

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Eighty-first Session
May 3, 2021**

The Senate Committee on Finance was called to order by Chair Chris Brooks at 6:10 p.m. on Monday, May 3, 2021, Online and in Room 1214 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Chris Brooks, Chair
Senator Moises Denis, Vice Chair
Senator Julia Ratti
Senator Nicole J. Cannizzaro
Senator Marilyn Dondero Loop
Senator Pete Goicoechea
Senator Scott Hammond
Senator Heidi Seevers Gansert

COMMITTEE MEMBERS ABSENT:

Senator Ben Kieckhefer (Excused)

GUEST LEGISLATORS PRESENT:

Senator Dina Neal, Senatorial District No. 4
Senator James Ohrenschall, Senatorial District No. 21

STAFF MEMBERS PRESENT:

Wayne Thorley, Senate Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Tom Weber, Committee Secretary

OTHERS PRESENT:

Warren Hardy, Rinnai Corporation

Victoria Carreon, Administrator, Division of Industrial Relations, Department of Business and Industry

Jordan Krahenbuhl, Executive Director, Plumbing, Heating, Cooling Contractors of Nevada

Stacey Bostwick, Director of Workforce Development, Office of Economic Development, Office of the Governor

Joshua Leavitt, Society for Information Management Las Vegas Chapter

Arielle Edwards, Government Affairs Specialist, City of North Las Vegas

Patty Charlton, Vice President and Provost, College of Southern Nevada

Amber Stidham, Vice President of Government Affairs, Henderson Chamber of Commerce

Bailey Bortolin, Nevada Coalition of Legal Service Providers

Kathryn Roose, Deputy Administrator, Quality and Oversight, Division of Child and Family Services, Department of Health and Human Services

Lindsey Kinsinger, Manager, Office of Public Health Investigations and Epidemiology, Division of Public and Behavioral Health, Department of Health and Human Services

Amber Federizo, Chair, Rare Disease Advisory Council, Department of Health and Human Services

Brigid Duffy, Director, Juvenile Division, Clark County District Attorney; Clark County Department of Family Services

Lindsay Anderson, Director of Government Affairs, Washoe County School District

Mary Pierczynski, Nevada Association of School Superintendents

CHAIR BROOKS:

The Committee will start by hearing fiscal issues related to Senate Bill (S.B.) 205 which provides regulatory exemptions for certain types of residential and commercial boilers.

SENATE BILL 205 (1st Reprint): Provides regulatory exemptions for certain types of residential and commercial boilers. (BDR 40-839)

WAYNE THORLEY (Senate Fiscal Analyst):

The Department of Business and Industry, Division of Industrial Relations (DIR) submitted a fiscal note for S.B. 205 as introduced indicating the bill would exempt approximately 25 percent of the boilers currently regulated by the DIR. This would result in a 25 percent decrease in operating permit revenue for the DIR. On April 16, 2021, the Senate adopted Amendment No. 452 for

the bill. After this Amendment was adopted, the DIR submitted an unsolicited fiscal note indicating the estimated fiscal impact of S.B. 205 had been reduced to a 10 percent decrease in operating permit revenue. This is estimated to be a decrease in fee revenue of \$41,330 in fiscal year (FY) 2021-2022 and \$47,706 in FY 2022-2023

CHAIR BROOKS:

Senator Denis will now present an overview of S.B. 205.

SENATOR MOISES DENIS (Senatorial District No. 2):

Senate Bill 205 addresses an oversight occurring when emergency regulations related to boilers were adopted in June 2020 by the DIR. When adopting these regulations, the DIR exempted certain gas-fired residential and commercial tank water heaters but unintentionally failed to exempt similar tankless water heaters. This resulted in tankless water heaters being subjected to significantly more onerous regulations than similar tanked heaters. The regulations pertaining to tankless water heaters are more stringent than what is necessary to ensure public safety. The goal of S.B. 205 is to seek parity in the statutory regulations of tanked and tankless water heaters so this type of regulatory error is not repeated in the future. The DIR submitted Amendment No. 452 for S.B. 205 to clarify the intent of the bill.

WARREN HARDY (Rinnai Corporation):

The DIR adopted emergency regulations pertaining to residential and commercial boilers after a boiler exploded at the University of Nevada, Reno, on July 5, 2019. In response to the explosion, Governor Steve Sisolak asked the DIR to implement emergency measures aimed at increasing regulations affecting boilers. These regulations were designed to provide more stringent oversight of boilers. Inadvertently, this emergency regulation brought smaller water heaters into regulations affecting boilers. Boilers are different than water heaters. To correct the oversight, the DIR proposed Amendment No. 181 for S.B. 205 to exempt smaller water heaters from the emergency regulations affecting boilers. Unfortunately, when Amendment No. 181 was drafted during the implementation of emergency regulations, it applied only to tanked water heaters and not tankless water heaters with the exact same applications.

The DIR is concerned regarding smaller water heaters installed in series, with these installations being allowed by building codes and local government regulations. We are trying to bring parity in the statutory regulations affecting

tanked and tankless water heaters so they can perform on an equal footing in the marketplace. The DIR believes tankless water heaters should be regulated as boilers, which S.B. 205 as introduced does not address. Direction was input into Amendment No. 452 to allow the DIR to adopt regulations treating tankless water heaters in the same way every other water heater is treated. Tankless water heaters installed in series are currently regulated as boilers in Nevada, which causes confusion. The revised version of S.B. 205 reduces the fiscal impact on the DIR's operations regarding the regulation of water heaters.

CHAIR BROOKS:

Is the fiscal note submitted by the DIR for S.B. 205 based on its current structure and what it is currently looking at from an emergency regulation standpoint? Does the reprinted version of S.B. 205 change some, but not all, of these regulations? Is a system that includes serial interconnection of multiple water heaters subject to the DIR's emergency regulations for water heaters as defined by the bill?

MR. HARDY:

An additional amendment for S.B. 205 will be submitted by the DIR as Amendment No. 452 does not address the intent of the bill's sponsors and does not make the distinction between tanked and tankless water heaters. An additional amendment will clarify which water heaters will be inspected as boilers. The intent of the Governor's emergency measure was to regulate boilers at a more stringent level. There was not significant input from the water heater industry when the DIR adopted regulations affecting water heaters, as this guidance was prepared under an emergency directive and things moved quickly. When the DIR's regulations were adopted, they unintentionally included smaller water heaters installed in series under the regulations affecting boilers.

Other than Massachusetts, no other state regulates water heaters installed in-series as it does boilers. Water heaters installed in series are usually regulated by local ordinances and codes. I have been provided testimony by local governments indicating this is the proper way to regulate these devices. The DIR prefers to regulate water heaters installed in series as boilers. Language is being proposed for S.B. 205 which would allow the DIR to promulgate a regulation with the same level of input as regulations formed outside of an emergency directive experience.

VICTORIA CARREON (Administrator, Division of Industrial Relations, Department of Business and Industry):

The first reprint of S.B. 205 has a fiscal impact on the DIR by decreasing its revenue by approximately \$41,000 in FY 2021-2022 and approximately \$48,000 in FY 2022-2023. These revenue reductions will impact the DIR's internal workers' compensation and safety accounts, but will not impact the State General Fund. As reprinted, S.B. 205 provides parity between tanked and tankless water heaters and would allow the DIR to continue requiring permits to inspect water heaters installed in series.

CHAIR BROOKS:

Will the DIR's workload and costs decrease if certain types of residential and commercial water heaters were exempt from regulations?

Ms. CARREON:

Exempting certain types of water heaters from regulation will mostly reduce the DIR's revenue, but will only slightly reduce the DIR's workload. This is because the DIR's ongoing inspections of water heaters are conducted by third parties and not the DIR itself.

SENATOR SEEVERS GANSERT:

Can the DIR reduce the amount of contracts it has with third-party vendors inspecting water heaters? Are these contracts offered on a per-boiler basis? It seems like the DIR has flexibility regarding its revenue considering it uses contractors and not State employees to inspect water heaters.

Ms. CARREON:

The inspection of water heaters is not contracted out by the DIR, but it is conducted by third-party vendors. These third-party vendors independently conduct inspections required every two years. The permitting fees these vendors pay becomes revenue for the DIR. The State is responsible for inspecting water heaters when they are initially installed.

SENATOR SEEVERS GANSERT:

This is unclear. How is the third-party vendor paid for their work? Are they paid directly by the entity requesting the inspection? Are these payments regulated by the DIR?

MS. CARREON:

The owners of the water heaters are responsible for paying the third-party vendors for the inspections. Permitting fees are collected as revenue by the State.

SENATOR RATTI:

The conversations surrounding S.B. 205 have changed significantly since it was last heard by the Senate Committee on Health and Human Services on April 6, 2021. The DIR previously testified it did not regulate certain types of residential and commercial boilers as these were left to local ordinances to regulate under local building codes. Additionally, the DIR stated it was only because of the emergency directive that it needed to establish certain requirements affecting boilers. This is different than what is being stated by the DIR today. Besides Massachusetts, is Nevada the only state required to regulate water heaters installed in series in the same way it would regulate boilers?

MR. HARDY:

I agree the conversations have changed. I was under the impression at the April 6, 2021, meeting Nevada did not regulate water heaters installed in series as boilers. I learned today from Jordan Krahenbuhl, Executive Director of the Plumbing, Heating and Cooling Contractors of Nevada, the DIR collects permitting fees from the third-party vendors conducting inspections. The issue stems from the interpretation of the emergency regulations, as under these regulations the DIR does not regulate or offer permits for the installation of tanked water heaters installed in series. The emergency directive gives the DIR the ability to regulate tankless water heaters installed in series.

I previously thought neither tanked nor tankless water heaters were regulated by the DIR, as the industry does not agree with the current interpretation of the emergency directive. It is unclear if the emergency directive states current regulations give the DIR the ability to regulate the installation of both tanked and tankless water heaters installed in series. As it stands under the emergency directive, the DIR is able to regulate tankless water heaters but not tanked water heaters. We striving to bring this all into parity.

SENATOR RATTI:

Are third-party vendors required to receive a permit from the DIR to inspect tankless water heaters installed in series? Are third-party vendors required to be

permitted to inspect water heaters within local governments in accordance with the International Code Council's International Building Codes (IBC)?

MR. HARDY:

Yes, all third-party vendors are required to be permitted when inspecting water heaters.

SENATOR RATTI:

Are vendors required to pay permitting fees at the local level when inspecting water heaters in addition to paying the DIR's permitting fees? Are local ordinances required to pay vendors for inspections regulated by the DIR?

MR. HARDY:

I believe this is how it is done.

MS. CARREON:

Local ordinances require initial permits in addition to the permits the DIR requires. However, ongoing operating permits are only required by the DIR as it wants to ensure water heaters are in good working condition on an ongoing basis.

SENATOR RATTI:

Is the installation of water heaters within the purview of local governments while the ongoing operations of water heaters is within the purview of the DIR?

MS. CARREON:

The DIR inspects water heaters upon initial installation and administers permits associated with ongoing operations. Local governments administer initial permits associated with water heater installations.

MR. HARDY:

Whether the DIR has the statutory and regulatory authority to administer permits associated with the ongoing operations of water heaters is disputed within the industry. The goal of S.B. 205 is to seek parity in the statutory regulations of tanked and tankless water heaters. Regulations adopted under the emergency directive eliminates tanked but not tankless water heaters from the purview of the DIR. The DIR has stated it does not install tanked water heaters in series, but it does in fact do so. Instructions have been provided to the

DIR on how to install water heaters in compliance with IBCs. Water heater installations take place in restaurants, homes and other environments.

The industry is divided on whether it is appropriate for the DIR to install water heaters. If the DIR wants to install water heaters, it should hold a meeting to discuss the regulatory process to promulgate regulations. This will ensure all stakeholders are treated equally. Per the emergency directive, the DIR requires a permit for the installation of tankless water heaters but not tanked water heaters.

CHAIR BROOKS:

Senate Bill 205 does not make the distinction between tanked and tankless water heaters.

MR. HARDY:

Correct. This is why an additional amendment will be submitted.

CHAIR BROOKS:

Currently, S.B. 205 eliminates some tankless water heaters from being subjected to DIR permitting and ongoing inspections. Is this correct?

MS. CARREON:

The reprinted version of S.B. 205 exempts the installation of standalone tanked and tankless water heaters from the DIR's regulations, but the bill still requires the DIR to provide permitting for water heaters installed in series, regardless if the water heaters are tanked or tankless. The DIR believes Amendment No. 452 provides parity in the statutory regulations of tanked and tankless water heaters initially intended to be in the bill.

CHAIR BROOKS:

Does the DIR currently regulate tanked water heaters installed in series in the same way it regulates tankless water heaters installed in series?

MS. CARREON:

Yes, it does.

CHAIR BROOKS:

Does the unsolicited fiscal note submitted by the DIR for S.B. 205 reflect a reduced amount of water heaters subjected to the jurisdiction of the DIR?

Does this result in a decrease in fee revenue? Does the majority of this revenue come from fees third party vendors pay to the DIR to inspect water heaters? Does some of the revenue the DIR collects come from permitting fees?

MS. CARREON:

The unsolicited fiscal note submitted by the DIR reflects a reduction in permit fees. Costs associated with the initial inspection of water heaters is collected from the owner of the water heater by the inspector and does not impact the revenue collected by the State.

CHAIR BROOKS:

Will the reduction in permit fees collected by the DIR have an impact on the General Fund or other DIR revenue streams?

MS. CARREON:

The decrease in DIR revenue will impact the DIR's internal workers' compensation and safety accounts. These accounts fund the DIR and several other agencies dealing with workers' compensation issues. The General Fund will not be impacted by a reduction in DIR fee revenue.

CHAIR BROOKS:

Will any future amendment adopted by a policy committee or on the floor that changes the number of water heaters subjected to the jurisdiction of the DIR increase the DIR's fiscal note?

MS. CARREON:

Yes. If additional water heaters are exempted from the DIR's permitting fees, it will increase the DIR's fiscal note.

SENATOR SEEVERS GANSERT:

Permitting for the initial inspection of water heaters is typically done at the local level. Did the State-level permitting of tanked and tankless water heaters start because of the emergency directive? Is this a new income stream for the DIR, or was the DIR collecting this fee revenue before the emergency directive?

MS. CARREON:

It has been a long-standing requirement of the DIR to require permits for the inspection of tanked and tankless water heaters. This requirement is not new and is not a result of the emergency directive.

SENATOR RATTI:

I do not understand. The DIR originally submitted a fiscal note for S.B. 205 as introduced. As introduced, S.B. 205 only applies to tanked and tankless water heaters not installed in series. This provides parity regarding water heaters not installed in series. I thought you said the DIR only has to provide permits for the inspection of water heaters installed in series. Has it been standard practice of the DIR to provide permitting for the inspection of any type of water heater?

MS. CARREON:

The DIR does not provide permits for the inspection of residential water heaters. It only provides permits for the inspection of commercial water heaters. The emergency directive provided an exemption of certain, smaller water heaters with tanks. The intent of S.B. 205 is to provide parity between tanked and tankless water heaters. The first reprint of S.B. 205 will achieve this parity.

SENATOR RATTI:

Because the DIR approved the exemption of tanked water heaters in the emergency directive, does it support removing the need to permit tankless water heaters?

MS. CARREON:

Yes, the DIR supports achieving parity between single installations of tanked and tankless water heaters. As introduced, S.B. 205 is written to require the permitting of water heaters installed in series.

SENATOR RATTI:

Is the income the DIR may be losing related to the permitting it provides to water heaters installed singularly? Is the DIR comfortable with losing this revenue?

MS CARREON:

Yes, the DIR is comfortable losing the fee revenue it derives from permitting the inspection of water heaters installed singularly.

CHAIR BROOKS:

The Committee will now hear public comment for S.B. 205.

JORDAN KRAHENBUHL (Executive Director, Plumbing, Heating, Cooling Contractors of Nevada):

I previously worked for the Clark County Building and Fire Prevention Department and have been involved in local and national code writing related to the International Association of Plumbing and Mechanical Officials' (IAPMO) Uniform Plumbing Code and Uniform Mechanical Code (UMC). I support S.B. 205 as amended.

Section 1001 of the International Mechanical Code clearly defines water heaters and boilers. Boilers typically hold 120 gallons of water, have an output of 200,000 British thermal units and use 160 pounds of force. For years, this has been the threshold manufacturers have set for boilers. Water heaters are manufactured just under this threshold so as not to be defined as boilers. Southern Nevada Building Officials' Uniform Mechanical Code Committee amendments to the IAPMO's UMC clearly define water heaters and boilers. Whether a water heater is installed singularly or in series makes no difference as it is still considered a water heater under the UMC. The UMC is adopted by State and local jurisdictions and requires water heaters to be permitted and inspected by local jurisdictions.

CHAIR BROOKS:

The Committee will now hear fiscal issues related to S.B. 24, sponsored by the Senate Committee on Revenue and Economic Development on behalf of the Office of the Governor, Office of Economic Development.

SENATE BILL 24 (1st Reprint): Revises provisions relating to workforce development. (BDR 18-289)

MR. THORLEY:

Senate Bill 24 does not have a direct fiscal impact, and there are no fiscal notes associated with the bill. Section 4 of S.B. 24 allows interest to be collected on unexpended General Fund appropriations in budget account (B/A) 101-1531.

ELECTED OFFICIALS

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

GOED - Workforce Innovations for a New Nevada Acct — Budget Page
GOED-30 (Volume II)
Budget Account 101-1531

Since General Fund appropriations in B/A 101-1531 are not in the form of cash, allowing interest to be collected on these appropriations will negatively impact the General Fund. The Office of the State Treasurer indicated that allowing interest to be collected on General Fund appropriations is not within best practices. The Treasurer's Office is working on estimates regarding potential impacts to the General Fund resulting from S.B. 24.

STACEY BOSTWICK (Director of Workforce Development, Office of Economic Development, Office of the Governor):

The Governor's Office of Economic Development (GOED) brought S.B. 24 forward focusing on expanding the skills-based economy. The bill is driven by workforce development partnerships and is intended to close gaps in workforce infrastructure. The bill is also meant to revise requirements governing the approval of workforce development programs based on best practices and lessons learned by GOED. Language regarding interest was put into the bill by the Governor's Office of Finance (GFO) and the Treasurer's Office, and GOED is open to discussion of this language. The aspect most critical to GOED relates to fiscal provisions contained in section 4 of S.B. 24 and the removal of reversion language regarding interest earned in B/A 101-1531.

CHAIR BROOKS:

Section 4, subsection 4 of S.B. 24 states that after deducting any applicable charges, any interest or income earned on money in B/A 101-1531, including without limitation unexpended appropriations made to B/A 101-1531 from the General Fund, must be credited to B/A 101-1531. When GOED requested S.B. 24 be drafted, did the GFO and the Treasurer's Office add section 4, subsection 4 into the bill?

Ms. BOSTWICK:

Yes, the GFO and Treasurer's Office added this language. The Office of Economic Development did not specifically propose this wording. This language was relative to removing the reversion of funding, and this template language was added when the GFO reviewed the bill.

SENATOR SEEVERS GANSERT:

The Office of Economic Development was created differently than other entities and agencies. It appears the language in section 4, subsection 5 of S.B. 24 originally stated interest earned on money in B/A 101-1531 must be credited to the account. Section 4, subsection 4 of S.B. 24 was amended to state after deducting any applicable charges, any interest or income earned on money in B/A 101-1531 must be credited to the account. Because GOED was created differently from other agencies, additional language may have been added to S.B. 24 on top of established language normally used in this type of legislation. Is this correct? Since this agency functions differently than others, it may have unclassified workers whose money does not typically revert, similar to workers in GOED's Knowledge Fund project.

MR. THORLEY:

Correct, the employees in GOED are generally considered unclassified. The Treasurer's Office is researching elements related to the language in section 4, subsection 4 of S.B. 24 and will be providing Legislative Counsel Bureau, Fiscal Analysis Division staff with suggestions to further amend the bill.

CHAIR BROOKS:

I urge GOED to collaborate with Fiscal staff and the Treasurer's Office to determine if an amendment is needed to change language in section 4, subsections 4 and 5 of S.B. 24.

The Committee will now hear public comment for S.B. 24.

JOSHUA LEAVITT (Society for Information Management Las Vegas Chapter):

The Society for Information Management (SIM) Las Vegas Chapter is an organization comprised of chief information officers, industry leaders, educators and entrepreneurs throughout southern Nevada. In addition to exchanging ideas, SIM strives to provide amnesty for important issues and bring a wide variety of strategic forecasting and technology to serve Nevada. The SIM Las Vegas Chapter supports S.B. 24, as we believe workforce development training is vital to the diversification of Nevada's economy. This training yields opportunities for Nevadans to learn modern, high-demand skills for high-wage careers. The language in S.B. 24 cleans up, clarifies and streamlines current Nevada laws to better ensure recruitment, assessment and training programs funded through B/A 101-1531 to align with workforce demands to provide valuable, job-market credentials to Nevadans.

ARIELLE EDWARDS (Government Affairs Specialist, City of North Las Vegas):
The City of North Las Vegas supports S.B. 24 and urges its passage.

PATTY CHARLTON (Vice President and Provost, College of Southern Nevada):
The College of Southern Nevada (CSN) supports S.B. 24 and its language regarding business, industry and education. Funding from B/A 101-1531 allows the CSN to establish and scale workforce training programs for high-demand industries such as manufacturing, health care, information technology, distribution, logistics, skilled trades and all other components outlined in the account. Funding from B/A 101-1531 is essential for meeting the training needs of a ready and qualified workforce.

AMBER STIDHAM (Vice President of Government Affairs, Henderson Chamber of Commerce):

The Henderson Chamber of Commerce (HCC) supports S.B. 24, as overall the bill provides a solid tool to aid in the diversification of Nevada's workforce. This has also been a primary focus of the HCC's Henderson Development Association's mission and work over the past 15 years. We are grateful to have worked with GOED in developing the clarification language in this bill.

CHAIR BROOKS:

The Committee will now hear fiscal issues related to S.B. 158, sponsored by the Senate Committee on Health and Human Services on behalf of the Legislative Committee on Child Welfare and Juvenile Justice.

SENATE BILL 158 (1st Reprint): Revises requirements to receive assistance from the Kinship Guardianship Assistance Program. (BDR 38-504)

MR. THORLEY:

The Department of Health and Human Services (DHHS), Division of Child and Family Services (DCFS) submitted a fiscal note for S.B. 158 as introduced, indicating the bill would result in a loss of revenue to the Agency of \$880,391 in each year of the 2021-2023 biennium. After the Senate adopted Amendment No. 445 to S.B. 158, the DCFS submitted an unsolicited fiscal note indicating the fiscal impact had been eliminated.

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

The language in S.B. 158 was recommended by the Legislative Committee on Child Welfare and Juvenile Justice. This bill makes a small change to

Nevada Revised Statutes (NRS) 424 to help children in foster care be placed with relatives and to have their living arrangement subsidized and supported by U.S. Department of Health and Human Services, Children's Bureau, Title IV-E Foster Care funding. This funding was made available through the Fostering Connections to Success and Increasing Adoptions Act of 2008. *Nevada Revised Statutes* 424 prohibits foster care from being subsidized by Title IV-E funding, but S.B. 158 is intended to align NRS 424 with federal funding language and will enable more children to be placed with relatives. Data shows better outcomes for children who are placed with their families rather than foster homes during foster care.

BAILEY BORTOLIN (Nevada Coalition of Legal Service Providers):

The language in S.B. 158 enables Nevada families to receive Title IV-E funding for foster care services. The language in NRS 424 currently restricts access to federal funding, but S.B. 158 alters the statutory language to ensure every eligible Nevada family receives federal support and subsidies for foster care services.

KATHRYN ROOSE (Deputy Administrator, Quality and Oversight, Division of Child and Family Services, Department of Health and Human Services):

With the amended language in S.B. 158, the DCFS was able to remove its fiscal note. The way NRS 424 is written makes it difficult for the State to receive Title IV-E funding as the statutory language is more restrictive than federal language. Senate Bill 158 as introduced put the DCFS out of compliance with federal statute, resulting in a fiscal note. With the amended language in the bill, the DCFS submitted an unsolicited fiscal note showing no fiscal impact. Amending S.B. 158 to include the word "appropriate" has allowed the DCFS to provide support to additional guardianship families.

CHAIR BROOKS:

The Committee will now hear fiscal issues related to S.B. 175.

SENATE BILL 175 (1st Reprint): Enacts provisions relating to lupus. (BDR 40-8)

MR. THORLEY:

The DHHS Division of Public and Behavioral Health (DPBH) submitted a fiscal note for S.B. 175 as introduced indicating the bill would require the DPBH Office of Public Health Investigations and Epidemiology (OPHIE) to add a new full-time health program specialist (HPS) I position to support the Centers

for Disease Control and Prevention, National Lupus Patient Registry. This would cost the DPBH \$87,593 in FY 2021-2022 and \$112,485 in FY 2022-2023.

SENATOR DINA NEAL (Senatorial District No. 4):

Senate Bill 175 establishes a systemic lupus erythematosus registry in Nevada and aligns State objectives with national lupus goals established in 2015. The bill will also allow the State to leverage federal grants made available to support people with lupus. The most recent federal lupus funding was made available to States in 2021, but consistent funding for lupus registries has been available since 2004. The bill will allow Nevada to establish additional records and information regarding lupus patients in the State.

LINDSEY KINSINGER (Manager, Office of Public Health Investigations and Epidemiology, Division of Public and Behavioral Health, Department of Health and Human Services):

Through its fiscal note, OPHIE is requesting one full-time HPS I position to develop a lupus registry. The HPS position will also educate medical providers on technical lupus reporting requirements, extract data from medical records, develop reports for the public and formulate reports for OPHIE. The Office of Public Health Investigations and Epidemiology will use these reports to target interventions, work with advocacy groups and apply for additional grant funding to support the HPS position.

SENATOR SEEVERS GANSERT:

Are there enough federal grants available to potentially cover the costs associated with the HPS position?

MS. KINSINGER:

Over the coming years, the HPS position will be able to research available grant funding and will be tasked with collecting baseline data. There is currently limited staff at OPHIE, and we need additional available staff to collect data necessary to apply for grants in the future.

SENATOR SEEVERS GANSERT:

Are there any grants analyst positions within OPHIE currently looking for additional grant funding?

MS. KINSINGER:

Due to the nature of OPHIE's operations, our office has been spread thin in dealing with the Covid-19 pandemic. We do not have staff researching additional grant funding at the moment.

SENATOR SEEVERS GANSERT:

In the past, has OPHIE had positions dedicated to finding additional grant funding? I am sure this last year has been overwhelming, but prior to this did OPHIE have a position looking for grants based on the various types of diseases your office collects data on? Does OPHIE work with the DHHS Office of Analytics to find funding sources?

MS. KINSINGER:

The Office of Public Health Investigations and Epidemiology works closely with the Office of Analytics in looking for grant funding related to certain diseases. I am not sure if anyone from our office has specifically looked for lupus grants in the past, but I can follow-up on this if necessary.

SENATOR SEEVERS GANSERT:

Does OPHIE currently have a grants analyst position? Would this type of position help OPHIE find additional grant funding?

MS. KINSINGER:

Yes, a grants analyst position would help OPHIE research additional grant funding. However, the funding would have to be related to the diseases OPHIE collects data on.

CHAIR BROOKS:

The Committee will now hear public comment for S.B. 175.

AMBER FEDERIZO (Chair, Rare Disease Advisory Council, Department of Health and Human Services):

The DHHS Rare Disease Advisory Council supports S.B. 175. The infrastructure created by the bill is critically necessary to support the populations in Nevada who have not been well counted and researched in terms of prevalence and incidence. As a result, these populations have not been targeted for interventions and have not received an increase in their standards of care or outcomes. Without sufficient data, the struggle of Nevadans with lupus is not completely known or adequately addressed.

CHAIR BROOKS:

The Committee will now hear fiscal issues related to S.B. 210, which is sponsored by Senator Dondero Loop.

SENATE BILL 210 (1st Reprint): Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

MR. THORLEY:

The Fiscal Analysis Division requested fiscal notes from various government agencies related to S.B. 210 as introduced. All responses indicated there would be no fiscal impact resulting from the bill. However, after the bill was amended by the Senate on April 19, 2021, the Nevada Department of Education (NDE) indicated Amendment No. 434 would require it to adopt additional regulations resulting in a possible fiscal impact. This bill may also have a fiscal impact on the DCFS.

CHAIR BROOKS:

Senator Dondero Loop will now present an overview of S.B. 210.

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

One of the key objectives of Nevada's educational system is to optimally support individual learning for every student. Efforts dealing with educating students also need to address the mental health needs of students. It is important to examine the educational needs of children with severe mental illnesses, including examining the needs of children admitted to specialized facilities. Existing law provides that children admitted to a psychiatric hospital or other related facility have the right to an education. Senate Bill 210 further supports the rights of these children to a comprehensive education. I was previously unaware the NDE submitted a fiscal note for the bill.

MS. BORTOLIN:

Senate Bill 210 requires the development of an education plan for certain children transitioning from foster care to a short-term or long-term stay in a psychiatric hospital or related facility. This ensures education is a part of these children's mental health treatment plans and that they continually learn while receiving treatment instead of putting their education on hold until they are discharged. We have been working with and having discussions with foster care stakeholders to ensure a child's education remains a priority when they are

transferred out of a psychiatric facility. This will ensure the best learning outcomes of children.

Billing mechanisms related to foster care and services for mental illness are not changed by S.B. 210. This bill does not place an additional burden on the organization responsible for paying for a child's education while they are in a psychiatric facility. This is why a fiscal note has not been submitted by foster care agencies. The NDE requested language surrounding regulatory authority be included in S.B. 210. Representatives from school districts felt that while the bill focuses on children going from the foster care system to a psychiatric hospital, all children in these psychiatric facilities could benefit from educational plans. My team and I agree with the NDE's request to include regulatory language in S.B. 210 to ensure the education of children is continued once they leave a psychiatric facility.

CHAIR BROOKS:

What potential fiscal impacts will S.B. 210 as amended have on the DCFS?

MS. BORTOLIN:

The DCFS does not believe S.B. 210 as amended will have a fiscal impact on its operations.

MS. ROOSE:

There will be no fiscal impact on the operations of the DCFS if S.B. 210 is approved.

CHAIR BROOKS:

The Committee will now hear public comment for S.B. 210.

BRIGID DUFFY (Director, Juvenile Division, Clark County District Attorney; Clark County Department of Family Services):

The Clark County District Attorney has determined S.B. 210 will have no fiscal impact on its operations. We support the bill.

LINDSAY ANDERSON (Director of Government Affairs, Washoe County School District):

Washoe County School District supports S.B. 210 as it ensures the education of students in residential treatment facilities.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents supports S.B. 210 as we believe approval of the bill is an important step in ensuring the educational needs of certain children is not lost when they are transitioned into psychiatric facilities.

CHAIR BROOKS:

I request a Committee introduction of Bill Draft Request (BDR) S-1052, BDR S-1064, BDR 1-1079, BDR S-1121, BDR S-1124, BDR S-1136 and BDR S-1138.

BILL DRAFT REQUEST S-1052: Makes appropriations to the Office of Finance in the Office of the Governor for the costs associated with the replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System and furnishings for the operations center for the System. (Later introduced as [Senate Bill 435.](#))

BILL DRAFT REQUEST S-1064: Makes an appropriation to the Office of Finance in the Office of the Governor for the construction of a medical school at the University of Nevada, Las Vegas. (Later introduced as [Senate Bill 434.](#))

BILL DRAFT REQUEST 1-1079: Increases the fee charged for certain actions and proceedings in justice courts. (Later introduced as [Senate Bill 437.](#))

BILL DRAFT REQUEST S-1121: Makes appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for maintenance and repairs and the replacement of certain equipment at certain facilities operated by the Division that provide mental health services. (Later introduced as [Senate Bill 433.](#))

BILL DRAFT REQUEST S-1124: Makes appropriations to and authorizes expenditures by the Office of the Military for maintenance projects at certain facilities and the replacement of computer hardware and software, certain equipment and shop tools. (Later introduced as [Senate Bill 432.](#))

BILL DRAFT REQUEST S-1136: Makes appropriations to and authorizes expenditures of money by the Nevada Supreme Court for the replacement

of computer hardware and software. (Later introduced as [Senate Bill 431](#).)

BILL DRAFT REQUEST S-1138: Repeals the prospective expiration of a provision revising the distribution of certain money collected from certain administrative assessments. (Later introduced as [Senate Bill 436](#).)

SENATOR DENIS MOVED TO INTRODUCE BDR S-1052, BDR S-1064, BDR 1-1079, BDR S-1121, BDR S-1124, BDR S-1136 and BDR S-1138.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UANIMOUSLY.

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CHAIR BROOKS:
This meeting is adjourned at 7:22 p.m.

RESPECTFULLY SUBMITTED:

Tom Weber,
Committee Secretary

APPROVED BY:

Senator Chris Brooks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda