for this bill.

With that, I will take any questions if you have any.

**Chair Carlton:**

If we could get that other amendment as soon possible, that will be very helpful.

**Assemblywoman Gonzalez:**

I have the mockup in my email, so I will definitely send that over. I got it a little late due to some small language clarifications in the bill.

**Chair Carlton:**

Thank you. So, with that, any questions of Assemblywoman Gonzalez?

**Holly Welborn, Policy Director, ACLU of Nevada:**

I am just here as a lifeline to Assemblywoman Gonzalez. We have worked this bill from the beginning, and she sponsored it on our behalf for the thousands of inmates who have lost good time credit and were not able to qualify for their parole release. I think this will make a huge difference moving forward.

**Chair Carlton:**

Are there any questions from the Committee at this time? [There were none.]

Thank you very much. We will get that amendment, and we will go through it and make sure that everything trues up. The fiscal notes seem to be addressed. We will get everything confirmed.

This is the hearing for Assembly Bill 241 (1st Reprint). We will open it up for support, opposition, and neutral. Is there anyone in the room in support? We do have someone on Zoom. Are you here in support or were you just backup?

**Victoria Gonzalez, Executive Director, Department of Sentencing Policy:**

I am here to testify in the neutral position.

**Chair Carlton:**

I just wanted to make sure. I will go ahead and open it up. Anyone in the room in support, please come forward.

**Jagada Chambers, private citizen, Las Vegas, Nevada:**

I am in complete support of the bill. I am actually leading the rights restoration work for Silver State Voices. I have invested a lot of time mailing legislation to the Department of Corrections and allowing that to circulate with the goal of having constituents in custody be the mindset of the body. Needless to say, there were two pieces of legislation that flourished amongst the compounds, and it was Assembly Bill 241 (1st Reprint), as well as Senate Bill 187 around confinement from Senator Spearman. Just complete support. The pandemic hit the Department of Corrections just like it did, and there were several people that should be home right now if they could have been able to program. So please, if this body is able to support, it would definitely impact the Department of Corrections in a positive way.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

We want to thank Assemblywoman Gonzalez for bringing forward this bill and the Department of Corrections for their commitment to implement this policy. I will echo the remarks of Jagada Chambers, who spoke before me, and urge your support. Thank you.

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

We also would like to echo the sentiments of previous speakers and thank Assemblywoman Gonzalez and the Department of Corrections. Thank you.

**Chair Carlton:**

Is there anyone else in the room in support? [There was no one.] Is there anyone on Zoom in support? [There was no one.] Is there anyone on the phone line in support? [There was no one.]

We will go to opposition in the room. Is there anyone in the room in opposition? [There was no one.] Is there anyone in opposition on Zoom? [There was no one.] Is there anyone in opposition on the phone line, please? [There was no one.]

Is there anyone in the room in neutral? [There was no one.] I believe our folks on Zoom are in neutral. I will open it up to Ms. Gonzalez, and then I will have the gentleman go afterwards.

**Victoria Gonzalez:**

Our Department is tasked with assisting the Sentencing Commission and tracking the fiscal and practical impacts of legislation or policies that have impacts on the criminal justice system and the prison population. When A.B. 241 (R1) was first introduced, we worked with agencies and its sponsor to evaluate the fiscal impact of the legislation and balanced that

impact with the fiscal notes that were submitted. Now that the fiscal notes have been removed, our Department will still work with the agencies and the sponsor and any interested stakeholders to measuring costs or savings resulting from A.B. 241 (R1) and then report this information to the Legislature, the Sentencing Commission, and the public. We believe this information will assist the Legislature and everyone else when it comes to evaluating the fiscal impact of legislation like this and any policies related to it. Thank you.

**Harold Wickham, Deputy Director, Department of Corrections:**

I want to echo what Victoria Gonzalez says. It has been a privilege to work with Chris DeRicco and Assemblywoman Gonzalez on this action. Thank you and ditto.

**Christopher P. DeRicco, Chair, State Board of Parole Commissioners:**

We are neutral on this bill. As Assemblywoman Gonzalez mentioned, the amendment has not yet hit, but I know that because of all the hard work that we did with Assemblywoman Gonzalez, the ACLU, and the Department of Corrections, the Parole Board is able to remove its fiscal note as long as everything is as indicated. I believe it was mentioned earlier by Assemblywoman Gonzalez that the fiscal note was from Parole and Probation, but it was not, it was the Board of Parole Commissioners. I am available to answer any questions if necessary.

**Chair Carlton:**

Thank you very much. I do not see any Committee members wishing to be recognized for questions at this time. Thank you very much Ms. Gonzalez and gentlemen for your testimony in neutral. I will go ahead and move to the phone lines. To those in neutral, please. [There was no one.]

Assemblywoman Gonzalez, did you have any closing comments?

**Assemblywoman Gonzalez:**

No closing comments. I just wanted to thank you all for your time and consideration.

**Chair Carlton:**

Thank you very much, and congratulations on your first presentation to Ways and Means. It was not as scary as everybody told you, was it?

With that, I called up Assemblyman O'Neill. I apologize, Assemblywoman Benitez-Thompson. I accidentally skipped you. I will go back to you after I hear Assemblyman O'Neill.

I will go ahead and open up Assembly Bill 270 (1st Reprint).

**Assembly Bill 270 (1st Reprint): Revises provisions governing the preservation of the Nevada State Prison and the Stewart Indian School. (BDR 18-646)**

**Assemblyman P.K. O'Neill, Assembly District No. 40:**

I will try to make this very quick. I am here today to present to you Assembly Bill 270 (1st Reprint), a bill which deals with the Stewart Indian School and Museum and the Nevada State Prison Preservation Society. In short, it is a great bill, it is a good bill, it will do good stuff.

It was passed out of the Committee on Government Affairs several weeks ago. There is only one fiscal note attached to it that I am aware of from the Department of Corrections, and it basically offsets their expenses by the revenue bill gained from events there.

Was that short enough for you, or would you like more, Madam Chair?

**Chair Carlton:**

No, that is good. Thank you very much, Assemblyman O'Neill, we appreciate it.

With that, are there any questions of the Assemblyman at this time? [There were none.]

If we could have someone address the fiscal note, please. Whoever you have in the queue. Let us get that on the record, next.

**Jefferey Doucet, Administrative Services Officer, Department of Corrections:**

The fiscal note is basically zero. There is no impact to the Department. Any money the Department of Corrections has from outlay will come from revenue for use of the facilities. We are not planning to expend more money on a facility that is available for users. There was an exhibit submitted that has the rough estimates on an annual basis of those revenues that come in from facility user fees.

**Chair Carlton:**

The intention is this would be neutral—money in, money out.

**Jefferey Doucet:**

Correct.

**Chair Carlton:**

We got a head nod and a yes. It is a little broken up, so I wanted to make sure I repeated everything for the record. Thank you very much.

Committee members, are there any questions?

This is the hearing on Assembly Bill 270 (1st Reprint).

Is there anyone in the room in support of A.B. 270 (R1)?

**Marla McDade Williams, representing the Reno Sparks Indian Colony:**

I want to thank Assemblyman O'Neill for recognizing that a similar measure came forward to the body last session, and somehow it got mixed up and was not able to get through. We appreciate adding the Stewart Indian Museum to this bill and ask for your support. Thank you.

**Chair Carlton:**

Is the person on Zoom in support? Please proceed.

**Stacey Montooth, Executive Director, Nevada Indian Commission:**

This is good, solid legislation, as Assemblyman O'Neill has already outlined, as it will provide a revenue stream for the Nevada Indian Commission Cultural Center and Museum with no fiscal impact per our fiscal note. We wholeheartedly support this. Thank you and your entire Committee for your time today.

**Chair Carlton:**

Thank you very much, Ms. Montooth. Is there anyone else on Zoom in support? [There was no one.] We will go to the phone lines. Anyone in support? [There was no one.]

Is there anyone in opposition in the room? [There was no one.] I do not see anyone on Zoom wishing to be recognized. Is there any opposition on the phone line? [There was none.] Is there any neutral in the room? [There was none.] No one on Zoom. Is there any neutral on the phone line? [There was none.]

Assemblyman O'Neill, do you have any closing comments?

**Assemblyman O'Neill:**

Thank you. Good night.

**Chair Carlton:**

With that, Committee members, we will close the hearing on Assembly Bill 270 (1st Reprint). I apologize to Assemblywoman Benitez-Thompson for skipping her on Assembly Bill 247 (1st Reprint). Would you like to go ahead and proceed now?

We will go ahead and open up the hearing on Assembly Bill 247 (1st Reprint).

**Assembly Bill 247 (1st Reprint): Revises provisions relating to the Western Regional Education Compact. (BDR 34-472)**

**Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:**

Thank you, Chairwoman Carlton and members of the Ways and Means Committee, for hearing Assembly Bill 247 (1st Reprint). With me I have Jennifer Ouellette, who is the Director of the Western Interstate Commission for Higher Education (WICHE). In a nutshell, what the policy is doing is modernizing the Compact. I think most of the language really has not been touched since the Compact was put in place. We saw some archaic

references and decided to do some cleanup around it. The piece that is driving the fiscal notes and which is an important piece, is also addressing different parts of the stipend program that exists in here, that have been wonky in a way, and I think make the program less effective—a less effective tool than it can be. Converting those stipends to loans and then the fiscal effect is coming in future biennia of about \$409,000 from not having some of those stipend pieces paid back.

So, specifically, section 14: the way that these types of programs are set up, there are two different programs, and this is dealing with the loan stipend piece in the Professional Student Exchange Program (PSEP). So right now, what happens is they get a stipend that is a loan of 75 percent and a 25 percent component. The 75 percent is forgiven upon meeting the conditions of the stipend, and then we have a 25 percent loan component that we ask them to pay back. That is the piece that we want to look to converting to a loan and then with new contracts going forward, not have that 25 percent, so that whole 100 percent would be resources for the student to use. Also in section 17 there is a change to the interest rates as the language is written. Interest rates are living in statute and that does not seem right because they are flat and they are fixed and are not flexible. The proposal in section 17 is to move them over into regulations where they can be more fluid and the Board can have more control in terms of setting a competitive interest rate.

So, I will stop there and hand it over to Ms. Ouellette.

**Jennifer Ouellette, Director, Western Interstate Commission for Higher Education (WICHE):**

I am speaking before you tonight specifically about section 14 and the 25 percent loan component that is attached to our funding. We are the only state in the west that requires students or recipients of our funding to have an employment commitment in order to fulfil their obligation and repay a portion of the funding. When we have looked at staffing structures across the west, we found that administering that loan has made our office significantly overstaffed compared to other offices across the west.

There is a presentation online for you, but I do not need it [[Exhibit L](#)]  
—you can look at it at your leisure. What we would really say is I believe that the effects—\$205,000 in reductions in future revenue over future biennia—can be reduced somewhat through a few different things, which is a potential reduction in staff as there would be less work to administer. Also, by changing some of our penalties and interest rates, which are currently in statute, moving those over to regulations, we can actually apply penalties that are collectible. So, we have offset some of that loss in revenue there. It is my hope that ultimately this will be a revenue neutral proposition, but there is a possibility that this could lead to future increased General Fund appropriations, which is why you are hearing this right now.

**Chair Carlton:**

Thank you very much, Ms. Ouellette. Are there questions from the Committee members? I know WICHE and getting students here, especially in those professions that we really need, has been an interesting journey over the years in trying to figure out how to make this work.



The WICHE has been moved around a number of times, too, on top of it. I think we finally have it in the right place—we hope. So, basically, 75 percent of the loan is forgiven, and if they do their service in the state we are going to forgive the other 25 percent, also. Is that correct?

**Assemblywoman Benitez-Thompson:**

Thank you so much for the question. Yes, 75 percent of the support fees is a stipend that can be waived if the student returns to Nevada to practice for the same number of years. And then the 25 percent is a support fee and is a loan which students must pay back with interest, five to ten years after graduation. Those are Nevada-specific rules. And they might have made sense when WICHE was around in 1953 and Nevada has been a member since 1959. Nowadays, it never made sense to me why the program was like, "hey, you stay in Nevada and do this and if so, you can pay back 25 percent." It just seems like a fairer deal to not have it be a quarter that has to be paid back. Especially if they are staying in the state with their work obligations and commitment.

**Chair Carlton:**

Any questions for any Committee members at this time? Not seeing any questions, thank you very much, Assemblywoman Benitez-Thompson. Thank you, Ms. Ouellette. Do you have any other presenters? [There were none.]

With that, this is the hearing on Assembly Bill 247 (1st Reprint). Is there anyone in the room in support? [There was no one.] Is there anyone on Zoom in support? [There was no one.] Is there anyone in support on the phone line? [There was no one.] Is there anyone in the room in opposition? [There was no one.] There is no one on Zoom. Is there any opposition on the phone line? [There was none.] Is there anyone in the room in neutral? [There was no one.] There is no one on Zoom. Is there anyone in neutral on the phone line? [There was no one.]

Assemblywoman Benitez-Thompson, do you have any closing comments? [There were none.]

With that, we will close the hearing on Assembly Bill 247 (1st Reprint). We will go to Assembly Bill 280 (1st Reprint), which I believe is Assemblywoman Peters. We will invite Assemblywoman Peters to the testimony table.

**Assembly Bill 280 (1st Reprint): Revises provisions relating to public restrooms. (BDR 54-132)**

**Assemblywoman Sarah Peters, Assembly District No. 24:**

I am happy to present Assembly Bill 280 (1st Reprint) today, which very succinctly designates that all single stall bathrooms in the state of Nevada that are open to the public should be nongendered. I think we all have had scenarios where we have gone to a rest stop or a gas station and there are single stall bathrooms and the women's line is a mile long and there is nobody at the other one, and there is no difference between the two except for maybe

a urinal. This bill just makes it plain that in the state of Nevada we do not need those gendered signs. I could go into more detail about the importance of that, but because this is the fiscal Committee, there have been a number of fiscal notes on this bill, most just for the sign replacement. The general consensus is that through State Purchasing those signs cost about \$100 a piece. There is not a lot I can do about that, although I did find signs on Amazon to purchase these kinds of things for \$20, so there is fluctuation in the cost of these signs.

There were some fiscal notes removed, including the fiscal note of the Nevada System of Higher Education (NSHE). The NSHE did send me an email and I think they sent a revision to Fiscal staff that they were able to absorb some of the cost [[Exhibit M](#)].

The State Public Works Division, Department of Administration, retained their fiscal note, but it is relatively nominal at \$9,065 for all of their single stall toilets across the state. The Division of State Parks, State Department of Conservation and Natural Resources, did have a fiscal note of \$40,320, although they happened to mention off the record that they may be able absorb that if their maintenance budget remains whole, but I do not have control over that piece.

The school districts and counties submitted fiscal notes [[Exhibit N](#)]. A number of these misinterpret some of the bill language. Some of the expectation was that there would be retrofit related to the implementation of the bill. The only change is taking off those gendered signs. There is no obligation to specific language on what the sign has to look like—only that it does not pertain to a single gender that can enter or leave that bathroom. I did reach out to all of them and was turned down for conversations with most of them.

**Chair Carlton:**

Thank you very much. Committee members, any questions of Assemblywoman Peters? I will not admit that I ignore the signs, but I understand where you are trying to go. I do not see any questions. Let us pin down the fiscal notes a little bit more and make sure Fiscal staff has all the information as we move forward. So, if you would make sure Ms. Coffman has the email. I am not sure whether I got it, but there are too many emails. Just make sure Ms. Coffman has all the information and we will proceed from there. With that, there are no other presenters, I believe.

This is the hearing for Assembly Bill 280 (1st Reprint). Is there anyone else here in the room in support of Assembly Bill 280 (1st Reprint)?

**Annette Magnus, Executive Director, Battle Born Progress:**

We fully support investing in gender inclusive, gender neutral, restrooms, so that our transgender, nonbinary, and families have access. Many of the cost projections seem alarmist and overinflated and, I too, ignore the signs. The cost of changing the signage is worth it for a more inclusive Nevada. Please support A.B. 280 (R1).

**Chair Carlton:**

Anyone else in the room in support? [There was no one.] No one on Zoom. Anyone on the phone line in support of Assembly Bill 280 (1st Reprint)?

**Jasmin Margarita Tobon, representing Planned Parenthood Votes Nevada:**

Planned Parenthood Votes Nevada is in favor of Assembly Bill 280 (1st Reprint). While they are a necessity for all people, for gender-diverse Nevadans, bathrooms can be a place and source of harassment, policing, bullying, and violence. Please support Assembly Bill 280 (1st Reprint) for a more safe, more inclusive Nevada. Thank you to Assemblywoman Sarah Peters who sponsored A.B. 280 (R1) and Assemblywoman Selena Torres, who cosponsored this bill. Thank you again for this time.

**Chair Carlton:**

Thank you. Anyone else on the phone line in support?

**Dora Martinez, representing Nevada Disability Action Coalition:**

I am here supporting Assembly Bill 280 (1st Reprint). I wish I had a choice of ignoring the sign. I am totally blind and before COVID-19 started, my dog and I would go everywhere, traveling all over Reno and Las Vegas and Carson City, and he has brought me to the men's bathroom. This is for the record, and I am glad I have the opportunity to say this, service dogs do not know how to read. When I say, please go to the bathroom, he just takes me to the nearest and no line. Thank you so much.

**Chair Carlton:**

Thank you, Ms. Martinez. I think that is one of your best stories so far this session. I congratulate you.

With that, is there anyone else in support on the phone lines, please? [There was no one.] Is there anyone in opposition in the room? [There was no one.] No one on Zoom. Is there anyone in opposition on the phone lines? [There was no one.] Is there anyone in neutral in the room? [There was no one.] No one on Zoom. Is there anyone in neutral on the phone lines? [There was no one.]

Assemblywoman Peters, do you have any closing comments? Not seeing any, I will go ahead and close the hearing on Assembly Bill 280 (1st Reprint).

Committee members, the majority leader has graciously purchased dinner for you. We are going to take a very short pause for members to grab something and bring it back. The longer you take your break, the longer we will be here later. When you come back, we will continue with the agenda. We seem to be doing fairly well.

[The meeting recessed at 7:24 p.m. and reconvened at 7:40 p.m.]

**Chair Carlton:**

What happens in Ways and Means is we have a request from some very interesting and worthwhile projects and/or nonprofits in the state that come and ask us for some assistance, and it benefits them in a number of ways. It helps them provide some of the services, and it also shows on their sheets when they move forward that the state is behind them, and it helps them leverage more dollars in the future. So typically we pick one bill, and then rather than having everyone draft a bill for their individual issue, we just ask them to bring conceptual amendments to the one bill and then we process it all at one time. There would typically be one in the Senate and one in the Assembly. We would sit down, we would talk about it all, and we would go from there.

It is just a little bit different this time. I believe there will just be one out of the Assembly this time. I am not sure what the Senate's game plan is at this moment, but this is our right to do this to make sure that the timeframes work and the bill moves into the other house with enough time to be processed.

The next bill is Assembly Bill 355 and we will have the hearing. It is the Chair's intention to have the hearing on Assembly Bill 447 also. What we would do is put those two bills together and then the folks that are in the room that have proposed conceptual amendments, we will have conversations and questions on those different items, and then we will take all those components and put them together into one bill.

That is the game plan as we move forward. I will go ahead and open up the hearing on Assembly Bill 355. It makes an appropriation for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the "Expanding the Leaderverse" initiative which increases the diversity of leadership in the gaming industry. I believe I have my favorite mayor, Jan Jones, on Zoom, and I believe you will be presenting the bill.

**Assembly Bill 355: Makes an appropriation for allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the “Expanding the Leaderverse” initiative to increase the diversity of the leadership in the gaming industry. (BDR S-976)**

**Bo Bernhard, Executive Director, UNLV International Gaming Institute:**

I proudly present an update on a project introduced two years ago by the historic female majority Legislature that we boasted two years ago. I am thrilled to report that during a very difficult two years, we have achieved exactly what we dreamed this project would. One hundred percent of the participants are from Title 1 schools in the Clark County School District, 84 percent of them speak English as a second language, 100 percent of them, however, after going through the program, graduated from high school. This is a remarkable figure given the statistics that we typically see in these under resourced neighborhoods. Even more impressively, 100 percent of them went on to college, and 100 percent of them were in fact the first in their families to go to college. I would suggest that we are doing nothing short of changing family trees with these very programs.

I was realizing as I did the math, I started in public schools in Nevada, at the age of three. I have now gone through 40 years, both as a student and now as a professional in the public school system in Nevada at various levels. This is the thing of which I am proudest to be associated in all of those years.

To tell a little bit more of those stories I would like to turn over to Jan Jones Blackhurst and then after that, Becky Harris. Thank you.

**Jan Jones Blackhurst, Chief Executive in Residence, UNLV International Gaming Institute:**

Madam Chair, just for the record, you still scare me after 30 years in politics. I am delighted to be here to present tonight. The Leaderverse bill has really allowed us to do magnificent things in reaching out to students around Clark County and making sure that our future leaders look like the community that we live in [[Exhibit P](#)]. I would ask for an amendment tonight. We had found a private sponsor match in the Wynn Corporation who matched us \$250,000 each year of the biennium in the last two years. We have a \$750,000 match so we can increase the match to \$375,000 from state government for each year of the biennium. We would be greatly appreciative. I am happy to answer any questions. This is a program we are very proud of, and it is one that the Chairwoman and other members of the Legislature helped us realize.

**Chair Carlton:**

Thank you very much, and with that Committee members, you do have an amendment that was proposed, and you will see the strikeout of \$500,000 and the insertion of \$750,000. Just to make sure, Ms. Blackhurst, there is a full match to this? The impetus to increasing it is to utilize every matched dollar that will be available.

**Jan Jones Blackhurst:**

That is correct, Madam Chairwoman.

**Chair Carlton:**

Thank you very much. Are there any questions from the Committee members on this particular program? [There were none.]

Thank you very much for the update. I am so pleased. It is going so well. Do we have another presenter? Would you like to go ahead and speak?

**Becky Harris, private citizen, Las Vegas, Nevada:**

Thank you, Madam Chair, and members of the Committee, the hour is late and you have miles to go. I will be very brief.

You have a PowerPoint presentation that has been provided to you [[Exhibit O](#)]. It is up on NELIS to thoroughly go through the programming that we have engaged in. In addition to those programs, I just wanted to highlight briefly for the Committee, that the Leaderverse is also engaged in significant research to better understand how women, women of color, and

those from underserved communities are employed, what kind of opportunities are available, and the types of contributions they make to the workforce. We are grateful for the legislative investment from 2019; it provided a foundation from which we were able to embark on our ambitious programming, conduct research, and publish those results. An additional investment would allow the Leaderverse to continue to deliver its data-driven research-based programming to improve the lives of underprivileged youth, provide support for first generation college students, and provide pathways to employment for underrepresented communities throughout Nevada. With that, I have nothing further, Madam Chair.

**Chair Carlton:**

Thank you very much. It is nice to get good news on a bill. With that, Committee members, are there any questions? [There were none.] This is a unique situation, where, because we are going to be building another bill in, rather than go through support, opposition, and neutral at this particular time, I am going to go ahead and call up Assembly Bill 447 and have the hearing on that also. Then we will go to support, opposition, and neutral, and in the neutral position we will have the folks who are going to be presenting their conceptual amendments to propose other items to be encapsulated in the bill. They are not in support or opposition, but they are in neutral and will be proposing an amendment.

With that, thank you very much for being here. You are welcome to stay for a bit, but not necessary.

In order to keep the record clear we are going to go ahead and do support, opposition and neutral on A.B. 355 now, and then I will pull up A.B. 447 immediately afterward, do the same thing, and then the Committee will address an amendment that will encapsulate everything all into the same bill.

Just to keep the record clear, we are on Assembly Bill 355. Is there anyone in the room in support of A.B. 355? [There was no one.] I see no one on Zoom. Is there anyone on the phone line in support of A.B. 355? [There was no one.] Is there anyone in the room in opposition? [There was no one.] Seeing no one on Zoom, I am going to the phone line. Is there anyone in opposition to A.B. 355? [There was no one.] Is there anyone in the room in neutral? [There was no one.] No one on Zoom. Is there anyone on the phone line? [There was no one.]

I would invite those other people in neutral who have proposed conceptual amendments to this bill to come forward and propose their amendments to the Committee.

**Be-Be Adams, representing the Boys and Girls Club Nevada Alliance:**

From Elko, to Reno, to Las Vegas, and all different places in between, I respectfully submit this amendment to this bill asking for a \$2 million appropriation for the clubs [[Exhibit Q](#)]. The Boys and Girls Club stayed open all last year, providing a safe place for over 10,000 kids, easing a burden to critical workers knowing that their children were safe and cared for while they did their jobs. We continue to run programming such as Positive Action, STEM, and Summer Brain Gain. The Clubs provided the means necessary for our kids to attend

classes remotely and provided tutoring and play time in this challenging environment. We also provided free meals for families who were struggling and that practice continues today. This amendment will help the clubs continue our programming and requires us to report back to the Interim Finance Committee about how these monies are spent. We appreciate your support of the clubs and ask for your consideration of this amendment. Thank you.

**Chair Carlton:**

Thank you, Ms. Adams. Are there any questions from the Committee members at this time of Ms. Adams? [There were none.]

**Susan Fisher, representing Nevada Blind Children's Foundation:**

I would like to mention that we do have waiting on the phone the CEO of Nevada Blind Children's Foundation, Emily Smith, in case there are some questions that I may not be able to answer.

We are respectfully requesting an appropriation of \$1 million for capital expenses [[Exhibit R](#)]. We are in the middle of a \$5 million capital campaign to expand services in Nevada for children ages birth to 22 years, who are blind or visually impaired. It includes a \$3.2 million purchase of our current location, which thankfully, we have just completed. It is a 12,000 square foot school facility in Henderson, Nevada, and we have \$800,000 planned in capital improvements, life skills training, accessible playground, and building maintenance fund. I will tell you that this investment in Nevada kids saves Nevada money in the long run. We estimate it saves probably—if we can teach these children and young adults life skills and work skills and help get them into different services also for workforce training—a million dollars per person over that person's life because they are able to be self-supporting.

This is an investment in Nevada's future that pays off in the long run. Thank you.

**Chair Carlton:**

Thank you, Ms. Fisher.

**Emily Smith, CEO, Nevada Blind Children's Foundation:**

As Susan Fisher mentioned, we received the first appropriation two years ago of a \$1 million investment and little did we know just how important that would be during COVID-19. We, too, remained open during that time and have been providing on-site learning for all of our students. Just imagine, if you will, being a parent of a student who is blind or visually impaired and having them being sent home to learn. You do not know braille, you do not know about this technology, and/or you have a child who has never used any of that adaptive technology and now has to access their education in a different way. We provided teachers for the individually impaired and specialists for our students throughout the year, and I am pleased to say our protocols kept those students safe. As mentioned, a few quick statistics for you. Nevada is one of seven states that does not have a designated school for the blind. That is where our Foundation fits in to meet that need and to work with the Clark County School District to provide additional support services. We are home of the only special needs licensed preschool in the state of Nevada. Our purpose is to change some sad statistics



that we have: only 37 percent of visually impaired adults have a high school diploma, and about 36.6 percent of visually impaired adults have full-time employment in our state.

Our purpose is to get our kids prepared so they can lead a fulfilled life in our community. What we do is called expanded core curriculum and it is very specific to blind and vision-impaired individuals, and it attaches to common core curriculum. It includes things like peer education, orientation mobility, independent living skills, assisted technology, compensatory access to education, communication modes, and things like that. Our goal is to start early and provide a comprehensive suite of services for our students and their families that will prepare them to lead an independent and fulfilled life.

**Chair Carlton:**

Thank you very much, Ms. Smith, for being available this evening.

**Chaunsey Chau-Duong, representing the Las Vegas Valley Water District:**

I have been in front of your Committee before, Madam Chair, so I will keep my remarks short and sweet.

In short, we have submitted a proposed conceptual amendment of \$2 million that will allow us to construct an ethnobotanical garden at the Las Vegas Springs Preserve [\[Exhibit S\]](#). This is a community-assisted effort to develop an interpretive experience for Springs Preserve guests that introduces them to the culture and uses of desert flora, as it relates to the indigenous peoples of Nevada, and will rely heavily on the development of community partnerships with local southern Nevada tribes to help guide the implementation of this garden. We believe that by educating the community on local ecology, planting and gardening strategies, and the spiritual relationship between indigenous peoples and the environment, we can help increase our connection and involvement in conservation efforts in southern Nevada.

We thank the Committee for allowing us to testify on this bill and on behalf of the 300,000 visitors and 30,000 school children who visit the Preserve on an annual basis. We would appreciate its support.

I do have one of my archeologists by the name of Nathan Harper on the phone if there are any additional questions. Thank you.

**Chair Carlton:**

Thank you. No questions there, but being familiar with the Preserve, could you describe approximately where the garden will be?

**Chauncey Chau-Duong:**

We have a variety of areas we are looking at. There is a current Native American scene there that we might supplement with this area—it is near the Origen Museum. We are looking at a variety of other places too. I would anticipate that the \$2 million given to us would allow us to complete the entire construction of the ethnobotanical garden.



**Chair Carlton:**

Thank you very much. And you have botanical garden designation, correct?

**Chauncey Chau-Duong:**

That is correct.

**Chair Carlton:**

Are there any questions from any Committee members at this time? [There were none.]

Is there anyone else wishing to come forward in neutral on Assembly Bill 355 at this time? [There was no one.]

I believe we can go ahead and close the hearing on Assembly Bill 355. I do know that there were conversations with some other groups. They were not able to attend this evening. We will continue those conversations as we move forward, but we do know there is a timeframe involved, so we will be sure and address that at the appropriate time.

We will go ahead and close the hearing on Assembly Bill 355 and open the hearing on Assembly Bill 447.

**Assembly Bill 447: Makes an appropriation to the Nevada Center for Civic Engagement to support the We the People: The Citizen and the Constitution Program in Nevada's schools. (BDR S-1047)**

**Shane Piccinini, representing the Nevada Center for Civic Engagement:**

I just want to say that the Nevada Center for Civic Engagement is an organization that has been a long time in the making. You know us first and foremost for the "We the People:" The Citizen and the Constitution Program that we run. But that is not the only thing we do. We also have the Project Citizen program and Assemblywoman Teresa Benitez-Thompson may be familiar with that program because in 2017 we brought a bill forward with a social worker intern that we used that curriculum for. We also have the Nevada History Project, we have Law Day, and once again, when it is safe for people to enter into the schools, I would like to bring back the Legislators in the Classroom Program, where we connect you with the schools in your district, elementary through high school, to give you an opportunity to talk about what you do and more importantly remind the students that law making and the Legislature are not these big scary things.

We have really grown this program over the years. It started out in the beginning with federal funding through the United States Congress. We are hoping that we might be able to get some of that funding back in the future. Then we moved over to the State Bar and then eventually we created the Nevada Center, which really is a better move for us.

With that, I will hand it over to Andy MacKay, and he can give you some additional details.

**Andrew MacKay, representing Nevada Center for Civic Engagement:**

Really brief history, and I will be quick because it is getting late. I am a proud alumnus of this program over a quarter of a century ago. I sat at, I believe, this table and competed. In short, in 2019, the Legislature generously provided much-needed funding to the Center to enable us to grow the We the People competition. Many of you that I am looking at right now either have children that have participated in it or have judged the competitions. I think the proof is in the pudding.

Just to give you a couple of real quick things in terms of what this funding went to, and you can look back at the report that we provided to the Interim Finance Committee, pursuant to the provisions of the appropriation from last session. But, just to give you an idea: training the teachers in order to educate them on this program and to get it into the classroom and into the student's brains and psyches. Eight teachers were there to facilitate at the summer institute, when 67 new teachers were taught in the curriculum.

With respect to coordinator stipends, those are the individuals who donate a ton of time, and they are the gears that make this bus move forward. They make sure everything is running on time, but most importantly, I think I would be remiss if I did not recognize Kathleen Dickinson. She is on Zoom and I will turn it over to her, because she is honestly the brains behind this. We are just the Board and our job is easy, to be honest. Kathleen can certainly explain a little bit more, but if we did not get that appropriation in 2019, I do not think this is hyperbolic in the least—what you have seen in growing and expanding this program across the state, literally in all corners, from McDermitt to Henderson, to Reno, to Elko, it does not happen without legislative support from 2019. We implore, beg, plead, grovel, that you will be able to give us the same thing this go around.

Before I shut up, Madam Chair, you are going to be missed.

**Chair Carlton:**

Thank you. With that, Ms. Dickinson, welcome to the Committee.

**Kathleen Dickinson, Program Director, Nevada Center for Civic Engagement:**

Thank you very much, Madam Chair. I would just like to add to my board members' comments that this program was able to run through COVID-19. We were able to attain Canvas and Zoom platforms and all kinds of ritual platforms because of the funding that you gave us. Throughout COVID-19 we were able to hold trainings, provide competitions, and we were able to go to McDermitt and do virtual and classroom hearings. We have gone to West Wendover, and we have been all over the state. It is a wonderful program for teaching

21st century skills: communication, confidence, all kinds of critical thinking, analysis, and it is a very important and crucial program for teaching civics, current events, and how it correlates to the U.S. Constitution, as well as to the Nevada Constitution. I am available for questions. Thank you very much.

**Chair Carlton:**

Thank you very much for all the work that you do and for being able to keep providing the services throughout the pandemic. I know that probably took a lot of effort. Thank you.

With that, Committee members, are there any questions at this time?

**Assemblywoman Tolles:**

This is more of a comment. My daughter changed schools just so she could be a part of the We the People program. She transferred in her junior year and then COVID-19 hit, and she was able to still participate. Over this past year, what would have been in her senior year an extremely depressing time for a particularly social young lady—We the People kept her going through the summer, through the fall, and just recently, a few weeks ago, I am proud to say that her school broke the barrier and won third in the nation. We have never in the state of Nevada made it into the top five, and you have literally changed her life. I just want to say thank you for what this program does and for what you have done for these students. Especially for what has been an extremely difficult year for our students and for how you have engaged them and how we have sent two teams from Incline and Reno High to nationals and they ranked 8th and 3rd place. We should be extremely proud of this program and the lives you have changed through it. I just had to say thank you on the record.

**Chair Carlton:**

Thank you very much, Assemblywoman Tolles. With that, any other questions or comments from Committee members at this time? [There were none.]

This is the hearing for Assembly Bill 447. I will go ahead and open up the hearing. Is there anyone in the room in support of Assembly Bill 447? [There was no one.] No one on Zoom. We will go to the phone line. Is there anyone on the phone line in support of Assembly Bill 447? [There was no one.] Is there anyone in opposition in the room? [There was no one.] No one on Zoom. Is there any opposition on the phone? [There was none.] Is there anyone in neutral on the bill? [There was no one.] No one on Zoom. Anyone in neutral on the phone line? [There was no one.]

I do not think there are any closing comments that need to be made. I believe we can go ahead and close the hearing on Assembly Bill 447.

With that we will go back to our order. The next bill that we have is Assembly Bill 371 (1st Reprint).

**Assembly Bill 371 (1st Reprint): Enacts provisions governing discrimination based on race. (BDR 34-697)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

Assembly Bill 371 (1st Reprint), in its briefest capacity, requires that if a student makes a claim of a racist act that was done at school, it would be investigated in the same exact manner as the existing bullying protocols that are already in place in school.

With that, there were originally fiscal notes that were placed on the bill, but per the amendment, which was adopted in the Assembly before it was voted out of Committee, all of those fiscal notes have since been removed.

I am open for questions.

**Chair Carlton:**

Thank you, Assemblywoman Miller. Have you provided the documentation on the removal of the fiscal notes to the Fiscal staff?

**Assemblywoman Miller:**

In some cases, some of the fiscal notes were unsolicited, so they are up on NELIS where they have not been zeroed out. And in other cases they are still working on it, but I do have emails from everyone.

**Chair Carlton:**

If you could please forward those emails to myself and to Fiscal staff to make sure we can attach them to the bill as it moves forward. It is always good to have it in writing and have it attached. Thank you very much.

Committee members, are there any questions of Assemblywoman Miller at this time? [There were none.]

This is the hearing for Assembly Bill 371 (1st Reprint). We will go ahead and open it up for those in support. Is there any support in the room, please?

**Annette Magnus, Executive Director, Battle Born Progress:**

Madam Chair, members of the Committee, I am here in support of Assembly Bill 371 (1st Reprint) and to thank Assemblywoman Miller for this important bill. By investing in legislation, this Committee will help bring solutions to racially motivated bullying and discrimination in schools. Too much of that is happening, so whatever we can do to address it is worth every penny. Thank you.

**Chair Carlton:**

Is there anyone else in support in the room? [There was no one.] There is no one on Zoom. Is there any support on the phone line?

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

I would like to echo the sentiments and the comments made by the previous testifier. We would like to thank Assemblywoman Brittney Miller for bringing this bill. As someone who experienced racial bullying growing up in our schools, this is a very important bill to make sure other kids in our school system do not experience it. Thank you very much.

**Maria Nieto Orta, representing Mi Familia Vota Nevada:**

I want to say that Mi Familia Vota Nevada is in full support of Assembly Bill 371 (1st Reprint) and we want to thank Assemblywoman Miller for bringing this bill forward. Thank you for your time.

**Chair Carlton:**

Thank you very much. Is there anyone else in support on the phone, please? [There was no one.] Is there any opposition in the room or on Zoom? [There was none.] Is there any opposition on the phone line? [There was none.] Is there anyone in neutral in the room or on Zoom? [There was no one.] Is there anyone on the phone line in neutral?

**Erika Castro, representing the Progressive Leadership Alliance of Nevada and the Nevada Immigrant Coalition:**

Good evening, Chair, and members of the Committee. I am with the Progressive Leadership Alliance and also testifying on behalf of the Nevada Immigrant Coalition in support of Assembly Bill 371 (1st Reprint). Our schools are meant to be safe learning environments, but they are not immune from racism and hate, which affect a student's ability to learn, their self-esteem, mental health, and feelings of safety at school. Racism is a learned behavior, and we must invest in actions to address that immediately in our schools. We urge you to pass A.B. 371 (R1) to support our students. Thank you for your time.

**Chair Carlton:**

Thank you very much. I believe we were in neutral on the phone lines. Is there anyone in neutral on the phone line?

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I think, yes, it is true, racism does exist; however, I am concerned this bill does not address all forms of non-European ethnic groups that have not heard of how this is going to prevent possible racism on people who originate from the Middle East and East Asia. Not to mention, keep in mind, that reverse racism can exist as well. People can be biased with people who are European descent as well. I think that any form of prejudice is absolutely wrong, and I believe one of the ways that we can handle it is we can give people the choice of whether they want to live in a diverse or homogenous society. That should be implemented all over the world. We thank you for bringing up this issue and I will yield my time.

**Chair Carlton:**

Are there any other callers in neutral? [There were none.] With that, Assemblywoman Miller, are there any closing comments? [There were none.]

I will go ahead and close the hearing on Assembly Bill 371 (1st Reprint). We can open the hearing on Assembly Bill 376 (2nd Reprint). I believe Assemblywoman Torres is coming through the door as we speak. Good evening.

**Assembly Bill 376 (2nd Reprint): Enacts the Keep Nevada Working Act and makes various other changes relating to immigration. (BDR 18-737)**

**Assemblywoman Selena Torres, Assembly District No. 3:**

I am here today to discuss a fiscal note attached to Assembly Bill 376 (2nd Reprint). For the sake of the Committee's time I will just dive right into the fiscal note, and for the purpose of today's presentation I want to remind the Committee that we will be working off the second reprint of A.B. 376 (R2). The Committee should note that the fiscal notes online are no longer applicable with the revisions, as the bill has been significantly amended in the Committee.

The fiscal note right now pertains to the appropriation of \$500,000 to the UNLV Immigration Clinic. The funds from A.B. 376 (R2) will be used to expand services in our community, most importantly to defend immigrant children and their families in deportation proceedings. At this time, I will defer to Assemblywoman Benitez-Thompson who will provide some additional remarks.

**Assemblywoman Benitez-Thompson:**

Thank you to the bill's sponsor, Assemblywoman Torres, because this has actually been a joy and a pleasure to work on, and I learned so much. I am quite excited about this so when I walk you through the fiscal note you are going to see that you have a document that is uploaded from UNLV's Immigration Clinic [[Exhibit T](#)]. The conversation with Assemblywoman Torres was about how can we help our helpers. We have folks in the community who are doing really great work, who are providing pro bono services to our immigrant community and we know we have populations in need. So, how do we help our helpers? The answer was to get more support to the UNLV Immigration Clinic. I had the pleasure of talking with Mr. Kagen and working through the program and had great support and help from the Nevada System of Higher Education (NSHE) to make sure that we were walking through this appropriately and how we were talking about the cost. You are going to see on page 1 [[Exhibit T](#)] a description of what the program is and within this you are going to see a reference to the intent of what is going to happen. We wanted to make it clear that this is not going to pay for faculty positions because we have already funded those. Instead, what it is going to do is allow for new direct service provisions and these positions will be able to help—for example, a paralegal position with people who directly defend immigrant children and their families.

Additionally, it is going to allow the UNLV Immigration Clinic to potentially pull down dollars from the Immigrant Justice Corps to place entry-level attorneys and paralegals into this. That is a fellowship program where they take—I will call them new "baby lawyers"—they take new fellows in and they house them there and then these are smart, amazing, graduates doing fellowship work to come in and work with this population.

When you look at page 2 and you start working through what the fiscal note is, you can see that we have the cost for year 1—it will be identical for year 2—and you can see they have laid out the payroll costs, rent, utilities, litigation expenses, insurance coverage, and staff development. Professional fees are \$250,000 in the first year. It would be those same costs in the second year, and that is where you are getting the total \$500,000 appropriation. You can also see below about the additional impact from that investment, and you can see how those dollars are coming in, as well. So, we believe this is a smart use of money and an exciting use of money.

At this point, I will turn it over to Mr. Kagan.

**Michael Kagan, Director, UNLV Immigration Clinic:**

I am really grateful to Chair Carlton and to Assemblywoman Torres for sponsoring this bill, and to Assemblywoman Benitez-Thompson for backing this and for supporting what we do at the UNLV Immigration Clinic.

I realize, and I have been told many times, that it is Ways and Means. I would love to spend a very long time talking about the great work that we do in the Clinic and especially about our clients and why this work matters. I will try to get as quickly as possible to the numbers. I want to state clearly that in terms of our role in the community, and particularly for immigrants and for mixed families in Nevada, what makes us unique is our focus on deportation defense. I usually tell people, you do not want to have us as your lawyer, because I do not want you to be in that position. So, when your back is against the wall, and people are facing deportation, we are typically and literally for people in immigration detention—the only phone number they can call, especially if they do not have means. The vast majority in immigration detention do not have the means to hire a lawyer, nor do unaccompanied children.

We focus on those two areas: detained people in Immigration and Customs Enforcement (U.S.) (ICE) immigration detention and unaccompanied children. Children are our largest group of clients. Most of child clients have been middle school or high school age, but we have had clients as young as three when they first walked in the door. Again, that is not something law school prepares you for very well. That is not a normal kind of client. Those children are victims of violence in their countries and often victims of child abuse as well.

The number you should realize before I get to the budget numbers, is 4 out of 5, or 80 percent. In data, at the Las Vegas Immigration Court, going back to 2001, when people have lawyers, 4 out of 5 times they avoid deportation, which shows that just because they are in immigration court does not mean that people need to be deported. But when people do not have lawyers, 4 out of 5 times, they are ordered to be deported. The exact opposite. That is why it is so essential to make sure that the most vulnerable people have lawyers in this process.

Why is this a matter for the state? The reason is that these cases cost the state money. When someone from Nevada is deported, that means that a family loses a breadwinner, that means

that a child loses a parent, that means that children are more likely to go into foster care, and that means that schools may have additional costs for interventions to help that family. I hope for the sake of child safety that is ultimately the state's responsibility and that is why it is important for us to do that work.

When we are successful, particularly for an adult in immigration detention, we are often able to get people out of detention and permission to work legally. That means that they will be self-sufficient, and it also means they will pay taxes. A similar program to ours in New York City generated more than \$1 million in new tax revenue by helping people be able to work legally who otherwise would have been detained, making a family dependent.

The last thing I want to cover is what we will do—although Assemblywoman Benitez-Thompson has already covered that quite well—this would be a foundational and transformative investment from the state. In our work, it would be the beginning of something bigger. We would open a new community advocacy office off campus that was more accessible to the community. Most of the expenses would be used to hire two new staff members. By doing that we believe we can leverage that with our partnership with the Justice Court who are aware of this initiative right now to bring in two additional lawyers. That is just at the beginning and we hope over time that this will be able to grow. The \$500,000 investment over two years might be more like \$900,000 in impact.

In closing, this is essential for the community in which we live, for our neighbors, and generally, through the value that when someone's family is in jeopardy they should not stand alone. I will close there, and I am happy to answer questions and have the opportunity to talk about our work at the UNLV Immigration Clinic.

**Chair Carlton:**

Thank you very much. Are there any questions from Committee members?

**Assemblywoman Tolles:**

I am just curious reading through the bill—it seems like so much of this would fit under the Office of New Americans—so I am just wondering why we are creating this under the Office of the Lieutenant Governor and with the Attorney General?

**Assemblywoman Torres:**

Thank you for the question. We had conversations about putting it under the Office of New Americans and we decided it worked well under the Office of the Lieutenant Governor, because not only did they have the staffing to ensure that we provided the taskforce, they had the means to start getting grants to establish this taskforce. Additionally, they do overseas small businesses and so a lot of this conversation is going to be about economic development and small businesses. You will note that one of the members of the committee is appointed by the Office of New Americans or the Governor, and I imagine that the Office of New Americans would be rather participatory. We do not want to overextend their staffing. We have a number of other pieces of legislation that are going to be putting more work on the



Office of New Americans, so we want to make sure what we are doing makes sense, but keeps them a part of the conversation.

**Chair Carlton:**

Are there any other questions from Committee members at this time? [There were none.] Thank you very much Assemblywoman Torres and Assemblywoman Benitez-Thompson. With that, this is the hearing for A.B. 376 (R2). I will go ahead and open it up for those in support of this bill.

**Kanani Espinoza, representing the Nevada System of Higher Education:**

The Nevada System of Higher Education (NSHE) and the University of Nevada, Las Vegas (UNLV) would like to express their support and thank the Committee for listening to the presentation and considering the appropriation. Thank you.

**Bruno Landivar, representing the Nevada Hispanic Legislative Caucus:**

On behalf of the Caucus, I would like to express our support for A.B. 376 (R2). Thank you for your time.

**Gillian Block, representing the Legal Aid Center of Southern Nevada:**

The Legal Aid Center of Nevada works closely with the UNLV Boyd School of Law Immigration Clinic. I am also very proud to have worked as a student attorney at the Immigration Clinic, which was one of the most meaningful experiences of my law school career by far. I want to put our support on the record. Immigrants are an essential part of the fabric of our communities and we support A.B. 376 (R2). Thank you.

**Holly Welborn, Policy Director, ALCU of Nevada:**

I think what Ms. Block failed to say is that she has participated in the Clinic as a student at the Boyd School of Law. It has been really incredible to see her legal journey and to see the lawyers that enter our community as part of the UNLV Immigration Clinic. It is a policy failure that we do not provide legal counsel—that we have not declared legal counsel a right—in immigration proceedings. You have an opportunity to take a step forward by passing this bill and appropriating these funds to this program. We have our full support behind this, and we thank Professor Kagen for his program, the students in that program, and the lawyers that he builds and develops, because they are really the only line of defense that a lot of families have. Thank you.

**Chair Carlton:**

Is there anyone else in the room in support of A.B. 376 (R2)? [There was no one.] There is no one on Zoom in support. Is there anyone on the phone, in support?

**Maria Nieto Orta, representing UndocuCouncil:**

The UndocuCouncil is a subcommittee of the Nevada Immigrant Coalition, and we are in full support of A.B. 376 (R2). I have mentioned before that the UNLV Immigration Clinic provides deportation legal funds to the College of Southern Nevada and UNLV students and their families. As someone who has been directly impacted by the financial burden of the

long-lasting immigration defense proceedings, I urge your support of this bill. Even during the unprecedented COVID-19 pandemic, families have suffered and deportation has not been halted throughout it. We ask the Committee to fully support A.B. 376 (R2) and thank you for your time.

**Joseline Cuevas, representing Mi Familia Vota:**

Mi Familia Vota is proud to support A.B. 376 (R2). We also want to thank Assemblywoman Torres and all the sponsors for the bill. Thank you for your time.

**Chair Carlton:**

Thank you very much. Is there anyone else in support of the bill on the phone, please.

**Melody Judilla, Deputy Director, Silver State Voices:**

We are in strong support of A.B. 376 (R2). We especially support the appropriation to the UNLV Immigration Clinic to provide pro bono work that will directly impact the people. At Silver State Voices we believe in putting marginalized and impacted people at the forefront, and this bill will provide the resources to do just that. We ask you for your support. Thank you.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

I am also testifying on behalf of the Nevada Immigrant Coalition in support of A.B. 376 (R2). We will just ditto the previous remarks and urge your support of this legislation. Thank you.

**Rico Ocampo, representing Make Well Nevada:**

Today, I am testifying on behalf of our members in support of A.B. 376 (R2). We know that in Nevada immigration courts there is no federal government-provided public defender system, even for unaccompanied children fleeing violence. Ultimately, it is for a judge to decide what happens to each case in immigration court, but a fair decision cannot be reached when only one side is properly represented. Denying legal services to those that may need them the most contradicts our values of due process and fairness. When public resources invested in immigrant legal defense go back into the community, including into local tax revenues, they reduce the costs of separating families. For example, a study in New York City found that immigrant legal defense led many more people to obtain legal employment, which generated new tax revenue for local government by investing in legal access to be processed. Deportation defense accesses a more equitable vision of justice which is why I urge this Committee to support A.B. 376 (R2).

**Chair Carlton:**

Thank you very much. We are just about at the end of support, so I am going take one more and if there are any others on the phone line, then I would like to ask them to submit their support in writing to be included in the record.

So, with that, is there anyone else in support?

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

I would like to say "ditto." Thank you.

**Chair Carlton:**

Thank you very much. We appreciate that.

With that, we have done support. Is there anyone in opposition in the room? [There was no one.] There is no one in opposition on Zoom. Is there anyone in opposition on the phone line, please?

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

As far as I know, this is just a taxpayer funding services for unauthorized immigrants. People who have failed to follow our immigration law. I was told that these folks are not a burden to our country, however, this bill proves otherwise. This bill, although it shows that people who fail to follow our immigration laws, and yes, I understand that the process is very tough, both of my parents came here as immigrants, with lawyers and everything. However, it is unfair to the people who have followed the law just like them. This also brings the incentive for more people—given the fact that we have a border crisis—to come in and bring their children and the problem will continue to grow.

Instead, what we should be doing, is we should be auditing and fining employers to find out where these people are employed and we also have to make sure to fight against birthright citizenship, which Harry Reid was against in 1993, which prevented these families from separating. This means that there is a lot of jobs that are offered to American citizens, not to mention the welfare burden, which their children can get has gone down and schools are less likely to be crowded. And I also believe remittances should be taxed as well. We appreciate the efforts that are trying to help and serve the community. We understand that jailing and deportation is tough, however, it should be done more effectively.

But worst of all, I believe the goal is not to serve the community but is to pursue a political agenda to basically get long-term outcomes and politicians in and serve the benefit of Wall Street. We have seen similar efforts in the state of California and many cities. Guess what? Taxes are sky-high. I do not want to see Nevada become another California in so many different ways. I have lived there for 25 years and you can see companies fleeing. Other than that, this is giving more tax . . .

**Chair Carlton:**

If you could wrap up, please. Your two minutes have expired. Please wrap up.

**Cyrus Hojjaty:**

Failed to follow our immigration law, and I urge you all to vote no on this bill. Thank you so much. I appreciate it.

**Chair Carlton:**

Is there anyone else in opposition on the line, please.

**Eric Spratley, representing the Nevada Sheriffs' and Chiefs' Association:**

The Nevada Sheriffs' and Chiefs' support Nevada's immigrant workers and all of our Nevada residents, taxpayers, and businesses. We do not oppose the taskforce or any appropriations. We do oppose the potential of an unfunded mandate created by section 20.6 in A.B. 376 (R2). It requires law enforcement agencies to adopt model policies created by the Attorney General. While these policies might possibly end up being applicable policies for every Nevada law enforcement agency—and there are hundreds—each Nevada law enforcement jurisdiction is different and unique. Law enforcement leaders across Nevada are elected or appointed by the people of that jurisdiction and, as such, their local law enforcement operations have policies which reflect how those Nevada residents want their jurisdictions to function. There are no fiscal notes applicable to this section, as there is no way to determine how many policies may come out of this endeavor. But, adopting policies is not something as simple as copying and pasting onto an agency letterhead. It takes personnel hours and legal evaluation at the local level to make sure a policy can be implemented appropriately. Even if the local law enforcement agencies choose not to adopt the policy per the provision in section 20.6 (2)(b), the personnel hours and, most likely, the legal evaluation must still be done to ensure the law enforcement agency is on good footing to make that determination.

To avoid this future potential and unfunded mandate we oppose A.B. 376 (R2). This Committee has yet to support our position on anything, but we thought we would get on the record anyway. Thank you, Madam Chair.

**Chair Carlton:**

Thank you, Mr. Spratley, but I do not think you need to call out the Committee or make it personal. The Committee works on issues and brings things to a vote and that is how the process works. Thank you very much.

Is there anyone else in opposition on the phone line?

**Janine Hansen, State Chairman, Independent American Party of Nevada:**

Assembly Bill 376 (2nd Reprint) includes an appropriation for \$500,000 to the Boyd School of Law to pay legal fees for illegal aliens to be paid for by taxpayers. Nevada taxpayers already pay exorbitant taxes to support illegal aliens. The Federation for American Immigration Reform (FAIR) estimates the annual fiscal burden on Nevada's taxpayers associated with illegal immigration to be about \$630 million. That was in 2008.

This equates to an annual average cost of about \$763 per native-born headed households in the state of Nevada. In addition, there is a cost to the state's economy resulting from remittances sent abroad that amounted to \$618 million in 2006.

According to the Center for Immigration Studies, 62 percent of households headed by illegal immigrants use one or more welfare programs. Originally A.B. 376 (R2) contained honest language restricting law enforcement from all cooperation with federal immigration. Although, that portion of the bill was amended out, the current bill does the same thing but behind the backs of Nevadans, by having the Attorney General publish model policies for

limiting to fullest extent possible, immigration enforcement. This is nothing but a stealth sanctuary state bill protecting illegal aliens and jeopardizing the safety of Nevadans.

Assembly Bill 376 (R2) also creates a deceptively named "Task Force to Keep Nevada Working" for illegal aliens. What about citizens—legal citizens of Nevada who are out of work and have lost their jobs and businesses during this emergency? The task force will be made up of illegal alien friends including immigration advocacy groups, labor unions, legal interests, and faith-based and advocacy, which focuses on immigration and criminal justice. Who will represent the interests of Nevada taxpayers and other working Nevadans? Please vote no on A.B. 376 (R2), sanctuary state legislation. Thank you.

**Lynn Chapman, State Treasurer, Independent American Party of Nevada:**

We should be using our state's resources and tax dollars for Nevada citizens, especially with the pandemic problems we have had for over a year. Americans have lost their jobs, businesses, and sometimes, even their homes. And now we are looking at taking even more money from the taxpayers to spend on defending people who are in our country illegally. You want us to pay for a task force to keep America working, which does not include Americans, but only includes people from all around the world here illegally in our country. This is offensive, especially to all Nevadans, who are struggling. How much more money in the future will be needed for this and more programs for illegals? This is not a good bill for taxpayers or Nevadans. Please oppose A.B. 376 (R2). Thank you.

**Chair Carlton:**

May we have the next caller in opposition, please. [There was no one.] Is there anyone in neutral in the room? [There was no one.] There is no one on Zoom. Is there anyone in neutral on the phone line? [There was no one.] Assemblywoman Torres or Assemblywoman Benitez-Thompson, do you have any closing comments?

**Assemblywoman Torres:**

I will keep my closing remarks brief because I am sure you would like to move on to the next piece of legislation. I just want to clarify that there is no fiscal note on the implementation of the task force because the Office of the Lieutenant Governor will be seeking grants to run that. Additionally, for the portion related to the Attorney General working with local law enforcement, I just want to make the record abundantly clear that in section 20.6 of the legislation, subsection (2)(b), it does give local law enforcement agencies the ability to opt out from adopting the model policies. Over the recent months we have seen local law enforcement agencies asking, even in interviews with the media, for there to be model policies and expressing distress that there were no model policies. This would give the opportunity for them to create model policies and local law enforcement agencies could choose to adopt those if it was so appropriate.

**Chair Carlton:**

Thank you, Assemblywoman Torres. With that, I will go ahead and close the hearing on A.B. 376 (R2) and I will open the hearing Assembly Bill 382 (1st Reprint) and invite Assemblyman Watts to the table.

**Assembly Bill 382 (1st Reprint): Revises provisions relating to student education loans.  
(BDR 55-116)**

**Assemblyman Howard Watts, Assembly District No. 15:**

Assembly Bill 382 (1st Reprint) briefly establishes the student loan bill of rights. Essentially what it does is both establishes some affirmative rights for student borrowers located within the state, as well as practices that student loan servicers must abide by in order to provide an enforcement and kind of regulatory mechanism around that. It creates a licensing structure within the Division of Financial Institutions (FID) of the Department of Business and Industry. That is the high-level version of the bill. There are a few provisions that also relate to other educational institutions which involve the Commission on Postsecondary Education. Those are the two primary fiscal notes that the Committee will see. I will indicate that following the adoption of the amendment, so the first reprint, which all members should have a copy of, the FID submitted an unsolicited updated fiscal note that also includes projected revenues, as well as where the expenses and revenues would balance out to. I will also briefly note that you should have on your desks a conceptual amendment that I have proposed [[Exhibit U](#)].

After talking with the Commission on Postsecondary Education, I believe we have Ms. Wuest available by Zoom to provide additional details if requested. Essentially what this does is adjust some of the fee schedules related to the Commission in alignment with, particularly, Colorado, which has a similar regulatory structure in order to mitigate the ongoing costs in the Commission's submitted fiscal note.

The other major item they had was an Information Technology (IT) project, and I wanted to note for the Committee that project actually was approved by the 2019 Legislature. It was something we had to remove in 2020 as a budget reduction measure, and it was not included in the recommended budget for the 2021-2023 biennium. It was something that was previously identified as a need for our state. With that, I will conclude, and I am happy to take any questions you have.

**Chair Carlton:**

Any questions of Assemblyman Watts at this time? Not seeing any, we will go to Ms. Wuest. Did you have some comments?

**Kelly Wuest, Administrator, Commission on Postsecondary Education:**

We had spoken to Assemblyman Watts about how we could offset some of these costs. Our first-year projections for revenue equal \$124,000 and that will reduce down the cost to \$395,073, and in the second year our projections will actually give us a positive result of \$4,445 above what the cost will be to operate the program.

**Chair Carlton:**

Thank you very much. Are there any questions of any Committee members at this time?

**Assemblyman Hafen:**

How were the fees developed?

**Kelly Wuest:**

We have a normal fee structure. Every year I am required to give a projection budgetarily, and they are based on our historical numbers. Some of the areas where we are dividing out per-student cost I am able to determine what fee was paid by a college and university versus a noncollege degree program. We are able to use our current data to come up with these numbers.

**Assemblyman Watts:**

I do not know if what he meant was how was the proposed fee schedule developed, and Ms. Wuest may be able to elaborate on that, as well. But, essentially it was looking at what structures exist in some other states, as well as looking at how implementing some of those various structures that we have seen in other areas could be used to balance out the costs, so there was no need for an additional state General Fund appropriation.

**Assemblywoman Tolles:**

We have had some good discussion about this legislation. I did have some concerns initially when we sat down the first time you introduced this, with the fees, and we talked about how that was standard for this, but I noticed in the amendment [[Exhibit U](#)] we are doubling the fees. Could you just expand on why we doubled them? Is that purely to get rid of the fiscal note, or to reduce the fiscal note, because those are substantially more?

**Assemblyman Watts:**

Thank you for that question, Assemblywoman Tolles. I would like to defer to Ms. Wuest. She has some additional background on these various fees. Many of them have not been updated in some time, and that factors into the decisions for some of the adjustments. Again, one of the other considerations was trying to find a way to allow the Commission to be self-sustaining without needing to bring in additional General Fund dollars. So, once we had the proposal, I wanted to bring it before the Committee for your consideration.

**Kelly Wuest:**

The only fee that we have that actually doubled is the initial application for licensure. Nevada actually has more applications than other agencies of our size across the United States. How are we planning to offset this is for a small business owner that may open up a very small school that will have less than 100 people is we plan on going back to the *Nevada Administrative Code* (NAC) and changing some of the requirements for the CPA Review or audited financials and give them options to provide tax records and do some other statements and not have that burden of expense which ranges from about \$2,500 to \$5,000. For the small business, it will actually come out ahead in the long run and colleges and universities, which have more resources, would be able to pay the additional costs.

There are a couple of new proposed areas: one of them is in the experiential learning category. Right now, an institution that operates outside of the state of Nevada pays a one-

time fee. They pay no other fees, and we do have to maintain that license, and this would create a charge where they would have a renewal and offset some of those costs.

**Chair Carlton:**

Are there any other questions from the Committee members at this time? [There were none.]

Thank you, Assemblyman Watts. This is the hearing on Assembly Bill 382 (1st Reprint). We will open it up for public testimony. Do we have anyone here in support of A.B. 382 (R1)? [There was no one.] There is no one on Zoom. Do we have anyone on the phone line wishing to testify in support? [There was no one.]

In the room, do we have anyone in opposition?

**Susan Fisher, representing Sallie Mae and Discover:**

Our opposition is more on the policy side, so I apologize. I did want to get it on the record that we do oppose the bill. We feel there could be some negative impact to borrowers down the road. There are going to be some increased costs to them and also there may be fewer services available to them because of the additional language that is going in. Thank you.

**Chair Carlton:**

Is there any other opposition in the room? [There was none.] There is no opposition on Zoom. Is there any opposition on the phone line?

**Mary Dwyer Pembroke, representing Discover Financial Services:**

I work for Discover Financial Services. Thank you, Chair Carlton and Committee members. Every year Discover makes hundreds of private student loans in Nevada, and our total default rate across the country is less than 1 percent. Discover opposes Assembly Bill 382 (1st Reprint) in its current form. The current language exempts only federally chartered banks, though Discover shares many of the federal regulators with those banks. If Assembly Bill 382 (1st Reprint) is enacted, Discover will no longer be able to loan to Nevada families because we cannot meet a notification requirement in the bill.

The cost to Nevada if Discover can no longer lend in the state will be other players entering the market, some without the vigorous state and federal regulations that Discover has. Some of you may have heard the language in A.B. 382 (R1) has been passed in a dozen other states. That is not factual. In fact, the states of Virginia, Illinois, Massachusetts, and Colorado, all Democratically led state legislatures, have amended their legislation with the necessary exemptions that Discover needs to be able to continue to work in those states. We have supported those bills.

Assemblyman Watts was trying to meet with us, and we provided him language that has a very simple fix to A.B. 382 (R1). We are happy to share that language with each of you, as well. Thank you for your consideration tonight.



**Chair Carlton:**

Thank you. The next caller in opposition, please. [There was no one.] Is there anyone in neutral in the room? [There was no one.] Mr. Sewell, are you here on this bill or on the next bill?

**Christopher Sewell, Chief Operating Officer, Department of Employment, Training and Rehabilitation:**

I want to be really fast and thank Assemblyman Watts for working with the Department and especially the Commission on Postsecondary Education, on this bill. That is all I wanted to say.

**Chair Carlton:**

Is there anyone on the phone line wishing to testify in neutral? [There was no one.]

Assemblyman Watts, do you have any closing comments?

**Assemblyman Watts:**

Thank you. I will be very brief. Madam Chair and members of the Committee, thank you for your consideration. Just a brief note: in opposition I have talked with Sallie Mae and Discover and a couple of entities about their concerns and I believe, wholeheartedly, that the provisions of this bill should apply to everyone. There have been some that have come seeking to be carved-out of the legislation. I welcome any technical changes and, in fact, some of the pieces that were referenced, we actually tried to model the legislation around best practices from Sallie Mae, and not to put any additional requirements on entities such as Discover. If there is actually language that will clarify those provisions to make sure that those things line up, I continue to welcome that and will continue to work with people who may have concerns. Thank you for your time.

**Chair Carlton:**

Thank you very much. With that, we will close the hearing on Assembly Bill 382 (1st Reprint).

We will open the hearing on Assembly Bill 411 (1st Reprint). Welcome Assemblywoman, please proceed.

**Assembly Bill 411 (1st Reprint): Makes changes to provisions governing fuel. (BDR 51-1022)**

**Assemblywoman Tracy Brown-May, Assembly District No. 42:**

The policy of this bill enables the sale of E15 gasoline in Nevada, which is currently restricted. The fiscal note was placed on the bill because of the original date provisions for the enactment of this piece of legislation. It was amended before it came out of Committee, now enacted July 1, 2022, and as a result the fiscal note was removed.

The original fiscal note was placed by Greg Lovato, Administrator of the Nevada Division of Environmental Protection. You will see in NELIS that he has uploaded a letter identifying that there is no longer a fiscal impact to this legislation [[Exhibit V](#)].

**Chair Carlton:**

Thank you very much. Are there any questions from Committee members? [There were none.]

This is a hearing for Assembly Bill 411 (1st Reprint). I am going to open it up. Is there anyone here in support of A.B. 411 (R1)?

**Matt Walker, representing the New Fuels Alliance:**

I just want to thank Assemblywoman Brown-May for her hard work on this bill, and would appreciate your support. Thank you.

**Chair Carlton:**

Thank you very much. Is there anyone else in support in the room? Seeing no one on Zoom, is there anyone in support on the phone line? [There was no one.] Is there anyone in opposition in the room? [There was no one.] Seeing no one on Zoom, is there anyone in opposition on the phone line? [There was no one.] Is there anyone in neutral in the room?

**Elliott Malin, representing the Nevada Petroleum Marketers and Convenience Store Association:**

We are neutral on bill, and we want to make sure we have it on the record that the Nevada Administrative Code through the Department of Agriculture allows for the Department to do this. We have a few concerns with pre-2007 cars and this fueling and just labeling, which I think we can work through, as well as storage tanks and their ability to hold higher alcohol content. We look forward to being part of the regulatory process and thank you very much.

**Chair Carlton:**

Thank you very much, Mr. Malin. We appreciate your professionalism.

That is neutral in the room and there is no neutral on Zoom. Is there any neutral on the phone line, please? [There was none.]

Assemblywoman, any closing comments?

**Assemblywoman Brown-May:**

I wanted to put on the record that we are happy to continue to work with the proponents that are in support of this bill to enable all the regulations necessary to safely deploy E15 gasoline throughout the state.

**Chair Carlton:**

With that we will go ahead and close the hearing on A.B. 411 (R1). Committee members, I think you are about to cross the finish line. The last bill for this evening is Assembly Bill 427 (1st Reprint), but do not get too excited because right after we do the bill we are going to do work session on some bills to keep things moving.

I will open the hearing on Assembly Bill 427 (1st Reprint). Do we have someone here to present Assembly Bill 427 (1st Reprint)?

Good evening, Mr. Sever, how are you, and Ms. Davey?

Ms. Davey, if you would proceed please.

**Assembly Bill 427 (1st Reprint): Revises various provisions relating to driving under the influence of alcohol or a prohibited substance. (BDR 43-373)**

**Amy Davey, Administrator, Office of Traffic Safety, Department of Public Safety:**

The Department of Public Safety, the Department of Motor Vehicles, and the Department of Transportation want to thank Chairman Yeager and Assemblywoman Nguyen, and the Assembly Judiciary Committee for working with us to address technical corrections to legislation from the 2019 Session that have resulted in compliance issues for several requirements related to the repeat DUI offenders.

The crux of Assembly Bill 427 (1st Reprint) is to make corrections to DUI statutes to conform with 23 CFR 1275, also referred to as section 164. Also included in this bill are proposals related to the use of ignition interlock devices and 24/7 sobriety programs. The bill also had some input related to DUI sentencing from Judge Scott Pearson at the Reno Municipal Court.

The fiscal notes posted in NELIS are zero-dollar fiscal notes. I believe that the fiscal impact to the state that is recognized in this bill is probably—the latest one is called the penalty transfer tax, which exists because of the issues of compliance with federal requirements. This impacts the Department of Transportation highway construction funds. That is the gist of the bill. There may be some questions about components related to DMV licensure. I will defer to Mr. Sever on those, and then I will try to answer on behalf of NDOT. I do not believe that they are present this evening.

**Sean Sever, Administrator, Division of Management Services and Programs, Department of Motor Vehicles:**

This bill will simplify the DMV administrative hearing process, as well as clarify existing language to help the program be easier to understand, which is a good thing. We did submit a fiscal note on the bill of no impact because we are willing to absorb the programming hours and additional workload with existing staff. Thank you for your time tonight.

**Chair Carlton:**

Mr. Sever, did you just say that you are going to absorb programming hours at the DMV?

**Sean Sever:**

I did.

**Chair Carlton:**

Would you mind submitting that in writing? With your next PowerPoint, please. I have been in this building too long—things have truly changed.

Committee members, are there any questions of Mr. Sever? What I would like to understand is what is the problem you are trying to fix?

**Amy Davey:**

The crux of the problem has to do with what is known as repeat offender DUI laws and federal requirements. In the 2019 Session, legislation was passed that triggered a noncompliance situation. We were notified of this noncompliance and as such, Nevada's federal highway funds through NDOT are subject to what is called a penalty transfer. The Department of Transportation is required to transfer in the first year of the noncompliance, \$8.1 million out of construction and infrastructure funds into other required programs related to this DUI noncompliance. Additionally, we have been working with DMV over the last two biennia to address some improvements in the ignition interlock program, to bring 24/7 programs. Assemblywoman Tolles sponsored some legislation last session and so we are continuing to work on the language in those programs to bring those into conformance with National Highway Traffic Safety Administration standards and practices.

The crux of this is to address that noncompliance issue.

**Chair Carlton:**

Thank you very much. When it gets this late, I just need it spelled out for me and that way I have it.

Committee members, are there any questions? So, are the noncompliance portions of the bill generating the two-thirds vote? That would be section 11, or is that another issue?

**Amy Davey:**

I am not knowledgeable enough to be able to answer what the ins and outs of it are. I apologize.

**Chair Carlton:**

That is perfectly fine—we do not mind that at all. We would much rather have that answer. We will investigate it and move forward to make sure that we understand the different components of the bill.

Mr. Sever, did you have any other comments?

**Sean Sever:**

No thank you, Chair Carlton.

**Chair Carlton:**

Thank you very much. We appreciate you being here this late in the evening. So, with that, Committee members, not seeing any questions at this time for the presenters. This the hearing for Assembly Bill 427 (1st Reprint).

I will go ahead and open it up. Is there anyone in the room in support of Assembly Bill 427 (1st Reprint)? [There was no one.] There is no one on Zoom. Is there anyone on the phone line in support of Assembly Bill 427 (1st Reprint)? [There was no one.] Is there anyone in the room in opposition? [There was no one.] No one on Zoom. Is there anyone on the phone in opposition? [There was no one.] Is there anyone in the room in neutral? [There was no one.] No one on Zoom. Is there anyone in neutral on the phone line? [There was no one.]

Are there any closing comments? I do not believe so—I think we are good.

Committee members, I will close the hearing on Assembly Bill 427 (1st Reprint). We have made it through the agenda today, but everybody hold tight. We need to get some bills moved so that the process can keep rolling.

**Chair Carlton:**

Thank you for your patience, Committee. We have gone from having a list to having a pile.

I will go ahead and start and I will definitely stand to be corrected, Ms. Coffman, if I go down the wrong path.

Just for the Committee's edification, we are looking at Assembly Bill 230 (1st Reprint), Assembly Bill 224 (1st Reprint), Assembly Bill 247 (1st Reprint), and Assembly Bill 270 (1st Reprint). Assembly Bill 280 (1st Reprint) will wait because we have to amend any appropriation and we have to make sure the numbers are correct. The election bills will be moved this evening, and that would be Assembly Bill 126 (1st Reprint), Assembly Bill 321 (1st Reprint), and Assembly Bill 422 (1st Reprint). Also, we will move Assemblyman Frierson's Assembly Bill 220 (1st Reprint) this evening. We will move Assembly Bill 371 (1st Reprint). Assembly Bill 376 (2nd Reprint) has an appropriation and needs to wait until tomorrow to put the appropriation in it. We will move Assembly Bill 411 (1st Reprint). Assembly Bill 422 (1st Reprint) is one of the elections bills and we will move that. I am still

confused by Assembly Bill 427 (1st Reprint) so I am going to hold that one for a minute to make sure that I have a thorough understanding of it. Then, we will move Senate Bill 450. I believe that will pretty much clear our decks so that things can keep rolling right through. We will go ahead and start with A.B. 230 (R1).

An amendment was proposed on A.B. 230 (R1), and I will ask Ms. Coffman to go through the bill.

**Assembly Bill 230 (1st Reprint):   Revises provisions relating to juvenile justice.  
(BDR 5-791)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 230 (1st Reprint), as amended, revises the jurisdiction of Juvenile Courts. The bill provides that sexual assault and attempted sexual assault involving the use of, or threatened use of, force or violence, an offense or attempted offense involving the threatened use of firearms, be under the jurisdiction of the Juvenile Court, rather than the criminal justice system. In addition, the mandatory certification of a child as an adult for these offenses is eliminated and instead provides measures for the discretionary certification of a child as an adult for all the offenses over which the juvenile court has exclusive jurisdiction.

I would point out there was a conceptual amendment that was presented by Assemblyman C. H. Miller to delete section 7.5 in its entirety, which required an interim study of housing for youthful offenders. I believe, Madam Chair, that is the only amendment.

**Chair Carlton:**

Committee members, are there any questions on Assembly Bill 230 (1st Reprint). That is one that we did hear a while back, but did need some work, and then with the conversations about studies this session we realized what our limitations will be, so the Assemblyman graciously accepted the suggestion to eliminate the study from the bill.

Are there any other questions or concerns on Assembly Bill 230 (1st Reprint)? The motion on this bill will be an amend and do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 230 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Assembly Bill 224 (1st Reprint): Provides for access to menstrual products in certain public schools. (BDR 34-767)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 224 (1st Reprint), as amended, provides for access of menstrual products for each middle school, junior high school, and high school in each school district and certain charter schools. The products must be made available at no cost to pupils. Among other things, the board of trustees of each school district and the governing bodies of applicable charter schools must develop plans to address the lack of access to menstrual products due to affordability and provide equal access to such products. There was an amendment that was recommended and it provides that middle schools, junior high schools, and high schools in each school district would provide 25 percent of certain charter schools with the same sponsor that operated middle schools, junior high schools, and high schools to provide menstrual products at no cost to pupils in certain restrooms.

**Chair Carlton:**

Ms. Coffman, if I could stop you for a moment, I believe that is encapsulated in the amendment that was already adopted in the policy committee.

**Sarah Coffman:**

I apologize. I think I have a mock-up.

**Chair Carlton:**

I apologize then. That is the proposed amendment at this time.

**Sarah Coffman:**

Madam Chair, that is correct.

**Chair Carlton:**

I misunderstood. Thank you.

**Sarah Coffman:**

With regard to the fiscal notes, both Washoe County and Clark County provided testimony related to the cost associated with each of the school districts and there was no one available from the Department of Education to speak to their fiscal note. However, they had provided a fiscal note of \$10,000 in FY 2022 and \$5,000 in FY 2023.

**Chair Carlton:**

Thank you very much. Let us hold on for just a second.

I believe the amendment that we are discussing is the free and reduce lunch component that was proposed? Too many amendments.

**Sarah Coffman:**

Madam Chair, I apologize, that is correct. The amendment amends section 3.3 and indicates that in the immediately preceding consecutive years that had the highest percentage of pupils who received free and reduced lunch in the school, in the school districts, or charter schools of the same sponsor in relation to the 25 percent of the middle schools, junior high schools, and high schools that would be eligible for this service.

**Chair Carlton:**

Thank you very much. Committee members, I think we have it clarified now. Are there any questions from any of the Committee members at this time? [There were none.]

We are working off of a first reprint, so this would be an amend and do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 224 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

We will hand these back to the sponsors of the bills to handle on the floor. That will be our general theory going for now.

Moving on to the next bill, Ms. Coffman.

**Assembly Bill 247 (1st Reprint): Revises provisions relating to the Western Regional Education Compact. (BDR 34-472)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 247 (1st Reprint), as amended, revises various provisions relating to the Western Regional Education Compact. Specifically, it deletes certain provisions concerning interest rates, payback provisions and penalties, and requires three Nevada State Commissioners, acting jointly, adopt regulations governing these matters. With regard to the fiscal impact, section 14 removes the requirement that 25 percent of the professional student exchange program support be repaid by participants. The Nevada office of the Western Interstate Commission for Higher Education estimates lost revenue would equal approximately \$409,892 in future biennia.

**Chair Carlton:**

Are there any questions or comments from the Committee at this time on Assembly Bill 247 (1st Reprint)? [There were none.]



We are working from a first reprint, so this would be an amend and do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 247 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion?

THE MOTION CARRIED UNANIMOUSLY.

**Chair Carlton:**

Assemblywoman Benitez-Thompson, that one is yours on the floor.

Moving on to the next bill which would be Assembly Bill 270 (1st Reprint).

**Assembly Bill 270 (1st Reprint):** Revises provisions governing the preservation of the Nevada State Prison and the Stewart Indian School. (BDR 18-646)

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 270 (1st Reprint), as amended, requires that any money received for special events held at or on the buildings or grounds of the former Stewart Indian School be credited to the Nevada Indian Commission's Gift Fund to carry out programs to preserve and maintain the building and grounds of the former Stewart Indian School. I would note that the fiscal notes that were provided by the Department of Corrections have been addressed with the amendment.

**Chair Carlton:**

Thank you, Ms. Coffman. Committee members, are there any questions or comments on Assembly Bill 270 (1st Reprint)? [There were none.] We are working from a first reprint; there were no proposed amendments, so this would be do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 270 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION CARRIED UNANIMOUSLY.

**Chair Carlton:**

We are skipping Assembly Bill 280 (1st Reprint) to get the appropriations correct, and we are going to Assembly Bill 321 (1st Reprint).

We did skip Assembly Bill 126 (1st Reprint), I apologize. Ms. Coffman, please proceed.

**Assembly Bill 126 (1st Reprint): Revises provisions relating to elections. (BDR 24-99)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Thank you, Madam Chair. Assembly Bill 126 (1st Reprint), as amended, establishes the requirement and procedures for conducting a presidential preference primary election to be held by each major political party on the first Tuesday in February of each presidential election year. The state must pay the costs of this election from the Reserve for Statutory Contingency account, and A.B. 126 (R1) revises the period for filing a declaration of candidacy for all candidates, except for candidates in a presidential preference primary, to begin the last Monday in February of the election year and ending the third Friday after the Monday in February.

I would note that there is no fiscal impact for this biennium. There were future expenditures that were identified in the following biennium of about \$5.2 million.

**Chair Carlton:**

To clarify, was there a proposed amendment to this bill striking section 6.5? I believe we can go ahead and move forward. It is a simple amendment. I believe we can move forward with the statements that we make on the record and confirmation from Assemblyman Frierson that we can go ahead and process this now.

Committee members, this would be amended to strike section 6.5 and would be an amend and do pass as amended, since we are working from the first reprint.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 126 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

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

THE MOTION PASSED. (ASSEMBLYMEN HAFEN, LEAVITT, AND  
TITUS VOTED NO.)

**Chair Carlton:**

I will take that one on the floor. Now, Assembly Bill 321 (1st Reprint).

**Assembly Bill 321 (1st Reprint): Revises provisions relating to elections. (BDR 24-927)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 321 (1st Reprint), as amended, makes various changes to the Nevada election statute. The bill replaces existing laws concerning ballots for absentee voters, mail-in precincts, and mail ballots with new provisions that require mail ballots in all elections. An opt-in provision is available for any active voter who prefers to not use the mail-in ballot.

I would note that the Secretary of State provided a fiscal note of approximately \$6.8 million in fiscal year (FY) 2022 and \$6.3 million in FY 2023. However, during testimony today Susan Brown, the Director of the Governor's Finance Office, indicated that the ballot stock that was purchased for the prior election had an estimated cost of approximately \$3.9 million, which is approximately \$1.7 million less than the \$5.7 million in each year that was identified in the fiscal note. There was also a discussion related to the need for ballot drop boxes, as these were previously furnished to the counties in addition to a discussion related to the media campaigns. Accordingly, if the amount for ballot stock were reduced to \$3.9 million and the expenditures related to ballot drop boxes, as well as voter education outreach, were eliminated the cost associated with this would be reduced to \$6,286,844 in FY 2022 and \$5,998,138 in FY 2023.

**Chair Carlton:**

Committee members, are there any questions on A.B. 321 (R1)? [There were none.]

Ms. Coffman, the numbers that you just recited for us would end up being the appropriation that would be encapsulated with the bill, in order to fund the bill, correct?

**Sarah Coffman:**

Madam Chair, that is correct.

**Chair Carlton:**

So, with that, we will be amending an appropriation into the bill. We are working off of a first reprint so it would be an amend and do pass as amended.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND  
DO PASS AS AMENDED ASSEMBLY BILL 321 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on the motion?

**Assemblywoman Tolles:**

I am going to be a no on this. I think we had a good discussion about opt-in versus opt-out with the cost. If we could have discussions about maybe going back to changing that, I would be very glad to have those discussions moving forward. Thanks.

**Chair Carlton:**

Thank you very much. Are there any other comments? [There were none.]

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

**Chair Carlton:**

I will handle this bill on the floor.

Ms. Coffman, the next bill would be Assembly Bill 371 (1st Reprint).

**Assembly Bill 371 (1st Reprint): Enacts provisions governing discrimination based on race. (BDR 34-697)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Thank you, Madam Chair. Assembly Bill 371 (1st Reprint), as amended, extends provisions relating to bullying and cyber-bullying to additionally prohibit and address discrimination based on race. Further, among other items, the bill requires the governing body of school districts or charter schools to categorize an incident of discrimination based on race as a racially motivated hate incident.

I would note that there were fiscal notes originally provided for; however, with the amendment on the original bill, the fiscal notes were removed.

**Chair Carlton:**

Thank you. With that, Committee members, are there any questions on Assembly Bill 371 (1st Reprint) at this time? [There were none.]

This is a first reprint, so it would be a do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 371 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

Assemblywoman Miller, you can handle this one on the floor since it is your bill.

**Assemblywoman Miller:**

Thank you, Chair.

**Chair Carlton:**

With that, I believe we can move to Assembly Bill 411 (1st Reprint).

**Assembly Bill 411 (1st Reprint): Makes changes to provisions governing fuel. (BDR 51-1022)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 411 (1st Reprint) requires that the regulations adopted by the State Board of Agriculture, State Department of Agriculture, for motor vehicles allows the sale of motor vehicles fuel containing not more 15 percent of ethanol by volume.

I would note that there were fiscal notes on the original bill, however, based on the amendment that was provided, the fiscal impact has been removed.

**Chair Carlton:**

Thank you. Are there any questions or comments from Committee members, at this time?  
[There were none.]

The motion for Assembly Bill 411 (1st Reprint) would be do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 411 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

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

THE MOTION PASSED. (ASSEMBLYMEN HAFEN, LEAVITT, TITUS,  
AND TOLLES VOTED NO.)

**Chair Carlton:**

We will go ahead and have the Assemblywoman carry that bill on the floor.

The next bill is Assembly Bill 422 (1st Reprint).

**Assembly Bill 422 (1st Reprint): Makes various changes relating to elections.  
(BDR 24-1040)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Assembly Bill 422 (1st Reprint) requires the Secretary of State to create a centralized, top-down database that collects and stores voter preregistration and registration information for all counties. County clerks must use the database to collect and maintain records of voter preregistration and registration. The Secretary of State is required to use the database to create the official statewide voter registration list.

I would note that the Secretary of State had a fiscal note of \$5.1 million in FY 2022 and \$4.1 million in FY 2023. However, representatives from the Secretary of State indicated that they would be able to use Help America Vote Act (HAVA) funds to support these expenditures and no General Fund appropriations are needed at this time.

**Chair Carlton:**

Committee members, are there any questions or comments on Assembly Bill 422 (1st Reprint)? [There were none.]

This is the first reprint and there were no proposed amendments, so this would be a do pass as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS AS  
AMENDED ASSEMBLY BILL 422 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

**Chair Carlton:**

Are there any questions or comments on Assembly Bill 422 (1st Reprint)? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

We are going to wait on Assembly Bill 427 (1st Reprint). I still have some questions about that. Assembly Bill 447 will be amended into a different bill. Our next bill will be Senate Bill 450.

Committee and Ms. Coffman, I have been notified that the fiscal concerns on Assembly Bill 486 have been addressed through an email from Justice James Hardesty, so we will be considering A.B. 486 at the very end of this agenda. I wanted to give the Committee a heads up on that.

With that, we can go to Senate Bill 450.

**Senate Bill 450: Revises provisions relating to the financing of school facilities.  
(BDR 30-1153)**

**Sarah Coffman, Assembly Fiscal Analyst:**

Senate Bill 450 provides that existing law authorizes the board of trustees of a school district to issue general obligation bonds to support certain specified purposes related to school facilities, if approved by qualified electors in an election. If such a question for the issuance of bonds for a school district has been approved by the voters, existing law authorizes the board of trustees of a school district to issue general obligation bonds for one additional period of ten years without any further approval by the voters if certain conditions are met.

Senate Bill 450 authorizes the board of trustees of a school district to issue general obligation bonds for a second additional period of ten years without any further approval of the voters and regardless of the time of the approval of the ballot question.

**Chair Carlton:**

Committee members, are there any questions on Senate Bill 450? [There were none.] This bill would be a do pass. We do not get those very often.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS  
SENATE BILL 450.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED. (ASSEMBLYMEN HAFEN AND TITUS  
VOTED NO.)

**Chair Carlton:**

Assemblyman Yeager, if you are listening, now is the time to come to the Ways and Means room. I can talk faster than I can type.

We are going to wait for him, because I want to make sure we have a complete record for the amendment that Justice Hardesty sent over. It was late in the process, but I do not want to slow this down a whole day just to verify an amendment.

Assemblyman Yeager, nice to see you. Welcome to Ways and Means after dark.

Assemblyman Yeager, if you would give us a brief update on the amendment that was proposed by Justice Hardesty for Assembly Bill 486 to deal with the fiscal notes that arrived after the hearing, to make sure everyone was on the same page as we move forward.

**Assembly Bill 486: Establishing provisions relating to property. (BDR S-1041)**

**Assemblyman Steve Yeager, Assembly District No. 9:**

In the most recent amendment that I submitted, which is a supplement to the amendment we removed yesterday [[Exhibit W](#)], item 13 on page 4 talks about the mediation program. The amendment simply states that the mediation program in section 4 of the bill would expire on June 5, 2023, and that is what is already in the bill. The new language is, "or when there is no longer funding available to pay for mediators and the administration of the program, whichever is earlier."

In conversations with Justice Hardesty, I think that satisfies his concerns that they might run out of money to fund the mediation program prior to June 5, 2023. Although, in candor to the Committee, I think there will be additional federal funding available, but obviously we cannot count on that. With that amendment, Justice Hardesty indicated to me in writing, that would take care of the fiscal note on the bill.

**Chair Carlton:**

Thank you very much, Assemblyman Yeager, and thank you for being one of the people in this building that does not want to spend money we do not have yet. We do appreciate that.

Committee members, are there any questions of Assemblyman Yeager at this time? [There were none.]

The proposed conceptual amendment for Assembly Bill 486 will be encapsulated in the current amendment that was proposed yesterday [[Exhibit W](#)].

**Assemblyman Yeager:**

Madam Chair, just so I can be clear, there was an amendment that was submitted yesterday, and then there was some supplemental language added to that amendment, which I think the Committee has in front of them. Just so we are clear, on the title page of that amendment it says, "Submission after May 24th Hearing" and is dated May 25, 2021 [[Exhibit W](#)]. That would be the amendment that I would request that the Committee process.

**Chair Carlton:**

We have the amendment—everyone has it at their desk—it was given to you earlier this evening. This language would be in addition to that amendment.

**Assemblyman Yeager:**

Correct, Madam Chair. If you are looking at that amendment, the beginning part of it is just what was already in the prior amendment and when you get to page 4, there is a highlighted area and the material underneath that are the additions that have been made since yesterday morning. I think it was yesterday morning's presentation.

**Chair Carlton:**

Yes, it was yesterday.



**Assemblyman Roberts:**

In trying to digest all these amendments; the eviction moratorium only covers nonpayment of rent cases. What are the instances when the rental assistance is appropriate—why are other types of eviction being included in the bill? Are they still in there, or did this amendment take them out?

**Assemblyman Yeager:**

Essentially, this amendment says that case that has a component of nonpayment of rent would be eligible, were this bill to pass, for eviction mediation with a couple of exceptions. One exception being nuisance and the other being squatters. It would amplify the cases, because right now it is only cases that are strictly nonpayment of rent. This amendment says if nonpayment of rent is a component of the eviction proceeding, then that would potentially be eligible for the eviction mediation program as well. The reasoning there is we want to catch everybody who is behind on their rent, whether that is the stated reason for the eviction, to make sure that we are not having folks fall through the cracks when payment of the rent would satisfy whatever the issue is between the tenant and the landlord.

**Assemblyman Roberts:**

In the additional mediation component, does that add another 30 days to the eviction process—because I remember we did something in special session—I want to figure out what the timeline is now.

**Assemblyman Yeager:**

Excellent question, Assemblyman Roberts, and if you look at point number 12 of the amendment on page 4, you will see what we are doing there is repealing the language from the bill we passed in the special session with eviction mediation, and replacing it with the new language in this bill. There was potentially a conflict in the statutes and I should note I have had discussions with the court about that as well. The answer to your question is it will be 30 days. We have eliminated what would be duplicative and potentially confusing to have different things in the statute.

**Assemblyman Roberts:**

Thank you very much for the answer and thank you, Madam Chair.

**Chair Carlton:**

You are welcome, Assemblyman Roberts. I want to make sure everyone is comfortable with the document they have.

**Assemblywoman Jauregui:**

I want to confirm—I saw the two references to section 7 in the amendments that we are still leaving the pot of money as \$5 million, but then I saw in the last bullet point that we are increasing the compensation to landlords to 100 percent. Correct?

**Assemblyman Yeager:**

Yes, we are leaving the pot of money at \$5 million. The change in amendment point 10 was just that we tweaked the language to more reflect what we are intending to do. In discussion with interested folks, including folks from the realtors and the apartment associations, I did agree that 100 percent probably made more sense. Again, I heard the concerns from the Committee about whether that \$5 million was going to go far enough. I think this is a start and certainly have my commitment with my legislative colleagues were this bill to pass, if that money is not adequate, to try to find some additional funding, hopefully, from the federal government to be able to replenish those funds and make as many landlords whole as possible.

**Assemblyman Hafen:**

The way I read this now—a couple of things—one, I think you stated the fiscal notes are now being removed. I apologize, I scrambled to find this amendment, it appears to not be on my desk. Now we are going to 100 percent. I remember in that same section there was a clause that said they could not start the eviction process for 90 days. That is not changing in this amendment—that is still going to be in the language?

**Assemblyman Yeager:**

That is correct, that would still be in the language. But, just as a point of clarification, that is only if the landlord chooses to avail him, or herself, of that \$5 million relief money and if they get that money. For instance, if they do not want that money and they just want to evict, flat out, they can do that. It would be the option, but if they choose to avail themselves of the \$5 million unrestricted funds at 100 percent of back rent, then they would be agreeing not to initiate eviction proceedings for 90 days.

**Assemblywoman Titus:**

Thank you, Madam Chair, and thank you Assemblyman Yeager for taking on some questions this late at night. I probably should have asked this during the original hearing. I thought about it afterwards and now it is still in my brain, interestingly enough, at this late hour.

What happens if the landlord loses his property because he or she has not been able to make their mortgage payment and the property goes back to the bank or mortgage company. Does this affect the mortgage company from now evicting these folks, because many landlords have lost their places because of all this.

**Assemblyman Yeager:**

I may have to phone a friend on this one.

**Bailey Bortolin, representing the Nevada Coalition of Legal Service Providers:**

Thank you for the question. I want to be clear that, to date, that has not happened in Nevada because the Governor's protections specifically have an exception for a foreclosure situation. What we have built into this structure here is similar in that if it is not appropriate to avail yourself of—the situation can be reviewed by a judge if the landlord files a motion to place

the case on calendar. If there was a situation that the court needed to take into consideration they would be able to do that.

**Chair Carlton:**

Committee members, are there any other questions at this time? [There were none.]

Thank you very much, Assemblyman Yeager, for being here to walk us through the amendment you had on your desk with the additional language dealing with the fiscal notes that did arrive. We will make sure that money is used to the extent that it is available. When it is gone, it is gone—knowing full well there might be federal dollars available at another time.

This would be an amend and do pass. Are there any questions or comments before we move forward? [There were none.]

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 486.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

**Chair Carlton:**

Are there any comments on the motion?

**Assemblyman Hafen:**

I know the fiscal note has been removed now. I am going to go ahead and vote this out of Committee, but I do want to digest the policy overnight. I just wanted to get that on the record. Thank you.

**Chair Carlton:**

I appreciate that Assemblyman Hafen. I know the first time I was on this Committee and things moved this quickly, it was hard to keep up. I get it. If you have any questions of myself or Assemblyman Yeager, we will be happy to have conversations with you.

**Assemblyman Roberts:**

I think the amendment and the answers tonight addressed my concerns. I am pretty sure they did, but if that changes, which I doubt it will, I will let you know if it does.

THE MOTION PASSED. (ASSEMBLYWOMAN TITUS VOTED NO.)

**Chair Carlton:**

We made an incorrect motion earlier. Committee, I apologize, so we need to reconsider a bill.

**Assembly Bill 247 (1st Reprint): Revises provisions relating to the Western Regional Education Compact. (BDR 34-472)**

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO RESCIND THE COMMITTEES' PREVIOUS ACTION ON ASSEMBLY BILL 247 (1ST REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS AS AMENDED ASSEMBLY BILL 247 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE MOTION.

**Chair Carlton:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Carlton:**

I think we have done as much as we could have possibly done in a day. You are great. Thank you very much for hanging tough. You just made the rest of the week a little bit easier. I hate to tell you this now, but tomorrow is going to be this day, part two.

We will be back in here off and on. We will be here at 8:00 in the morning. We are waiting for the large bills to come, and we still have Assembly bills to process. I believe we have CIP, Appropriations, and Authorizations coming to us. We have the Pay Bill coming to us. We have a couple different bills we are going to have to review tomorrow. We will be going through this all over again tomorrow, but thank you all for hanging tough. If you need anything let me know.

Is there anyone on the phone line for public comment for Ways and Means this evening?  
[There were none.]

With that, we are adjourned [at 10:05 p.m.].

RESPECTFULLY SUBMITTED:

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Anne Bowen  
Committee Secretary

APPROVED BY:

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Assemblywoman Maggie Carlton, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster

[Exhibit C](#) is material submitted by Brad Keating, representing Clark County School District, consisting of the following:

1. An informational sheet titled "New School Schedule, 2015 Capital Improvement Program, Clark County School District."
2. An informational sheet titled "Clark County School District, 2020 Middle School Enrollment, Percent of 2020 Program Capacity."
3. An informational sheet titled, "Clark County School District, 2020 High School Enrollment, Percent of 2020 Program Capacity."
4. An informational sheet titled "Clark County School District, 2020 Elementary School Enrollment, Percent of 2020 Program Capacity."
5. An informational sheet titled "2025 Capital Improvement Plan, New School Projected Requirements."

[Exhibit D](#) is a conceptual amendment to Assembly Bill 196 (1st Reprint) presented by Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27.

[Exhibit E](#) is a document titled "Proposed Amendment to Assembly Bill 482," proposed by the Secretary of State, submitted by the Fiscal Analysis Division, Legislative Counsel Bureau.

[Exhibit F](#) is a document titled "Jeff Dixon/Humane Society of the United States Proposed Amendment," to Assembly Bill 170 (1st Reprint), presented by Assemblywoman Susan (Susie) Martinez, Assembly District No. 12.

[Exhibit G](#) is a document titled "Proposed Amendment to Assembly Bill 170," authored by Francisco Morales, Policy Advisor, Brownstein Hyatt Farber Schreck, and presented by Assemblywoman Susan (Susie) Martinez.

[Exhibit H](#) is a letter dated May 24, 2021, to Assemblywoman Maggie Carlton, Chair, Committee on Ways and Means, authored by Lori Bagwell, Mayor, Carson City Nevada, presented by Mendy Elliott, representing Capitol Partners, in support of Assembly Bill 170 (1st Reprint).

[Exhibit I](#) is proposed amendment 3441 to Assembly Bill 241 (1st Reprint) presented by Assemblywoman Cecelia Gonzalez, Assembly District No. 16.

[Exhibit J](#) is a memorandum requesting to withdraw a fiscal note on [Assembly Bill 241 \(1st Reprint\)](#) authored by Adrienne Monroe, Acting Chief of Fiscal Services, Department of Corrections, and presented by Assemblywoman Cecelia Gonzalez, Assembly District No. 16.

[Exhibit K](#) is a memorandum from Christopher P. DeRicco, Chairman, Nevada Board of Parole Commissioners, dated May 24, 2021, requesting withdrawal of a fiscal note to [Assembly Bill 241 \(1st Reprint\)](#), presented by Assemblywoman Cecelia Gonzalez, Assembly District No. 16.

[Exhibit L](#) is a copy of a PowerPoint presentation titled "Nevada Western Interstate Commission for Higher Education, Assembly Bill 247," dated May 25, 2021, presented by Jennifer Ouellette, Director, Nevada Western Interstate Commission for Higher Education (WICHE).

[Exhibit M](#) is a document titled "Revised NSHE Fiscal Note" regarding [Assembly Bill 280 \(1st Revision\)](#), presented by Assemblywoman Sarah Peters, Assembly District 24.

[Exhibit N](#) is material submitted by Assemblywoman Sarah Peters, Assembly District No. 24, consisting of the following:

1. A memorandum from Mary Pierczynski to Assemblywoman Sarah Peters, dated May 21, 2021, regarding the removal of a fiscal note from [Assembly Bill 280 \(1st Reprint\)](#).
2. A memorandum authored by Richard Stokes, Superintendent, Carson City School District, to Mary Pierczynski, submitted by Assemblywoman Sarah Peters, dated May 21, 2021, regarding the removal of a fiscal note from [Assembly Bill 280 \(1st Reprint\)](#).
3. A letter to Assemblywoman Maggie Carlton, Chair of the Committee on Ways and Means, dated May 19, 2021, from Calli Wilsey, City of Reno, City Manager's Office, presented by Assemblywoman Sarah Peters, regarding [Assembly Bill 280 \(1st Reprint\)](#).

[Exhibit O](#) is a document titled "UNLV, International Gaming Institute, Expanding the Leaderverse," submitted by Becky Harris, Private Citizen, regarding [Assembly Bill 355 \(1st Reprint\)](#).

[Exhibit P](#) is a proposed amendment to [Assembly Bill 355 \(1st Reprint\)](#) authored by the International Gaming Institute of the University of Nevada, Las Vegas, submitted by Jan Jones Blackhurst, Chief Executive in Residence, UNLV International Gaming Institute.

[Exhibit Q](#) is an amendment to [Assembly Bill 355](#), submitted by Be-Be Adams, representing Boys and Girls Club Nevada Alliance.

[Exhibit R](#) is a document titled "Conceptual Amendment on behalf of Nevada Blind Children's Foundation, requesting appropriation of \$1 million" presented by Susan Fisher,

representing the Nevada Blind Children's Foundation, regarding Assembly Bill 355 (1st Reprint).

Exhibit S is a proposed Conceptual Amendment to Assembly Bill 355, by the Las Vegas Valley Water District, submitted by Chaunsey Chau-Duong.

Exhibit T is a document titled "Plans for Expanding Community Advocacy Under AB376" authored by the UNLV Immigration Clinic, and submitted by Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27, regarding Senate Bill 376 (2nd Reprint).

Exhibit U is support documents for Senate Bill 382 (2nd Reprint) compiled by Kelly Wuest, Commission Administrator, Commission on Postsecondary Education, and presented by Assemblyman Howard Watts, Assembly District No. 15.

Exhibit V is a letter from Greg Lovato, Administrator, Nevada Division of Environmental Protection, dated May 24, 2021, regarding the removal of the Nevada Division of Environmental Protection fiscal note on Assembly Bill 411 (1st Reprint), submitted by Assemblywoman Tracy Brown-May, Assembly District No. 42.

Exhibit W is a Proposed Conceptual Amendment for Assembly Bill 486, dated May 25, 2021, submitted by Assemblyman Steve Yeager, Assembly District No. 9.