

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

**Eighty-Second Session  
May 27, 2023**

The Committee on Ways and Means was called to order by Chair Daniele Monroe-Moreno at 8:13 a.m. on Saturday, May 27, 2023, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Daniele Monroe-Moreno, Chair  
Assemblywoman Shea Backus, Vice Chair  
Assemblywoman Natha C. Anderson  
Assemblywoman Tracy Brown-May  
Assemblywoman Jill Dickman  
Assemblywoman Michelle Gorelow  
Assemblyman Gregory T. Hafen II  
Assemblywoman Sandra Jauregui  
Assemblywoman Heidi Kasama  
Assemblyman Cameron (C.H.) Miller  
Assemblyman P.K. O'Neill  
Assemblywoman Sarah Peters  
Assemblyman Howard Watts  
Assemblyman Steve Yeager

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Elaine Marzola, Assembly District No. 21  
Assemblywoman Selena Torres, Assembly District No. 3  
Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6  
Assemblywoman Cecelia González, Assembly District No. 16  
Senator Roberta Lange, Senate District No. 7

Minutes ID: 1267



**STAFF MEMBERS PRESENT:**

Sarah Coffman, Assembly Fiscal Analyst  
Brody Leiser, Assembly Chief Principal Deputy Fiscal Analyst  
Asher A. Killian, Chief Deputy, Legislative Counsel  
Anne Bowen, Committee Secretary  
Janet Osalvo, Committee Assistant

**OTHERS PRESENT:**

Buffy Jo Okuma, Deputy District Attorney, Washoe County District Attorney's Office  
Randy Soltero, representing Soltero Strategies  
Kyle Devine, MSW, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services  
Arielle Edwards, representing Nevada HANDS Inc.  
Dora Martinez, representing Nevada Disability Peer Action Coalition  
Mark A. Wlaschin, Deputy Secretary for Elections, Office of the Secretary of State  
Eric Jeng, Acting Executive Director, One APIA Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Annette Magnus, Executive Director, Battle Born Progress  
Emily Persaud-Zamora, Executive Director, Silver State Voices  
Leo Murrieta, Executive Director, Make the Road Nevada  
Francisco V. Aguilar, Secretary of State  
Mary Janet Ramos, Nevada Senior Campaign Manager, All Voting Is Local  
Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities  
Liz Ortenburger, Chief Executive Officer, SafeNest  
Beth Schmidt, Lieutenant, Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Nevada Sheriffs' and Chiefs' Association  
Gabriel DiChiara, Chief Deputy, Office of the Secretary of State  
Jamie Rodriguez, Registrar of Voters, Washoe County  
Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education  
Jennifer Lanahan, representing Las Vegas Paiute Tribe and Reno-Sparks Indian Colony  
Dale A.R. Erquiaga, Acting Chancellor, Nevada System of Higher Education  
Alex Tanchek, representing Shoshone-Paiute Tribe of the Duck Valley Indian Reservation; Pyramid Lake Paiute Tribe; and Duckwater Shoshone Tribe of the Duckwater Reservation  
Anthony Ruiz, representing Nevada State College  
Kent M. Ervin, State President, Nevada Faculty Alliance  
Kanani Espinoza, representing University of Nevada, Las Vegas

Michael Flores, Vice President, Government and Community Engagement,  
University of Nevada, Reno  
Sean Sever, Deputy Administrator, Department of Motor Vehicles  
Amanda Brazeau, representing University of Nevada, Las Vegas  
DeRionne P. Pollard, President, Nevada State College  
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber  
Amber Stidham, representing Las Vegas Global Economic Alliance  
Amy Stephenson, Director, Office of Finance, Office of the Governor  
Brian Bowles, Administrator, Office of Project Management, Office of the Governor  
Jack Robb, Director, Department of Administration  
Carrie Embree, Governor's Consumer Health Advocate, Office for Consumer Health  
Assistance, Aging and Disability Services Division, Department of Health and  
Human Services  
Ellen Crecelius, Deputy Administrator, Aging and Disability Services Division,  
Department of Health and Human Services  
Ashley Garza Kennedy, Principal Management Analyst, Government Affairs,  
Department of Administrative Services, Clark County, Nevada  
Lilith Baran, representing American Civil Liberties Union of Nevada  
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County  
Public Defender's Office  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public  
Defender's Office  
A'Esha Goins, representing NAACP, Las Vegas Branch 1111; and Cannabis Equity  
and Inclusion Community  
Matthew Wilkie, Private Citizen  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County  
District Attorney's Office  
Mary-Sarah Kinner, Government Affairs Liaison, Washoe County Sheriff's Office  
Marc Schifalacqua, Senior Assistant City Attorney, Criminal Division, Henderson  
City Attorney's Office, Henderson, Nevada  
Jennifer Noble, representing Nevada District Attorneys Association  
Cadence Matijevich, Government Affairs Liaison, Washoe County  
Erica Souza-Llamas, Administrator, Records, Communications and Compliance  
Division, Department of Public Safety  
Ryan Osborn, Captain, Division of Parole and Probation, Department of Public Safety  
Steven Cohen, Private Citizen  
Tyler Klimas, Executive Director, Cannabis Compliance Board  
Jeffrey Mitchell, Deputy Executive Director, Local Government Services,  
Department of Taxation  
Danilo Dragoni, Ph.D., Deputy Administrator, Division of Environmental Protection,  
State Department of Conservation and Natural Resources  
James A. Settelmeyer, Director, State Department of Conservation and Natural  
Resources  
Kyle Davis, representing Western Resource Advocates  
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association  
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealer Association  
Tom Clark, representing Reno + Sparks Chamber of Commerce  
Janet Carter, volunteer member, Sierra Club Legislative Committee

**Chair Monroe-Moreno:**

[Roll was called. The Committee's rules and protocols were explained.] Good morning, everyone and thank you for joining us on a Saturday. We have a very long agenda, but I do not think it will take us all day. Before we open our first bill hearing, I would like to turn it over to Speaker Yeager.

**Assemblyman Yeager:**

Before we get started, I just wanted to first recognize and thank our staff who got us ready for this meeting this morning. I want to recognize our members and of course, those who had to drive from Reno, because it was a quick turnaround and then recognize everyone in the audience, and particularly our state employees who are here on a Saturday morning. I just wanted to tell you that we appreciate your hard work. We know during the legislative session things move very quickly, and we ask you to be here at all different times of the day and the weekend. I also want to say that I am very proud that we are able to advance the Pay Bill to the Office of the Governor that finally recognizes the hard work and gives you the compensation that you deserve.

**Chair Monroe-Moreno:**

Thank you for that. We could not do this work without our state employees, and especially without our staff.

We are going to be taking things a little bit out of order. Our first bill that we are going to hear will be Assembly Bill 148 (1st Reprint).

**Assembly Bill 148 (1st Reprint):   Revises provisions relating to child welfare.  
(BDR 11-671)**

**Assemblywoman Elaine Marzola, Assembly District No. 21:**

I am here to present Assembly Bill 148 (1st Reprint) which revises provisions relating to child welfare. I brought this bill on behalf of the Nevada Court Improvement Program (CIP). This program emphasizes and supports keeping families together and children's rights to protection from abuse and neglect.

This program is overseen by the CIP Select Committee of which I am a member. The Committee is comprised of family court judges, a tribal representative, child welfare agency representatives, a deputy attorney general, district attorneys, a public defender, legislators, the administrative office of the courts, several attorneys who actively represent neglected and

abused children, and a Court Appointed Special Advocate—CASA—representative. We have been working for months to develop this bill that is before you. This bill enables the courts and agencies involved in the child welfare system to improve their handling of child dependency cases.

The bill accomplishes several things, including setting up a statutory procedure for the appointment of a guardian ad litem for parents and dependency cases who are incapacitated; required federal language in *Nevada Revised Statutes* regarding certain out-of-home child placements; and creating a statutory framework for handling situations where a child must be placed in a secure facility to receive treatment. There were several fiscal notes attached to this bill, however, the amendment adopted in the policy committee removed any anticipated fiscal impact. I am happy to report that each agency has now determined that there is no longer a fiscal impact. I will stand for questions. I also have Buffy Okuma, Deputy District Attorney from the Washoe County District Attorney's Office on Zoom.

**Chair Monroe-Moreno:**

Thank you so much for the presentation and you were right; there were several fiscal notes, but they have now all moved to \$0 balance.

There was an additional amendment [[Exhibit C](#)] submitted by John McCormick, Assistant Court Administrator, Nevada Supreme Court, that would delete sections 1, 2, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 48, 68, and 69. Is that a friendly amendment? Since there is not a fiscal note, it would not affect the fiscal note, correct?

**Assemblywoman Marzola:**

I will have Mrs. Okuma answer that question for you.

**Buffy Jo Okuma, Deputy District Attorney, Washoe County District Attorney's Office:**

I am here as a representative of the Court Improvement Program. The amendment that Mr. McCormick submitted yesterday is related to the change from the term court master to magistrate. There has been some concern from some judicial officers regarding that change. That is the only effect that amendment would have. It would not have a fiscal impact.

**Chair Monroe-Moreno:**

Since this amendment does not have a fiscal impact, I ask that you just submit it as a floor amendment as the bill moves out of this Committee.

**Assemblywoman Marzola:**

I will do that Madam Chair.

**Chair Monroe-Moreno:**

Members, are there any questions for the presenter? [There were none.] Is there anyone who would like to testify in support of Assembly Bill 148 (1st Reprint)? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 148 (R1)? [There was no one.] Is there anyone who would like to testify in neutral on A.B. 148 (R1)? [There was

no one.] I will close the hearing on A.B. 148 (R1). Seeing that there is no fiscal impact to the state, and the amendment that has been presented has no fiscal impact on the bill, that amendment will be presented on the floor. I will go ahead and open the work session for A.B. 148 (R1). I will entertain a motion to do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO DO PASS AS AMENDED  
ASSEMBLY BILL 148 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Marzola.

The next item on our agenda for today is Assembly Bill 281 (1st Reprint).

**Assembly Bill 281 (1st Reprint): Revises provisions governing senior living facilities.  
(BDR 40-457)**

**Assemblywoman Michelle Gorelow, Assembly District No. 35:**

With me today is Randy Soltero, and we are proud to present Assembly Bill 281 (1st Reprint) which requires the administrator of a senior living facility to ensure a senior living facility is equipped with a functional ventilation system. I will turn it over to Mr. Soltero to explain the lack of a fiscal note.

**Randy Soltero, representing Soltero Strategies:**

I am here to talk about A.B. 281 (R1). The fiscal note that is attached to this bill is approximately \$90,000 in the first year, and just over \$117,000 in the second year of the biennium. I spoke with Mr. Devine of the Department of Health and Human Services who is here today and is ready to answer any questions. I talked to him about this fiscal note, and he informed me the person who would be assigned—because this fiscal note would pay for an investigator if this bill is passed—would be assigned to a fee-based department in the Department of Health and Human Services. There would be no fiscal impact on the state because those investigators are paid by the fees that are generated from that Department. Mr. Devine is here as well if you have any questions.

**Chair Monroe-Moreno:**

Good morning. If Mr. Devine is in the room, I will invite you to join them at the table. I did receive an email from your office that indicated exactly what Mr. Soltero put on the record; that A.B. 281 (R1) would have an impact on your Division, but because it is fee-funded, it would not have an impact on the state budget. My question for you is, can your Division absorb that impact?

**Kyle Devine, MSW, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services:**

We believe that we can accomplish the work necessary through fee funds as we obtain licensure fees for those facilities. However, in the future, we may need to raise those fees in order to continue to support that position.

**Chair Monroe-Moreno:**

Thank you for putting that on the record. Members, are there any questions for the presenter?

**Assemblyman Hafen:**

I just want to clarify that I understand correctly that we are removing the fiscal note because there will be fees assessed on facilities that currently are not being assessed, and those fees may or may not cover it, so they may or may not need to be increased. If I understand correctly, that would come in front of the Legislative Commission because I do not think I saw it in the bill, so I am assuming it to be in regulation.

**Kyle Devine:**

That is correct. The fees are currently assessed at a rate to support the work we currently have. With the additional burden, and maybe some others, we do need to do a fee assessment, and once that assessment is completed, if we need to bring forward regulations to increase those fees—that is what we would do.

**Assemblyman O'Neill:**

This may be policy, but I will try to connect it to the money side. When the state does inspections of these facilities now, do we not already look at ventilation and the maintenance of equipment and the facilities and that part of the normal inspection process for their licensing? If we have personnel doing this already—why do we need personnel and additional fees to do it?

**Kyle Devine:**

We do currently inspect those facilities, but not necessarily specific to Heating, Ventilation, and Air Conditioning (HVAC) systems. In this case, we would need somebody who could review the current code, make recommendations to the Board of Health, and also review any records to assure compliance with the bill.

**Assemblyman O'Neill:**

You are saying that would take a specialist in HVAC.

**Kyle Devine:**

Yes, we would need somebody who is familiar with HVAC, whether that is a contractor or a state full-time-equivalent position.

**Assemblyman Hafen:**

I am reviewing sections 22 and 23 that is saying we are going to hire a position if there are sufficient federal funds available. Then section 23 says this expires if there are not federal funds available. What I am hearing today is that we are proposing something slightly different, and there will be some sort of fee that will be assessed to help pay for the staff rather than what sections 22 and 23 refer to, which is the federal money being available. Could you just clarify that for me, please?

**Kyle Devine:**

The way I read it is those federal funds would be made available to the facilities in order to upgrade their current HVAC systems. What we are talking about is the need for a position to ensure that the work is done within compliance of the building guidelines. Therefore, we would only assess those fees if this bill is approved by the Legislature.

**Chair Monroe-Moreno:**

Mr. Soltero, did you want to respond?

**Randy Soltero:**

I can tell you that what this bill does is require the upgrade of the HVAC system to clean air standards in the facilities, only if there are federal funds available to do that work. It would make it a zero cost to the facility to get this work done. This is similar to a bill that we did last session that did the same thing for schools. I can tell you the Clark County School District took advantage of this program and used those federal funds that were available, and are still available, to upgrade their systems. Additionally, other schools throughout the state also use this program. This bill is an extension of that same type of program where the facilities, if they need an air quality upgrade, could access federal funds that are available through the Infrastructure Investment and Jobs Act and different other funding mechanisms. This bill would only be in effect until those federal funds are no longer available. Once the funds are no longer available, there will be no more program. I just want to make sure that is clear on the record that this program is time-based, and it sunsets once those federal funds are no longer available.

**Chair Monroe-Moreno:**

It is my understanding that the fees are for the facility administrator who is going to prepare the report on the work that has been performed by the qualified personnel and make that report available to the Office of Energy upon request. But the federal funds referred to during this discussion is not for your office, it is for the facilities themselves, and therefore this bill has no effect on the State General Fund, and that is what we are here to discuss today. Correct?

**Kyle Devine:**

Yes, that is correct.



**Chair Monroe-Moreno:**

Members, are there any more questions? [There were none.] Is there anyone who would like to provide testimony in support of Assembly Bill 281 (1st Reprint)?

**Arielle Edwards, representing Nevada HANDS Inc.:**

We have the only two affordable assisted living communities in the state. We provide 180 apartment units for seniors in need of assisted living. We are in support of A.B. 281 (R1), and we would like to thank the bill sponsors and the stakeholders for working with us on this bill.

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

We would like to thank the sponsor of the bill and are in support.

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in opposition to A.B. 281 (R1)? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] Presenters, do you have any closing remarks? [There were none.] I will close the hearing on A.B. 281 (R1) and knowing that our rules have been waived, and this piece of legislation has no effect on our General Fund, we can go ahead and work session this bill today. I will open the work session for Assembly Bill 281 (1st Reprint), and I will entertain a motion to do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO DO PASS AS AMENDED  
ASSEMBLY BILL 281 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman O'Neill:**

I am going to vote yes on the bill today with reservation and then talk to Assemblywoman Gorelow. I still have some questions and concerns, but I like the intent of it. I just need to narrow down some facts.

**Assemblywoman Dickman:**

Thank you, Madam Chair. Ditto.

**Chair Monroe-Moreno:**

Is there any other discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN HAFEN VOTED NO.)

I will assign the floor statement to Assemblywoman Gorelow.

Moving on and taking things a little bit out of order. We are going to open the hearing for Assembly Bill 246 (1st Reprint).

**Assembly Bill 246 (1st Reprint): Revises provisions governing elections. (BDR 24-821)**

**Assemblywoman Selena Torres, Assembly District No. 3:**

Assembly Bill 246 (1st Reprint) revises provisions governing elections specifically to improve access to voting for limited English proficient Nevadans. Every Nevadan has a fundamental right to participate in the electoral process, regardless of the language they speak. Assembly Bill 246 (1st Reprint) seeks to establish additional state standards and resources for providing voting materials in languages other than English to eliminate language barriers that many Nevadans face in the electoral process. In our many conversations with county registrars, nonprofit organizations, and other stakeholders, we believe this is the best path forward to ensure that the Silver State's democratic process is accessible and equitable for all Nevadans.

I want to thank the Office of the Secretary of State, county recorders, and local governments for the working collaboration. A conceptual amendment was submitted to the Committee reflecting minor clarifications of the bill [[Exhibit D](#)]. We have a representative from the Secretary of State's Office who can answer any questions that you might have, but I would like to briefly review some key points. Over the biennium, the office projects to have an associated cost of \$449,576, which includes an estimated \$56,000 to translate listed languages on election materials across 17 counties, approximately \$14,000 for a statewide voter language access hotline, and approximately \$270,000 for staffing and related expenses to carry out the core functions of this bill.

**Chair Monroe-Moreno:**

Will the amendment that was submitted have any effect on the fiscal aspects of the bill, or is it simply a policy amendment?

**Assemblywoman Torres:**

This is just a policy amendment clarification because there was a significant amendment made in the Legislative Operations and Elections Committee. This is some additional clarification from that 50-page amendment we had on the first reprint.

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

The nature of the fiscal note is, again, fairly complex, given the complexity of the process and the administration of elections. We have 17 counties, and they each have different systems, processes and procedures, and different vendors that they use. The goal of the bill and the fiscal note aspect of it is to make sure that in all 17 counties, the voters would have uniform access to the same languages, as the bill dictates. Again, there are personnel requirements involved, and there is a phone line as well to make sure that when voters have questions, that information is translated appropriately. We have vendors, Dominion Voting Systems and Election Systems and Software, currently used across the state.

**Assemblywoman Torres:**

I also would like to note that the majority of the local governments have removed their fiscal note with the amended language and the reprint of the bill.

**Chair Monroe-Moreno:**

Yes, we did receive those \$0 fiscal notes as they were coming in. We appreciate that. A question for the Secretary of State's Office; we know that this is a movement that your Office has been trying to go through for the last few years. Would you be able to implement this without this piece of legislation?

**Mark A. Wlaschin:**

While there were efforts and desires to expand access for voters over the past few years, it is our belief that this bill is required.

**Chair Monroe-Moreno:**

There have been a few things that have come through this Committee that would enhance the Office of the Secretary of State relating to positions and salaries. Do you still feel that this fiscal note and the total amount that you are requesting is needed?

**Mark A. Wlaschin:**

Yes, absolutely. There are a number of different aspects to elections administration that have increased requirements. We have been very careful in identifying the needs from a task-to-staff point of view to make sure that we are not asking for more individuals than needed. We are being very careful with taxpayer dollars and our requests for additional personnel across the state.

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in support of A.B. 246 (R1)?

**Eric Jeng, Acting Executive Director, One APIA Nevada:**

I am also director of outreach for Asian Community Development Councils, serving the almost 390,000 Asian and Native Hawaiian Pacific Islander community here in our state. That is about 12 percent of our population and growing to 10 percent of our voter share. Because of the Voting Rights Act of 1965, we as a country make sure that all eligible citizens have access to the ballot no matter their language proficiency. Through the Act, we know that Clark County has Spanish and Tagalog, and now we are very proud with this bill that they will be adding Chinese. For Washoe County, we can see Spanish. For statewide, there are so many more resources as well as the helpline. I am here to thank the bill sponsor, Assemblywoman Torres, the Secretary of State's Office, our partner All Voting Is Local, and all the county registrars for being able to accommodate and use the resources available to help our communities access the ballot and to bridge that language barrier. This will tremendously help our Asian and Asian-American communities.

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

Assembly Bill 246 (1st Reprint) is an investment to ensure that all eligible Nevada voters feel confident to participate in our democracy, and we urge your support.

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

We are here today in support of A.B. 246 (R1). We have one of the nation's most diverse populations, and our election systems need to reflect that. All eligible folks should have access to voting, which means having ballots and election materials in languages they can understand. This bill will allow more accessible language to be added to the ballot and allow everyone to have a voice and participate in the right to vote. This is an important investment for all Nevadans in our state, and proper translation services are desperately needed.

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

On behalf of our members, we are in strong support of A.B. 246 (R1). As an organization that is dedicated to democracy in all things, I cannot express how much this bill is needed. There are so many communities that are not participating in elections because they do not feel comfortable using government documents. As somebody who is first generation, I know what it is like to work with my community members who may feel comfortable speaking in English, but feel uncomfortable using government documents. They feel nervous. For that and for so many more reasons, we urge your support.

**Leo Murrieta, Executive Director, Make the Road Nevada:**

We work to make sure that as many non-English speaking voters can have access to the ballot and to participate and exercise their constitutional rights. We are here in support of A.B. 246 (R1) because it is a critical piece to ensure that our democracy is as diverse and as participatory as we can make it.

**Francisco V. Aguilar, Secretary of State:**

I am here this morning to support A.B. 246 (R1), and I encourage this Committee to do the same. Nevada is one of the most diverse states in the country, and our constituents speak many languages. Strong language access at the ballot box and surrounding elections is critical. All election information needs to be available in the languages our communities speak. I would like to thank Assemblywoman Torres as well as the voting rights organizations who have been working on this bill for their efforts to improve access to the ballot box. Thank you again to Chair Monroe-Moreno and the Committee.

**Mary Janet Ramos, Nevada Senior Campaign Manager, All Voting Is Local:**

We are here in strong support of A.B. 246 (R1). The outcome of any election, whether it is local, state, or federal directly impacts the lives of every Nevadan, regardless of the language that they speak. Therefore, voters whose primary language is not English should be supported and provided with the necessary translated voting information and election materials to cast a ballot safely and securely. Dismantling language barriers to the ballot box is a nonpartisan issue. This bill is a commitment to our democracy by helping improve the accessibility to voters who have historically been disenfranchised from the electoral process. It reaffirms the notion that every voter, whether they live in an urban or rural community and

regardless of the language of preference, deserve an equal opportunity to exercise their fundamental right to vote and to have their voices heard. Lastly, I would like to thank the bill's sponsor, Assemblywoman Torres, and the Secretary of State and his staff, in helping create a sustainable and equitable framework to expand language access at the local and state level in a way that is effective, operational, and fiscally responsible to assist Nevada voters. We urge this committee to support and pass A.B. 246 (R1) and thank you so much for your time and consideration.

[[Exhibit E](#) was not discussed during the hearing but was submitted in support of Assembly Bill 246 (1st Reprint) and will become part of the record.]

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in opposition to A.B. 246 (R1)?

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

We are in opposition to A.B. 246 (R1). American Sign Language (ASL) is not included in this bill. We encourage the sponsors to include ASL users because their voice counts. American Sign Language is a different language than English. It is not the same thing. Thank you.

**Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:**

I echo Dora Martinez's comments in that language access is vital for people with disabilities and other accommodation needs, which includes Braille, American Sign Language, and other various forms of communication. This bill addresses many things, such as varying languages like Chinese, Tagalog, and Spanish, however, it fails to specifically address or mention any other types of language access. I spoke with the bill's sponsor, and her exact comments to me were that users should use Nevada's Effective Absentee System for Elections (NV EASE) because we worked hard in the last legislative session and passed that. We are part of that, but American Sign Language is not English, and NV EASE is only in English. It is very important that the bill sponsor and anybody else working on this, understand that you are specifically excluding American Sign Language users with this bill by not including them. We appreciate your time, and we really hope that you consider amending the bill to include American Sign Language.

**Chair Monroe-Moreno:**

Is there anyone who would like to provide neutral testimony on A.B. 246 (R1)? [There was no one.] We will invite the presenter back to the table for any closing remarks.

**Assemblywoman Torres:**

Obviously, there is no piece of legislation that is going to fix every single issue with access to voting. I think it is critical that we continue the conversation about how we increase access. This specific piece of legislation is looking at how we increase language access. That being said, I think that this legislative body has made significant improvements, and there is still a lot of work for us to do to ensure that the disabled community has access to voting.

Additionally, I think there are conversations that we can continue to have and explore to expand that access, although the scope of this piece of legislation is limited to the ten most commonly spoken languages in the state of Nevada. I look forward to continuing to work with our community to expand language access and voting.

**Assemblywoman Brown-May:**

I think it is really important that we acknowledge the diversity in our community with respect to the individuals with disabilities whom we are all trying to serve. There is another bill that is not in front of the Ways and Means Committee, that was considered by the Commission on Legislative Operations and Elections from the interim that specifically identifies accessibility features. It is important to note that while not necessarily in this bill, there is also another measure specifically working to increase accessibility for all people with disabilities.

**Chair Monroe-Moreno:**

We will close the hearing on A.B. 246 (R1) and open the work session. Members, you have heard the testimony from the presenter and the Secretary of State's Office that to make sure this bill can move forward and accomplish the intent of the bill, we will need to amend it due to the fiscal note from the Secretary of State's office of \$240,244 in fiscal year (FY) 2024 and \$209,332 in FY 2025. There are costs of \$420,148 in future biennia, but we will just amend in the amounts for FY 2024 and FY 2025. The amendment that was presented today would need to be a floor amendment by the bill sponsor for that part, since it is just a policy amendment by the presenter. I will accept a motion to amend and do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS AS  
AMENDED ASSEMBLY BILL 246 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Hafen:**

I want to thank my colleagues both to my right, and the presenter. I do have some concerns over how this is going to interact with some of the other election integrity bills. However, having said that, I do not have time to look up the bill that was discussed, and so I will vote this out of Committee today, and I look forward to working with my colleagues to make sure that everybody's concerns are fully addressed in other bills.

**Assemblywoman Dickman:**

I will need to be consistent with the statement I made earlier that until the Governor's election bill gets a hearing, I will not be able to support any election bills.

**Chair Monroe-Moreno:**

Is there any other discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMEN DICKMAN AND  
KASAMA VOTED NO.)

I will assign the floor statement to Assemblywoman Torres. We will move to Assembly Bill 257 (1st Reprint).

**Assembly Bill 257 (1st Reprint): Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)**

**Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6:**

Today, we would like to present to you Assembly Bill 257 (1st Reprint) which has a very simple purpose to allow strangulation forensic medical examination costs to be covered by the counties in which an event may occur. In the interest of time, I would like to turn over this presentation immediately to Liz Ortenburger of SafeNest, and she will give you the details.

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

Strangulation provides a unique red flag for lethality inside domestic violence. We had 30,000 plus charges for domestic violence in our state last year. However, we have few strangulation exams because when strangulation victims present at the hospital, the first thing that they are presented with is the cost. In Clark County, the cost of that examination can be between \$500 and \$1,500 minimum. This bill allows those examinations to happen at no cost to the survivor, and it removes the fiscal note from the state and requires the county to cover the cost. The county can apply to the state for funds as they are available, but it is the counties' cost to bear.

**Assemblywoman Summers-Armstrong:**

The fiscal note from Clark County was removed with an amendment that was handled over in Judiciary. Basically, as long as the money is available for some survivors of violence, there is a federal fund that is available, and as long as those dollars are available, the state and the county can apply. From our perspective, there is no direct impact on the state budget to have this bill go forward.

**Chair Monroe-Moreno:**

The bill as it was originally introduced, contained a \$2,160,000 fiscal note in both fiscal year (FY) 2024 and FY 2025 from the Division of Child and Family Services, Department of Health and Human Services, but that has since been removed. Now it is a \$0 fiscal note. I believe that was the only fiscal note associated with the state's budget and the General Fund and all of the other fiscal notes are zero, with the exception of one county that is listed. Currently this bill, in its first reprint, has no fiscal impact on our state budget. Correct?

**Assemblywoman Summers-Armstrong:**

That is correct.

**Chair Monroe-Moreno:**

Members, are there any questions?

**Assemblyman Hafen:**

I am actually kind of surprised to see that Medicaid is not covering this already. I am quite shocked that this is not covered. I genuinely appreciate you bringing this forward. I want to touch on the fiscal aspect; so, the counties can go and basically ask for reimbursement as long as there are funds available. Would the counties be able to use some of the indigent services funds to come in front of the Interim Finance Committee to get reimbursement rates for some of those—especially for some of the smaller counties that may not be able to absorb some of these additional costs.

**Assemblywoman Summers-Armstrong:**

I think when you talk about indigent services, you have to understand that everyone who is involved in domestic violence is not indigent. I think that is a misnomer. If someone is in a family situation where there is domestic violence, but they may work or have a spouse who is in a government or county job, these things could be covered by insurance. The issue is still that the survivor has to make an application, and that application can be denied, and they would be required to come up with these funds upfront. This is to prohibit and ensure that is not a prohibition for someone to present for an examination and move forward. I think Ms. Ortenburger can speak much more clearly on this, but I think we all know that domestic violence survivors often do not report. When we get someone who has the courage to come forward and submit to this examination, we do not want this to be a prohibition for them because they get to the hospital and are told, oh, by the way, you have to pay up front and then go to your insurance for reimbursement. I will leave it to Ms. Ortenburger to complete that.

**Assemblywoman Backus:**

My question kind of follows along the same lines as my colleague, but I wanted to clarify. I believe you said that the smaller counties could apply for state funds, and I assume that is from our victim's accounts and other accounts that are already funded by the state. Assembly Bill 257 (R1) would not be in need of any additional funds because those funds are already planned for, and smaller counties would have to apply for them, correct?

**Liz Ortenburger:**

Yes, that is my understanding.

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in support of Assembly Bill 257 (1st Reprint).



**Beth Schmidt, Lieutenant, Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

We support removing the fiscal barriers for victims of battery, domestic violence, and strangulation if they cannot afford to pay this.

[[Exhibit F](#) and [Exhibit G](#) were not discussed during the hearing but were submitted in support of Assembly Bill 257 (1st Reprint) and will become part of the record.]

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in opposition to A.B. 257 (R1)? [There was no one.] Is there anyone who would like to testify in neutral? [There was no one.] I will close the hearing on A.B. 257 (R1). Seeing that this bill has no fiscal impact to the state budget and our General Fund, we can work session this bill today. I will accept a motion to do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO DO PASS AS AMENDED  
ASSEMBLY BILL 257 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Summers-Armstrong.

The next item on our agenda is Assembly Bill 192 (1st Reprint).

**Assembly Bill 192 (1st Reprint): Revises provisions relating to elections. (BDR 24-836)**

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

Our state is new to mail-in ballots, and as we figure out better ways to administer our elections, this is something that came out of those conversations. As we move from the bottom up to the top-down system, this will make all mail-in ballots universal, and will change from 17 different contracts to one state buying contract. Counties will still have the ability to make necessary edits to their ballots for their counties. The bill also addresses electioneering, especially when we are talking about the rise in harassment to election workers and at election sites. Assembly Bill 192 (1st Reprint) addresses the need to have a visible freestanding sign designating where someone can and cannot electioneer. At this time, I will turn it over to the Office of the Secretary of State to discuss the fiscal note.

[[Exhibit H](#) was not discussed during the hearing but was submitted regarding Assembly Bill 192 (1st Reprint) and will become part of the record.]

**Gabriel DiChiara, Chief Deputy, Office of the Secretary of State:**

This fiscal note encompasses the costs of a single statewide contract for mail ballots, ballot stock, postage, postcards, et cetera for the conduct of upcoming elections. Currently, by statute, the Secretary of State's Office is required to reimburse counties for a number of these costs, but not every cost, related to the election. We have the data that shows the cost for a single statewide contract would be approximately \$4 million per election. Depending on how many elections there are in a fiscal year, that number would change. I did pull the data for the last biennium and approximately \$4 million from the State General Fund was spent over the last biennium, reimbursing counties for the same items. We believe that a single statewide contract would give our rural counties the purchasing power of Clark County and Washoe County and would help drive down costs for the state as a whole. Additionally, some of our small counties have had difficulty keeping vendors as there is a paper shortage, and some of our counties have relatively small numbers of voters, resulting in vendors cancelling contracts and leaving them in the lurch with a statutory requirement to provide these ballots. By having a single statewide contract, it would help keep our election infrastructure secure.

**Chair Monroe-Moreno:**

You said the cost was approximately \$4 million per election, but your fiscal note for fiscal year (FY) 2024 shows just under \$8 million. Is that because we will have the presidential primary, the primary, and the general election?

**Gabriel DiChiara:**

That is correct.

**Chair Monroe-Moreno:**

By doing this, would the state be able to purchase the paper that the counties need at a bulk rate?

**Gabriel DiChiara:**

Yes, that is correct. Our office is a member of the National Association of State Election Directors, and states and election directors have been advised to secure paper for elections as soon as possible. We also believe that a statewide contract and being able to secure paper ballot stock for the entire state would be helpful.

**Chair Monroe-Moreno:**

If this legislation is passed and approved, would you be able to purchase that paper earlier so it could be stockpiled for upcoming elections?

**Gabriel DiChiara:**

Yes, we are able to begin that process before the legislation passes, and we would like to get a contract on the books as quickly as possible. I would like to add one thing about a conversation that came up with a member of the Board of Governors of the United States Postal Service. The Secretary of State's Office submitted a conceptual amendment that would require the vendor for the single statewide contract to mail the ballots within the state

of Nevada. This would help with ballots being delivered in a timely manner, and it was recommended that we put that in statute so that the selected vendor is aware that state law requires ballots be mailed from within the state of Nevada.

**Chair Monroe-Moreno:**

Is that amendment part of the first reprint or will that be a new amendment?

**Assemblywoman González:**

It will be a new amendment.

**Chair Monroe-Moreno:**

Will that amendment have any impact on the fiscal note?

**Assemblywoman González:**

No, it will not.

**Chair Monroe-Moreno:**

Since it will not have a fiscal impact on the amendment it will not have a fiscal impact on the bill. I ask that you make that a floor amendment. We will not do that here. Is there anyone who would like to testify in support of A.B. 192 (R1)?

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

I would like to testify in support of Assembly Bill 192 (1st Reprint). We really appreciate Assemblywoman González. We reached out to her over the summer about this particular bill. One of the hats that we wear as an organization is running a nonpartisan election protection program, and one of the biggest problems that we see is at election sites. At every site there is either no electioneering, or you cannot electioneer at the 100-foot mark. There are many election sites where the signage is not visible, or it is a very small piece of paper and not really accessible and visible. We have actually had some of your colleagues call in and ask where the 100-foot line is at a particular location. We just really want to make sure that spot is visible.

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

In Nevada, uniform mail ballots will simplify our election processes as well as voter outreach and education efforts. We urge your support.

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

We are in strong support of this bill. We think that ensuring that we have a paper supply so that we can actually get our ballots out to everybody and make sure that we can do our jobs correctly is really important. We also want to make sure that the signage is consistent and that it is readable. Please support this important piece of legislation.

**Francisco V. Aguilar, Secretary of State:**

Obviously, we are in full support of the bill. Mail ballots sent to the state will be uniform, will help us secure transparency for voters, and increase efficiency for state and county staff. One statewide contract will show that our rural communities do not have to struggle to maintain or negotiate contracts for smaller orders, and it will save the state money, thanks to the purchasing power of our largest counties. This will also strengthen the Office's working relationship with the United States Postal Service and allow us to get up-to-date information on mail ballots via the Intelligent Mail Barcode system. The federal government has determined that election systems are critical infrastructure due to ongoing paper shortages. As mentioned, the U.S. Cybersecurity and Infrastructure Security Agency, part of the Department of Homeland Security, has advised election directors across the nation to secure any paper necessary for the 2024 election as soon as possible. This bill will give Nevada an important tool for meeting that critical need. Thank you to Assemblywoman González for bringing this forward, and I urge the Committee's support.

**Chair Monroe-Moreno:**

Is there anyone who would like to provide testimony in opposition to Assembly Bill 192 (1st Reprint)? [There was no one.] Is there anyone who would like to testify in the neutral position?

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

I am actually calling in support.

**Chair Monroe-Moreno:**

You may proceed, and I will move your testimony to support.

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

I am going to ditto all the beautiful Annette Magnus comments and everybody who supported the bill.

**Jamie Rodriguez, Registrar of Voters, Washoe County:**

I am calling today in neutral for A.B. 192 (R1). I want to thank Assemblywoman González for working with us on the bill, and the provisions of the bill. Just one thing that I wanted to put on note—I will not get into the policy as this is the money committee—appreciating the desire and the intent and why we are looking for uniformity, we have had some conversations about hopefully keeping election materials a little bit more generic given that different counties have different equipment for processing ballots. We are hoping not to have to repurchase all of the equipment that we were able to use state funds for in 2020, such as buying new ballot sorters and processing equipment, and having a little bit of flexibility so that we can use the equipment that we purchased with those state funds. Thank you very much for your time this morning.

**Chair Monroe-Moreno:**

I will invite the presenters back to the table, and I will ask if you could please respond to that last caller's comments.

**Gabriel DiChiara:**

Jamie Rodriguez, the Washoe County Registrar of Voters is absolutely correct. A number of counties have different machines that require different sizes of envelopes, different sizes of paper, et cetera. A vendor that was dealing with Clark County would also be capable of dealing with each of those individual county requirements. It is not the Secretary of State's position that we are going to ask the counties to move to universal machinery—at least not anytime soon. We would be working with the print vendor to identify each county's print needs and working with the vendor to ensure that those needs are met.

**Chair Monroe-Moreno:**

Thank you for getting on the record that we are not interrupting our county clerks, who do an amazing job, but making sure that the state has the tools it needs to get the ballots out while providing uniformity and savings to our counties. Did you have any closing comments on this bill?

**Assemblywoman González:**

Thank you so much for your time this morning, and I urge your support for A.B. 192 (R1).

**Chair Monroe-Moreno:**

I will close the hearing on A.B. 192 (R1) and open the work session. As with the last bill that did have a fiscal impact, we will have to amend in the fiscal note into this bill. For FY 2024 it is \$7,805,011 and it is \$3,902,506 for FY 2025. I will accept a motion to amend and do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS AS  
AMENDED ASSEMBLY BILL 192 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Dickman:**

I actually supported this bill in the policy hearing, but it is still an election bill. The Governor has not gotten a hearing for his election bill, or a commitment to hear it, so I will be a no.

**Chair Monroe-Moreno:**

Is there any other discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED  
NO.)

I will assign the floor statement to Assemblywoman González. We will go back to the top of our agenda and open the hearing on Assembly Bill 150 (1st Reprint).

**Assembly Bill 150 (1st Reprint): Revises provisions governing the waiver of certain fees by the Board of Regents of the University of Nevada. (BDR 34-88)**

**Assemblywoman Natha C. Anderson, Assembly District No. 30:**

Assembly Bill 150 (1st Reprint) proposes changes to the Native American tuition waiver bill which originally passed in the 81st Legislative Session. Before going into the financial items of A.B. 150 (R1), I would like to thank Asher Killian of our Legislative Counsel Bureau Legal staff as well as Vice Chancellor Renee Davis for all their work in getting the legal language together. The proposed amendment [[Exhibit I](#)] does not make any changes to the fiscal note. If asked, I am more than happy to do that as a personal amendment on the floor of the Assembly.

The changes proposed in the policy committee are based on numerous discussions with tribal leaders, students, educators, and members of the Nevada System of Higher Education (NSHE) personnel. Although I know this is not the policy committee, I did want to clarify a few of the changes and why I am asking for the money that is part of section 1.7. I believe the information is being added to allow for members and descendants of members of federally recognized Native American tribes who do not otherwise meet the criteria of section 1, subsection 2, who currently reside on tribal lands located wholly or partially within the boundaries of the state of Nevada. Found in section 1.3, subsection 1, paragraph (c), subparagraphs (2) and (3). That language would help students who reside in locations such as Dresslerville, Fort McDermitt, or Fort Mojave, where the reservation land actually crosses state land. The students many times go to state schools in Nevada and/or are part of tribes that are part of our state of Nevada, and their cousins who live in Nevada are able to go to the university with a tuition waiver, but if they live just a little bit into California or Idaho, they are not able to do so. That addresses that issue.

The second large issue that this addresses in the policy has to do with whether Free Application for Federal Student Aid (FAFSA) would continue to be applied. It would continue to be applied, but that would be after the waiver has been applied. The current process is actually harming the most vulnerable students, and we are finding that they are not able then to use that FAFSA money for their lab fees.

Finally, the proposed amendment does expand the program. If a student has lived in Nevada for at least a year and has enrolled in any federally recognized Indian tribe or nation, or is a descendant of a member of any federally recognized Indian tribe or nation, the waiver shall be granted.

The last change, and the reason why the bill is in front of you today, is I am asking for funding of \$450,000 per year for the biennium. This is a little bit shy of the amount actually used during this first year of the waiver where we were able to help 140 students attend one of our Nevada System of Higher Education institutes. That way we have the evidence of

how many students we have been able to help. The money from the state will allow this program to continue to grow and help more individuals. And again, I want to thank NSHE for all the work that they have put into this. I know that our university and community colleges presidents, as well as recruiters have been using this, and it has made a difference.

In closing, I would like to bring forward the words of a Truckee Meadows Community College student who is planning on becoming an elementary school teacher. Alyssa Sweet is a descendant of the Lovelock Paiute tribe, and she basically said, "the only reason I am able to go to the university is because of this waiver; is because I am Native. It makes me feel good about who I am. This has been life changing for me just because I can rely on something else. Something I know that is going to be there." I asked for this money so that we can continue to have this excellent program that is helping our state. I am happy to take any questions.

**Chair Monroe-Moreno:**

Thank you for the presentation. Yes, there is a fiscal impact according to the fiscal note from NSHE, but you stated that you had been working with one of our Fiscal staff on this. If he is in the room, please come to the table. Did you say the current waiver was able to help 140 students or 150 students?

**Assemblywoman Anderson:**

There were 140 students who had \$457,449 in fees waived during the first year. There were an additional 24 students who qualified, however, those waivers had fees paid by federal education budget items. That could be where the other number was coming from.

**Chair Monroe-Moreno:**

Do you have an estimate of how many more students would be qualified if this legislation were to pass, because it is kind of broad? If there is someone from NSHE, I am going to ask questions about your fiscal note.

**Assemblywoman Anderson:**

Thank you for the question about how many students. I do remember that was provided to me after the hearing for some reason, but I cannot find it right now. I am going to look for it and get back to you.

**Chair Monroe-Moreno:**

You have a little bit of time, so I am going to go to NSHE first. Could you walk us through your fiscal note?

**Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education:**

In the fiscal note, we have a breakdown for each of the institutions, and you can see in total what the institutions are estimating. This fiscal note actually does not include the University of Nevada, Reno (UNR), but I do have those numbers as well. In the first year, FY 2024, it is estimated to be a \$1.75 million revenue loss, and in FY 2025 it is \$1.98 million in total revenue loss. For each of the institutions, within the fiscal note, there is a breakdown of their

estimate of the number of students; for Western Nevada College, it is 228 students. Then you can see there is some math in there that sort of walks through the calculations. I am quickly looking at Great Basin College, and I do not see a specific number of students there. Truckee Meadows Community College (TMCC) is estimating 6,997 jumpstart dual enrollment credits. For the University of Nevada, Las Vegas (UNLV) in FY 2024, they are estimating 33 students, I believe. For Nevada State College, I do not see their specific number of students in there either. I am happy to get back to you on the exact number of students, but there is a calculation within the fiscal note for each of the institutions.

**Chair Monroe-Moreno:**

Is this calculation on the current student enrollment at those institutions, or projected student enrollments for those institutions?

**Andrew Clinger:**

I am not sure how they came to these numbers or if they are projections or actual students enrolled. At Western Nevada College (WNC) it says there are currently 228 Native American high school students enrolled in either dual enrollment or jumpstart. For WNC it is actual students, and I do not know about the rest. Let me look. It does look as though at TMCC, currently, there are 37 Native American students enrolled in either dual enrollment or jump start. I am not sure on the other institutions.

**Chair Monroe-Moreno:**

It appears that Great Basin College's documentation is based on assumptions; UNLV did not state exactly if the estimate is based on current or projected student caseloads, and Nevada State College is based on the assumption of the dual enrollment students as well.

**Andrew Clinger:**

For the UNR numbers, I can give those to you as well. They are not in the current fiscal note because they came in late, and in FY 2024 they are estimating \$728,727 and the same amount in FY 2025. That amount is based on 81 students taking 31 credits.

**Chair Monroe-Moreno:**

Could our Legal staff explain the qualified tribal land piece that is in the bill and how that affects the fiscal aspects of this bill?

**Asher A. Killian, Chief Deputy Legislative Counsel:**

The term qualified tribal land is the term used in other places in *Nevada Revised Statutes* (NRS), generally to describe tribal land that has at least some part of which is in Nevada. There are a few other places in NRS where it is relevant whether a Nevada tribe's land is entirely within the state, or if it spans state lines, and at least some part of it is within the state. It is used within this bill since one of the residency qualifications for a student who can receive this waiver is currently residing on, and having resided on for at least one year, qualified tribal land. That would only capture potential students who are either living within the state of Nevada or living on one of those blocks of tribal land that spans state lines, and has at least some part of that land in Nevada, whether or not the person actually lives within



the state of Nevada. For example, the community of Woodfords, California, is just across the state line; a resident on that land, since that land also is contained within Nevada, would qualify regardless of whether they live on the Nevada side of the state line.

**Chair Monroe-Moreno:**

Members of tribes who are totally outside the borders of Nevada would not be included in this piece of legislation, correct?

**Asher A. Killian:**

They would not qualify as being a resident on qualified tribal land. They could potentially qualify under section 1.3, subsection 1, paragraph (c), subparagraph (2) if they are an enrolled member or a descendant of an enrolled member of a Nevada tribe, but they would not otherwise qualify if they were not a member of the Nevada tribe, or a descendant of a member of the Nevada tribe.

**Chair Monroe-Moreno:**

Members, are there any other questions for the presenters?

**Assemblyman O'Neill:**

Mr. Killian, explain to me the difference between an enrolled member and a descendant, if you can, because I know there is a difference.

**Asher A. Killian:**

The difference between being an enrolled member and being a descendent of a member is each tribe has the sovereign power to determine who the members of the tribe are, and it is not necessarily the case that a child of an enrolled member would also be eligible for membership. The lift that language does is captures everyone who is an enrolled member of a tribe based on the tribe's own determination of membership as well as anybody who is a direct descendant of anyone who was a member of the tribe, regardless of whether that person would qualify under the tribe's definitions for membership.

**Assemblyman O'Neill:**

You talked about an enrolled member and their descendant, and it sounds like you were inferring an immediate descendant, such as a child. How far down does that descendancy go? You can be six generations and have no relationship with ancestors, and you would qualify for this the way I am reading it and understanding that definition.

**Assemblywoman Anderson:**

We do not have that defined in law. However, there have been lengthy discussions about that away from the hearing area concerning how far should that go, and that it should be a direct line; it should be a great-grandfather, grandfather, great-grandmother. Again, the intent was to have the tribes make that decision. There are some sovereign nations that require a blood

quantum of a certain percentage, and there are some that do not. Instead of it being legislated through the Nevada State Legislature, I made the decision last session—and would stand by that decision—the sovereign nations should decide whether somebody is a member of that tribe. It is not defined in this bill as to how far down we would go.

**Assemblyman O'Neill:**

If we are not talking membership or enrollment, I can understand, it is that descendancy. I see that as open ended. I have concerns with that, and it would be difficult for NSHE to then calculate what their impacts may be. I appreciate it, because as I recall, I signed on to this bill originally when it was enrollment. Now, I am worried about this expansion under the definition. To me, I could see we could amend it to limit it to a direct enrollment. I know we have that third degree of consanguinity argument all the time, or definition, or that you are only a second generation from the enrolled member, something along that line. But I appreciate the conversation with you, and I appreciate the time.

**Assemblywoman Backus:**

This may be more of a comment than a question, but bear with me. With my experience in studying federal Indian law, I understand each tribe is a sovereign nation and makes the determination through their bylaws or constitutions who may be an enrolled member. In some tribes, an enrolled member could be someone who is actually not native but marries into the tribe, moves on to the reservation, and incorporates the customs, while Navajo is a tribe that looks at blood quantum. You could actually have someone who is a grandchild who would be a descendant of that tribe. Other tribes, for instance Las Vegas Paiute, stopped calculating Northern Paiute blood and removed many members from the rolls. I appreciate descendancy because all tribes are different in our state. There are 28 nations and each of them have their own enrollment mandates. As I recall, the first bill that came out of the Assembly in 2021 was a descendancy bill, so this is not changing much. There were only 140 students who have attended NSHE institutions.

One thing I know you were asking for is in places like Fort McDermitt; if kids live on the Idaho border and are attending the McDermitt Combined Schools but because they live on the other side of the border, you took that into consideration when you brought that bill. Is my understanding correct?

**Assemblywoman Anderson:**

That is correct. Thank you for bringing that forward. You also worked hard on this bill as well—both the original and then this bill—the clean-up bill. That is exactly the intent. I think this is something that the University of Nevada, Reno brought up to me first, and then I had other students bring it forward. They felt that a cousin—as a specific example—lived in one area not even a mile away, and the other cousin lived in Nevada and was able to get the waiver and the other cousin was not. They were both members of the tribal nation, and both should have been granted that waiver.

And then also to the prior question, Madam Chair, I have not been able to find that information, but I will continue to look for a projection of how many students that would be.

**Chair Monroe-Moreno:**

I do have one more question for NSHE. After hearing the explanation provided by our legal staff, does that change the fiscal impact for your fiscal note?

**Andrew Clinger:**

I do not believe it does, because part of what is driving the fiscal note when you look at it is the dual credit; the dual enrolled students as you go through that.

**Chair Monroe-Moreno:**

Members, are there any other questions? [There were none.] Is there anyone who would like to testify in support of Assembly Bill 150 (1st Reprint)?

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

We are here today in strong support of A.B. 150 (R1). We thank Assemblywoman Anderson for her continued work on this important issue. We supported the bill last session, and we are proud to continue to support this work in 2023. We believe this ongoing funding is critical and is the least we can do for our Indigenous communities across the state to ensure that they can continue their education. As somebody who went to college at UNLV because of the Millennium Scholarship, I know how life changing funding like this can be for a young person. I will also just add that tribal nations, as sovereign governments, make their own rules. When states were created, there were no borders, and the tribal nations were there first. This is important to ensure that all of our young people are included.

**Jennifer Lanahan, representing Las Vegas Paiute Tribe; and Reno-Sparks Indian Colony:**

We want to thank the bill's sponsor for bringing this bill forward and doing the cleanup on it, and we urge your support.

**Dale A.R. Erquiaga, Acting Chancellor, Nevada System of Higher Education:**

The Nevada System of Higher Education is happy to support this bill, and I want to thank the bill sponsor and Asher Killian for working with my team on this language. I will speak to the fiscal amendment and then, if I can, explain the fiscal note as well. We appreciate the bill's sponsor adding revenue to this bill. She came up with that number, and it is roughly equal to what has been expended and absorbed by the institutions in fee waivers in the past. Because this bill is an expansion of fee waivers, it is unique among fee waivers. In its current version, it includes dual enrollment, which other fee waivers do not. This bill also crosses the Rubicon into self-supported programs which are not funded with state dollars. I appreciate the money that is included here to offset that side of the ledger. That is why you see the fiscal note being so high. As Mr. Clinger has indicated, this is lost revenue to the institutions and that will come, we believe, in the form of dual enrollment. For everyone's understanding, those are high school students, but also summer school programs. Only one other waiver includes summer school, which is the National Guard, and the Adjutant General has money to reimburse the system for the self-supporting realm and nondegree program.

We think this will become the largest fee waiver program that we have. I suspect that the next Chancellor will be looking at this program, and all the others, and will come back to discuss the impact of these fee waivers in future sessions. But I did want on the record the reason for the fiscal note is that it is an expansion beyond other fee waivers, which we support given the population. I appreciate the bill sponsor providing at least those revenues that offset the self-supporting programs. We will be able to work out that math on how the institutions receive their allocated share based on enrollment.

**Alex Tanchek, representing Shoshone-Paiute Tribe of the Duck Valley Indian Reservation; Pyramid Lake Paiute Tribe; and Duckwater Shoshone Tribe of the Duckwater Reservation:**

I am here in support of the bill and thank you very much for your time.

**Anthony Ruiz, representing Nevada State College:**

We are here in support and want to thank Assemblywoman Anderson for bringing this forward. Thank you.

**Kent M. Ervin, State President, Nevada Faculty Alliance:**

The Nevada Faculty Alliance supports college affordability in general, and we support fee waivers for deserving populations who can fall through the cracks of other financial aid programs. In the policy committees on fee waiver bills, we said we could be more enthusiastic if they came with funding. So, I am here to say we are enthusiastic about the funding in A.B. 150 (R1). That said, if A.B. 150 (R1) and all fee waivers came with full funding, we could be even more enthusiastic.

The block grant to NSHE is a reasonable mechanism as a one-off. But to make sure the funds are getting to where they are needed for actual students, and to incentivize each college and university to attract and support these students, the Legislature could consider a reimbursement mechanism, possibly through funding in the Treasurer's Office since they already administer tuition programs, or make the documented waivers a line item in the funding formula in the future. Thank you.

**Kanani Espinoza, representing University of Nevada, Las Vegas:**

We would like to thank the bill sponsor for her hard work with UNLV on this piece of legislation, especially with the appropriations involved. We support the bill.

**Michael Flores, Vice President, Government and Community Engagement, University of Nevada, Reno:**

We share Kent Ervin's enthusiasm about this legislation, and I want to thank the bill sponsor for her work with our students and the University during the interim. She met with a number of our students to hear directly from them about the impact of this legislation. We have had 73 students come to the University because of this waiver. We will continue to work closely with the tribes here in Nevada, and we urge your support.

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

We thank the sponsor of the bill, and we urge you to support this bill.

**Chair Monroe-Moreno:**

Is there anyone wishing to testify in opposition to Assembly Bill 150 (1st Reprint)? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] I will invite the presenter back to the table. I have a question. Would the General Fund appropriations of \$450,000 in FY 2024 and in FY 2025 be one-time, or do you anticipate that being an ongoing cost to the General Fund?

**Assemblywoman Anderson:**

My goal would be to have it be ongoing and possibly be part of the Governor's budget from here on out. However, I recognize that is not something I can put into the legislation. I will be trying to have those discussions with the Governor's Office during the interim. I would love if the program continued to grow, and this was nowhere near enough money to be able to have the dual credits as well as the other items that this would help pay for, but my goal is for this to be an ongoing budget item.

**Chair Monroe-Moreno:**

Members, are there any other questions for the presenter? [There were none.] With that I will close the hearing on Assembly Bill 150 (1st Reprint). I will open the hearing on Assembly Bill 151 (1st Reprint).

**Assembly Bill 151 (1st Reprint): Provides for the issuance for a limited duration of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno. (BDR 43-89)**

**Assemblywoman Natha C. Anderson, Assembly District No. 30:**

Assembly Bill 151 (1st Reprint) is a bill proposing a license plate to celebrate the sesquicentennial, or 150th birthday, of the University of Nevada, Reno. We will be celebrating that in 2024. As explained in the policy committee, the proceeds from the license plate shall be used to help Pack Provisions. It is very upsetting that we need to have it. Pack Provisions is run by the Associated Students of the University of Nevada, and it helps University of Nevada, Reno (UNR) students and staff, who need food, as well as other materials. Some of these are listed in section 1 on page 3. There was one fiscal note for A.B. 151 (R1) from the Department of Motor Vehicles (DMV), but subsequent to the policy committee hearing, this has been removed. I believe the documentation clarifying this was sent over Friday morning [[Exhibit J](#)]. Thank you for the opportunity to present this bill, and I am happy to answer any questions.

**Chair Monroe-Moreno:**

Members, are there any questions for the presenter? [There were none.] I do see the \$0 fiscal note, and if there is someone from DMV who wants to speak to this—we like zeros— but how do we get there?

**Sean Sever, Deputy Administrator, Department of Motor Vehicles:**

We are neutral on A.B. 151 (R1), but we did submit an amended fiscal note with no impact after we decided to absorb the minimal computer programming costs involved with implementing this license plate.

**Chair Monroe-Moreno:**

I have been in this building for four sessions now, and I have never heard DMV say they are going to be nice enough to absorb a cost. We must mark this down in history. Thank you for that. I wanted to get that on the record. Is there anyone who would like to testify in support of A.B. 151 (R1)?

**Dale A.R. Erquiaga, Acting Chancellor, Nevada System of Higher Education:**

The Nevada System of Higher Education also supports this bill. With UNR, we are celebrating the 150th anniversary, and this bill is an important part of that. Thank you for supporting this bill.

**Kent M. Ervin, State President, Nevada Faculty Alliance:**

For our colleagues at UNR, we support this bill. For full disclosure, I have been a faculty member at UNR for one-fifth of that time period, and I would be remiss if I was not here supporting Mike Flores's most important bill of the session.

**Amanda Brazeau, representing University of Nevada, Las Vegas:**

We also support this bill. Thank you.

**Michael Flores, Vice President, Government and Community Engagement, University of Nevada, Reno:**

I want to thank the bill sponsor for carrying this bill and also for having the bill heard. We urge your support and are thrilled that these proceeds will be going to Pack Provisions.

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

Please support this bill.

**Chair Monroe-Moreno:**

Is there anyone who would like to provide testimony in opposition to Assembly Bill 151 (1st Reprint)? [There was no one.] Is there anyone who would like to provide neutral testimony on this bill. [There was no one.] I will close the hearing on Assembly Bill 151 (1st Reprint) and open the work session and accept a motion to do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO DO PASS AS AMENDED  
ASSEMBLY BILL 151 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on this motion?

**Assemblyman Watts:**

I am glad to support this and look forward to some continued conversations with the Department of Motor Vehicles about the ability to absorb some other pieces of policy pending before this body.

**Chair Monroe-Moreno:**

Are there any other comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Anderson. I will open the hearing on Senate Bill 273 (1st Reprint).

**Senate Bill 273 (1st Reprint): Changes the name of the Nevada State College to the Nevada State University. (BDR 34-968)**

**Senator Roberta Lange, Senate District No. 7:**

I am here today to talk to you about something I have been working on for a very long time, which is renaming Nevada State College to Nevada State University. To talk about the possible fiscal impacts, which we believe are none, is Dr. DeRionne Pollard.

**DeRionne P. Pollard, President, Nevada State College:**

I would like to thank Senator Lange for her leadership, and I have a few summative points. First, let me say that there is no impact or change to state funding. Specifically, Senate Bill 273 (1st Reprint) was written not to impact the higher education funding formula as it maintains a classification under state law. A few points of highlight for your members: in every sense except name, Nevada State has been a university for years, and it is the only primarily four-year institution in the state of Nevada still using college to represent its mission. I will also say that this is one of the few within our region where this is happening, as there is a changing of the guard in higher education, of institutions from college to university as a natural reflection of the work that they do. In fact, between 2001 and 2016, 122 4-year colleges in America changed their names to university from college. We are seeing the benefits of that, and the data has indicated that institutions typically experienced a 5.2 percent increase in first-time students within five years, and an increase of 7.2 percent after six years. Finally, I share with you that the proposal has already had strong support. Overall, our students, faculty, and alumni are very supportive of the name change and recognize that this is a necessary and wonderful opportunity for our institution. I will end where I started—this bill has no fiscal impact to state dollars.

**Chair Monroe-Moreno:**

Thank you for that. I did have a list of questions, but I think you answered most of them. We will go through them just to make sure. Will this name change impact the students and the fees they pay to Nevada State College?

**DeRionne P. Pollard:**

No.

**Chair Monroe-Moreno:**

Will the name change affect the compensation schedule for the faculty who work for Nevada State College?

**DeRionne P. Pollard:**

No.

**Chair Monroe-Moreno:**

And I believe that the other questions you did answer was that there will not be an impact on the State General Fund in any way. I know there are discussions about the current funding formula for Nevada System of Higher Education, and that will be taken care of with the funding study that we have coming up. There may be a change, but not from you, from the outcome of the study. Correct?

**DeRionne P. Pollard:**

That is correct.

**Chair Monroe-Moreno:**

Members, are there any other questions for Dr. Pollard or Senator Lange? [There were none.] Is there anyone who wishes to testify in support of S.B. 273 (R1)?

**Dale A.R. Erquiaga, Acting Chancellor, Nevada System of Higher Education:**

The Board of Regents has endorsed this name change as well, and as President Pollard has indicated, the Board will process all the handbook amendments beginning at its June quarterly meeting to ensure that there is no impact on student fees or faculty compensation.

**Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:**

The chamber is in support S.B. 273 (R1) and appreciates the work that has been done by the sponsor, and that it has no impact on the State General Fund.

**Kanani Espinoza, representing the University of Nevada, Las Vegas:**

Dr. Keith Whitfield, President of University of Nevada, Las Vegas, had signed a letter in support, along with the College of Southern Nevada, and Desert Research Institute presidents. We are in full support of our sister institution in the south, Nevada State College, to be Nevada State University.

**Michael Flores, Vice President, Government and Community Engagement, University of Nevada, Reno:**

I want to thank the bill sponsor for championing this name change and offer support to our friends down south.



**Amber Stidham, representing Las Vegas Global Economic Alliance:**

For all the reasons mentioned by my colleague, Paul Moradkhan from the Vegas Chamber, we also urge your support.

**Chair Monroe-Moreno:**

Is there anyone wishing to testify in opposition to S.B. 273 (R1)? [There was no one.] Is there anyone wishing to testify in the neutral position?

**Kent M. Ervin, State President, Nevada Faculty Alliance:**

I am here in neutral because our state board decided a year ago when this process began not to weigh in on the name change itself. We are satisfied with the process, and as far as the fiscal impact, my colleagues at the College of Southern Nevada assured me that faculty salaries did not increase when the name changed from community college to college.

**Chair Monroe-Moreno:**

I will close the hearing on S.B. 273 (R1) and open the work session on S.B. 273 (R1). There are no amendments to this bill, and there are no fiscal notes associated with the bill. I will accept a motion to do pass.

ASSEMBLYWOMAN BACKUS MADE A MOTION TO DO PASS  
SENATE BILL 273 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Miller, and I will open the hearing on Assembly Bill 451.

**Assembly Bill 451: Revises provisions relating to certain employees in the Office of Finance in the Office of the Governor. (BDR 23-1085)**

**Amy Stephenson, Director, Office of Finance, Office of the Governor:**

Assembly Bill 451 allows unclassified employees in the Budget Division in the Governor's Finance Office compensation for overtime performed when the employee is doing work related to the preparation of The Executive Budget beginning on September 1st of an even numbered year and ending on January 31st of the following year. That concludes my presentation, and I stand for any questions you may have.

**Chair Monroe-Moreno:**

The bill as it is written has the time frame for the overtime from September 1st of an even numbered year until January 31st of the following year to help the preparation for the legislative session. But we also know this legislative body has approved a salary study that

will be coming out. However, we did not include an appropriation for that study. We will need to make an amendment to this bill to add a sunset for this one-time overtime authorization, because we do not know what the outcome of that study will be—it would be for fiscal year (FY) 2023 and FY 2024, getting us ready for the 2025 Legislative Session. So the overtime authorization would sunset. We then need to make a one-time General Fund appropriation of \$500,000 to fund the study. Is that your understanding?

**Amy Stephenson:**

Yes, Madam Chair. I will get that sent over today when we are done.

**Chair Monroe-Moreno:**

Members, are there any questions? [There were none.] Is there anyone who would like to testify in support of Assembly Bill 451? [There was no one.] Is there anyone who would like to testify in opposition to Assembly Bill 451? [There was no one.] Is there anyone who would like to provide neutral testimony on Assembly Bill 451? [There was no one.] With that members, we will close the hearing on Assembly Bill 451, but we will open the work session for Assembly Bill 451.

As I stated during the closing for the budget for the Budget Division, Office of Finance, Office of the Governor on April 24, 2023, we had approved one-time overtime for the unclassified Director, Deputy Director, and the Budget Administrator, and the amendment for this bill would be for the 2023-2025 biennium only. In addition, we need to add a one-time General Fund appropriation of \$500,000 to fund the comprehensive salary study for the Executive Branch to evaluate the pay of all classified and unclassified positions within the Executive Branch. With that information, members, I would accept a motion to amend and do pass.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 451.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement.

I will open the hearing for Assembly Bill 457 which removes the requirement for the reissuance of certain license plates every eight years.

**Assembly Bill 457: Removes a requirement for the reissuance of certain license plates every 8 years. (BDR 43-1078)**

**Sean Sever, Deputy Administrator, Department of Motor Vehicles:**

Thank you for hearing Assembly Bill 457 today, which will relieve some pressure on our license plate factory by removing the requirement for the Department of Motor Vehicles to automatically reissue license plates every eight years. We have had staffing shortages, and difficulty in obtaining aluminum and sheeting materials, and this bill would reduce the amount of plates reproduced significantly. We do believe the legibility of most license plates may last longer than eight years, and customers and law enforcement can still request new plates if they are deemed unreadable.

We do have a fiscal note on this bill, and I realize the irony of that. However, it mirrors what we have submitted in our budget, which results in a reduction to revenue and expenditures. The fiscal impacts have been included in the proposed license plate factory budget for fiscal year (FY) 2024 and FY 2025, which can be found in budget account 4712. Thank you for considering our request.

**Chair Monroe-Moreno:**

Members, this is a budget implementation bill. It seems as though there are several shortages—materials needed to make our license plates and paper for our ballots. There is a fiscal note, and that would be because of not getting revenue from people renewing their license plates. However, if we cannot get the materials to renew them, we have to make some type of adjustments. Members, do you have any questions for the presenter on this bill? [There were none.] Would anyone like to testify in support of Assembly Bill 457? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 457? [There was no one.] Is there is anyone who would like to testify in neutral on Assembly Bill 457? [There was no one.]

I will close the hearing on Assembly Bill 457 and open the work session on Assembly Bill 457. There are no amendments to this piece of legislation; the fiscal impact will be due to the inability to reissue those certain license plates over the eight years. With that, I will accept a motion to do pass.

ASSEMBLYWOMAN BACKUS MADE A MOTION TO DO PASS  
ASSEMBLY BILL 457.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Watts. The next item on our agenda will be Assembly Bill 468 which makes appropriations to the Office of Finance, Office of the Governor for certain costs related to the Enterprise Resource Planning System.

**Assembly Bill 468: Makes appropriations to the Office of Finance in the Office of the Governor for certain costs related to the Enterprise Resource Planning System. (BDR S-1110)**

**Amy Stephenson, Director, Office of Finance, Office of the Governor:**

Joining me today is Director Jack Robb, Department of Administration. The two of us along with the State Controller, Andy Matthews, represent the executive committee for the Enterprise Resource Planning System project, now rebranded Core.NV. Also with me today is Brian Bowles, the administrator of the Office of Project Management.

Assembly Bill 468 makes appropriations for costs related to the Enterprise Resource Planning System. The original amount in this bill does have to be amended: in section 1, instead of a State General Fund appropriation of \$21,601,999, the amount is now \$156,799,886. I need to include a section to include \$10 million in American Rescue Plan Act (ARPA) funds. For the Highway Fund, I need to amend the amount to \$39,125,900 for a total price for the project of \$205,925,786. Sections 3 and 4 appropriates General Fund and Highway Fund for the replacement equipment within the Office of Project Management to move forward during this project. That concludes my presentation. I am sure you have a lot of questions.

**Chair Monroe-Moreno:**

There is a significant change in the amounts of General Fund and the Highway Fund appropriations. Could you tell us what inflation factors were used in determining the projected costs for the Core.NV?

**Amy Stephenson:**

To project the total cost, we took an average of the original bids from 2017, minus the one from LSI, and those averaged about \$131 million. There is a 20 percent inflation factor on top of that, and there is a 25 percent factor for any modules or networking costs or hosting costs that we did not consider.

**Chair Monroe-Moreno:**

What is the functionality that would be included in the minimum viable product that you are going to? And what additional modules do you envision?

**Brian Bowles, Administrator, Office of Project Management, Office of the Governor:**

There were a number of modules that were not contemplated during the initial request for proposal (RFP) that were discovered as lacking throughout the Smart 21 project such as a grants module to allow our state agencies to correctly administer grant dollars from the federal government within and connecting with the systems that we have. Also, there was a grievance module and a module that the Public Employees' Benefits Program (PEBP) needed

for enrollment and eligibility. They went through their own RFP with LSI, which was also a failed project. It quickly became apparent that we needed to include PEBP's enrollment and eligibility module into the grander RFP because PEBP touches every part of both payroll and finance. I hope that answers your question.

**Chair Monroe-Moreno:**

It does. It seems like this is the gift that keeps on giving. You had mentioned the 25 percent increase. How was it determined that adding 25 percent to the minimum viable product would cover the cost associated with the modules?

**Jack Robb, Director, Department of Administration:**

We looked at other states and other functionalities and spoke with other vendors to determine what we may need in the future. We are looking at this project in a totally different way this time. Last time, we looked at one vendor in totality. This time, we may come up with a hybrid product and make sure that all those hybrid products work together to give us the functionality that we need. It was determined through multiple investigations and discussions.

**Chair Monroe-Moreno:**

There is a lot of work moving forward to get this right. Could the funding for the modules be provided during the next legislative session when we have a better understanding of what the actual cost is?

**Jack Robb:**

As we have testified in the past, this is going to be a system that is built out over years. We are going to stand up the minimum product, and then we will add modules. If it is determined that we need to add more in the future, we will be back in in subsequent years to add on to this product. We are going to ensure that the product is migratable, and we can add on.

**Amy Stephenson:**

To answer your question, specifically, these modules could wait. We are not sure we would have the money. That is why we asked for it now—but they could wait—to answer your question.

**Chair Monroe-Moreno:**

Could we place this money in a restricted Interim Finance Committee (IFC) contingency account, and once you have the plan in place and the contract, you come back to this legislative body with a work program to access that funding?

**Amy Stephenson:**

Yes, that is the intention: to put money in a restricted IFC contingency account, and we will come back to IFC.

**Assemblyman Watts:**

First, let me start by saying I appreciate your efforts. I think we all acknowledge that the Smart 21 project did not go as we hoped. It was not going to get to a successful place, and we needed to go in a different direction. I know this has been a long process even throughout this session; moving away from that program and trying to roll back some of the things that were partially implemented without creating more disruption. I think it was originally stated that by the start of the next fiscal year, we would be rolled back, and we would have a minimum viable product. One of my big questions is, do we have an updated document with a timeline for us to get rolled back in a way that does not make anything worse; get to the minimum viable product; and get all of those modules rolled out? Do we have a plan with phases with a full timeline for implementation and a full budget estimate? This is for the biennium, and I know that we are trying to play catch up because we are already well behind schedule. What is the overall plan and timeline, and are there going to be costs in excess of what is laid out here, in future biennia?

**Jack Robb:**

The plan is fairly defined. We are currently taking questions from potential vendors. The process we are going through is we are using national contracts and other contracts the state currently has to stay within statute to make sure that we are doing things transparently. We are in the question period, which ends June 15, 2023. After that question period ends, proposals will be sent to the Evaluation Committee, and the Committee will evaluate those through June 22, 2023. We plan to start negotiations on July 11, 2023, conclude negotiations July 24, 2023, get it on the Board of Examiners agenda, and then we hope to have a contract by September 12, 2023.

The cost is what we have to negotiate. The budget number—we do not know. That is a big part of the process we have to go through, but we are only going to negotiate with those that we know can produce the product. We may negotiate with one, we may negotiate with three to evaluate. The Evaluation Committee is going to have selection criteria, and there could be a clean break that says these three make it, these others do not, or maybe this one is the only one we are negotiating with. That is yet to be seen. We are confident that with the approach we are taking, we can make the deadline. We are not going to roll out individual modules—we are going for a big bang on January 1, 2025—rolling out all the modules we have to get to that minimum viable product. After that, we will start working on any additional modules that will enhance the system.

**Assemblyman Watts:**

Since I do not see anything in front of me, I think it would be helpful to get something in writing that gives the latest rundown on where we are at in this whole process. We are hopefully not throwing good money after bad but getting on track to get this where it needs to be. I think definitely having this kind of set aside in the contingency account is the way to go, so we can continue to get updates as this moves forward. I know this is the goal, but really making sure as we go throughout this process and try to be aggressive and nimble so that at the end of the day everything is working together, and we are not running into another scenario where we have different pieces that are not working together.

**Chair Monroe-Moreno:**

Members, are there any other questions? [There were none.] I have a question about that \$10 million of ARPA dollars that you had stated. Could you tell us where is that coming from? Is it coming from the \$100 million that was set aside for state agencies?

**Amy Stephenson:**

It is in the lost revenue bucket. And yes, it is out of the \$100 million state agency allocation.

**Chair Monroe-Moreno:**

Then as my colleague has stated, there has been a significant change to the bill as it was originally introduced. If we can get the amendment with the new amounts and the General Fund, the Highway Fund, and I believe that is without the 25 percent, or how that 25 percent would work in, and then adding the funds to that as well—that would be great. Then we can get this bill to a work session status.

**Amy Stephenson:**

I will get it over today.

**Chair Monroe-Moreno:**

I do have one question. During the hearing, originally, we talked about how we are going to pay for this moving forward. This will be on a performance payment moving forward, correct?

**Amy Stephenson:**

Yes, that is correct, it is performance based. We will not negotiate a contract that is not.

**Chair Monroe-Moreno:**

Is there anyone who would like to provide testimony in support of Assembly Bill 468? [There was no one.] Is there anyone who would like to testify in opposition to Assembly Bill 468? [There was no one.] Is there anyone who would like to testify in neutral on A.B. 468? [There was no one.] I will close the hearing on A.B. 468 and open the hearing for Assembly Bill 489.

**Assembly Bill 489: Makes appropriations to the Office of Finance in the Office of the Governor for the replacement of furniture and certain equipment. (BDR S-1112)**

**Amy Stephenson, Director, Office of Finance, Office of the Governor:**

Assembly Bill 489 appropriates a total of \$155,146 of General Fund for replacement office equipment, furniture, and video conference equipment for both the Budget Division and Internal Audits within the Office of Finance, Office of the Governor.

**Chair Monroe-Moreno:**

Will the one-time State General Fund appropriation for \$130,945 be used to replace equipment in Carson City, Las Vegas, or throughout the state?

**Amy Stephenson:**

We only have the office in Carson City, so it would be for the office up here.

**Chair Monroe-Moreno:**

Not for the projected office that is going to be down south?

**Amy Stephenson:**

Correct.

**Chair Monroe-Moreno:**

Members, are there any questions? [There were none.] Is there anyone who would like to testify in support of Assembly Bill 489? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 489? [There was no one.] Is there anyone who would like to testify in the neutral position on A.B. 489? [There was no one.] I will close the hearing on A.B. 489 and open the hearing on Assembly Bill 501.

**Assembly Bill 501: Makes a supplemental appropriation to the Aging and Disability Services Division of the Department of Health and Human Services for an unanticipated revenue shortfall. (BDR S-1103)**

**Carrie Embree, Governor's Consumer Health Advocate, Office for Consumer Health Assistance, Aging and Disability Services Division, Department of Health and Human Services:**

I am here to introduce Assembly Bill 501, which makes a supplemental appropriation in the amount of \$31,725 to the Aging and Disability Services Division for an unanticipated revenue shortfall in fiscal year (FY) 2023. We have submitted a proposed amendment that changes the amount to \$102,890 [\[Exhibit K\]](#) if the Office for Consumer Health Assistance Program cannot retain arbitration revenue in the budget in accordance with *Nevada Revised Statutes* 353.249. This concludes the bill presentation, and I am available to take any questions.

**Chair Monroe-Moreno:**

This legislative session, Senate Bill 497 was a budget implementation bill revising existing law to authorize a state agency whose employees serve as an arbitrator of a dispute between a third party and an out-of-network provider to retain the money paid for the costs of the arbitration instead of such monies being credited to the State General Fund. My question for you is, if S.B. 497 is approved, will the agency have sufficient revenues to eliminate the need for the supplemental appropriation that is recommended in A.B. 501?

**Carrie Embree:**

Yes.



**Chair Monroe-Moreno:**

I think we need to approve that bill. Members, any questions? [There were none.] Is there anyone who would like to testify in support of A.B. 501? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 501? [There was no one.] Is there anyone who would like to testify in the neutral position on A.B. 501? [There was no one.]

I will ask the presenters to come back to the table. I have one question for you that I failed to ask while you were there. In the amendment, the amount of the unanticipated shortfall went from \$31,725 to \$102,890. Could you explain why there was an increase in the shortfall?

**Ellen Crecelius, Deputy Administrator, Aging and Disability Services Division,  
Department of Health and Human Services:**

This budget is based primarily on time tracking to different activities. The activities that our customers need determine which parts of funding we can use. This latest projection is based on our latest time tracking results.

**Chair Monroe-Moreno:**

Members, are there any questions? [There were none.] I will close the hearing on A.B. 501. I will open the hearing for Assembly Bill 160 (1st Reprint).

**Assembly Bill 160 (1st Reprint): Revises provisions governing the sealing of certain criminal records. (BDR 14-634)**

**Assemblyman Cameron (C.H.) Miller, Assembly District No. 7:**

I am here to present Assembly Bill 160 (1st Reprint) with a proposed amendment that seeks to automate the sealing of eligible criminal records [[Exhibit L](#)]. I know this is our fiscal committee and I will address the fiscal implications shortly, but I want to give you a brief rundown of the bill. I want to make clear for the record that A.B. 160 (R1) is not intended to, nor does it expand the eligibility of record sealing. It does not include or change any new standards, time frames, or requirements for what is currently eligible for sealing or when it can be sealed. Assembly Bill 160 (1st Reprint) is simply about modernizing our process for efficiency, which will ultimately have a positive impact on our budget agencies and human resources, but most importantly, our communities, by removing barriers that help people get their lives back on track.

Secondly, I want to clarify that automate does not necessarily mean that with the push of a button, record sealing happens magically. I do hope that at some point we will get there, and this bill will help us get into that place. But for now, when we use the word automate, please know it simply means the process begins automatically once the sealable record becomes eligible. According to current statute, there are several fiscal notes from several agencies that have been presented. Most of these fiscal impacts are based on, in my opinion, projections of the unknown and an expectation that everyone's systems will need to be updated immediately

to make this work. Since speaking with several of the agencies, we have discovered that it is simply not practical to just start this process without creating a solid plan of implementation. The main issue being that our criminal justice system is decentralized, and everybody is doing their own thing.

With this in mind, we have created a task force and pushed out the implementation date and asked for an appropriation of \$2.5 million to address the \$1.2 million fiscal note provided by the Department of Public Safety (DPS), as they will need to begin their work first, as well as to facilitate the task force. We hope it will also allow room to provide some grants for smaller agencies to help them along the way. As we know, sometimes projects of this magnitude can be botched if proper planning and a reasonable amount of time are not given. It is my belief that this task force and the appropriation will assure proper planning, a smooth rollout, and a much more precise informed ask in the 2025 legislative session, as we take this measured step forward for our state. Ashley Garza Kennedy from Clark County has been very helpful in getting this going, and she and I will stand for questions, but she will take the hard ones, to be clear.

One more thing; there was an amendment submitted by the Office of the Attorney General that somehow did not make it into the reprint of the bill. I believe you were notified about the mistake. I wanted to acknowledge that the amendment is friendly, and it has been accepted for the record.

**Chair Monroe-Moreno:**

Thank you for the presentation.

**Ashley Garza Kennedy, Principal Management Analyst, Government Affairs,  
Department of Administrative Services, Clark County, Nevada:**

Just to go back to the fiscal point, the only thing I wanted to include was that most of the fiscal notes are going to be an impact in future biennia. I also want to put on the record that there currently are federal grants available for this type of work through the Department of Justice (DOJ). The two that I found, and I am sure there might be others, is the National Criminal History Improvement Program, which helps award competitive grants for technical assistance with one of the allowable uses being automatic record sealing, and also within the DOJ is grant funding available to the statistical analysis centers, usually housed within higher education. Nevada's is at the University of Nevada, Las Vegas, and these centers help with collecting and analyzing criminal justice data, which could also be a resource moving forward.

**Chair Monroe-Moreno:**

In the amendment, the General Fund does not revert back. Could you explain why that decision was made?

**Ashley Garza Kennedy:**

The reason for the request that it does not revert is because this is a multiyear project that will expand after this biennium, and we hope that if there are any remaining funds that they can carry over to the next biennium.

**Chair Monroe-Moreno:**

Would there be reporting with the funds that are not reverting about what is going on and how much will be left in that initial funding?

**Ashley Garza Kennedy:**

The current reporting standards that we have are with the task force. I regularly report to the Administrative Office of the Courts and the Legislature. I am happy to add an amendment that clarifies that the fiscal part should also be part of the reporting.

**Chair Monroe-Moreno:**

The \$2.5 million that is in the amendment—how was that dollar amount determined?

**Ashley Garza Kennedy:**

That is based off of the DPS current fiscal note, which is about \$1.2 million. A little over \$1 million of that is for the technology upgrades that they need to do this biennium to get this project rolling out. The additional request is for the administrative cost of the task force; estimating that it could potentially take one full-time employee based on my own estimates, to support the administrative costs of the task force, the ability for the task force to enter into a statewide vendor contract, and to help do some of this work. Anything left over could be used to help smaller jurisdictions with grant funds to help with their technology or system needs.

**Chair Monroe-Moreno:**

Members, are there any questions? [There were none.] Is there anyone wishing to testify in support of A.B. 160 (R1)?

**Lilith Baran, representing American Civil Liberties Union of Nevada:**

We are in full support.

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

We are in full support of this bill and think it is a great investment.

**Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:**

I am testifying in support of this bill.

**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:**

I am testifying in support of this bill. Multiple research studies have shown that employment has a negative correlation with crime. The more employed you are, the less likely you are to

be involved in the criminal justice system. One of the biggest barriers for getting a job when you are released and have served your time though, is a criminal record. This bill will automate our system—we have been working on record sealing with this body since 2017—and put us in a much better position to help people get employed. That will keep them out of the criminal justice system, which will also function as a cost-saving measure. It costs \$250 a day to house somebody in the Clark County Detention Center at a cost of \$91,250 a year, and \$25,000 a year to house somebody in the Department of Corrections. When somebody has a job, they are less likely to recidivate, which will save the state money in the long run.

**A'Esha Goins, representing NAACP, Las Vegas Branch 1111; and Cannabis Equity and Inclusion Community:**

We support this bill.

**Matthew Wilkie, Private Citizen:**

I ditto all the speakers in support.

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in opposition to A.B. 160 (R1)?

**Beth Schmidt, Lieutenant, Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Nevada Sheriffs' and Chiefs' Association:**

We are opposed to A.B. 160 (R1) as amended. The Las Vegas Metropolitan Police Department (LVMPD) has submitted an updated fiscal note based on the first reprint. Record sealing is a process the LVMPD is extraordinarily familiar with. We contribute 80 percent of the criminal history in Nevada, and we seal more records than any other law enforcement agency in Nevada. There is a process in place for a person to seal their criminal record. This bill proposes that ultimately, we end up throwing out that system and while that system may be cumbersome, it is a system that works. We do effectively seal criminal records.

The majority of the dollar figures in the fiscal notes address the fact that record sealing is a human process, and it is an extremely labor intensive one at that. It can take anywhere from hours to days to seal a single criminal record, and there is no existing technology right now that automatically seals a criminal record. This bill makes automatic sealing the responsibility of the state and ultimately local agencies, and yet this bill has no defined funding for local agencies; the same agencies that will have to do the actual record sealing work.

To be clear, the sealing process encompasses more than just removing criminal history repository information from databases. At LVMPD, there are 20 different systems that must be queried to ensure records are properly sealed and the bottom line is, there are no shortcuts when it comes to sealing someone's criminal record. The \$2.5 million that has been appropriated to the task force is allocated for administrative and technological tasks. That means that we are going to spend \$2.5 million trying to figure out how to automate a system

that we believe is not automatable. Because of this, we will never accomplish what we want to do. We believe it would be more fiscally responsible to spend money on making the current record sealing process less cumbersome and to better educate people about how to navigate the courts and law enforcement agencies.

**Chair Monroe-Moreno:**

The Las Vegas Metropolitan Police Department's original fiscal note was for \$29,234,567. It says that you currently seal about 120 records per month, and that if this legislation were to go in effect, there are an estimated 4,500 charges per month.

**Beth Schmidt:**

That was because the bill, as introduced, included a vast array of crimes. That has been narrowed down now to category E felony drug crimes and misdemeanor drug crimes. That would be the explanation for any of these amended fiscal notes.

**Chair Monroe-Moreno:**

In the originally introduced bill, there was an estimated need of 169 frontline employees, 42 leads, 17 supervisors, 6 managerial positions, and 1 executive level position. In the amendment, you estimate you will only need three employees. Where do those employees fit in that long list that was in the original?

**Beth Schmidt:**

Those employees would be in our existing record sealing unit, which already has infrastructure, it already has supervisors, and already has people doing this work. To do just what this is asking—staying right within that narrow focus of those particular crimes—it is three employees, and those would be law enforcement support technicians. If the bill expands, then the fiscal would change on that, but we redid our fiscal just to address that.

**Chair Monroe-Moreno:**

Currently, the fiscal note is at \$341,658, and that is for the employment of three new full-time-equivalent positions and the benefits.

**Beth Schmidt:**

That is correct.

**Chair Monroe-Moreno:**

Is there anyone else who would like to testify in opposition?

**John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office:**

We are in opposition to A.B. 160 (R1). I will say I do appreciate Assemblyman Miller and Ms. Kennedy meeting with me and others on this bill over several occasions this session. The current proposed amendment to A.B. 160 (R1) is substantially better from a fiscal standpoint than the original version. However, there are still fiscal impacts to the Clark County District Attorney's Office related to this bill. We anticipate, as

Lieutenant Schmidt indicated, the number of sealings that we see each month will at least triple. Our current technology limitations make sealing a case a very time-consuming process. I know several members today have called this an "automatic or automated process." Anybody who has dealt with the criminal justice information systems in Nevada knows that is far from true. It is a labor-intensive process from a manpower standpoint, because these systems do not talk to each other very well. I can unequivocally say that considering the current technology and manpower issues plaguing our criminal justice system, we are nowhere near ready for this proposal. And finally, Assemblyman Miller, I believe indicated that this does not change the current sealing process, and I would respectfully disagree. It shifts the burden from the defendant to prove that they have been rehabilitated to forcing a prosecutor to prove they have not. That is a substantial change to our system.

**Chair Monroe-Moreno:**

The fiscal note from Clark County is just over \$4 million, and it says you would have to add detention staff, District Attorney staff, Las Vegas Justice Court staff, District Court staff, computers, and you also included LVMPD. What was the matrix used to get to this number, and why do you feel that there will be such a huge increase in the caseload? How do you justify \$4 million?

**John T. Jones, Jr.:**

I can only speak to the Clark County District Attorney's Office, as we did talk to Clark County Finance, and they put together the fiscal note. What we have done is take the current number of eligible charges that meet the definition of an eligible offense in A.B. 160 (R1) and projected those numbers forward to 2026 and beyond. We are seeing over 300 of those charges every month. We know under the current sealing statutes that we seal about 120 of these cases a month. We know looking at those 120 cases and the man hours that we use to seal those cases, what we would be doing going forward. And again—I want to reiterate—none of our criminal justice information systems talk to each other. Every agency of criminal justice in this state would need additional employees to seal cases that contain records within their own departments. In other words, there is no current system in Nevada where one individual could seal every case in every department of the state.

**Chair Monroe-Moreno:**

If I heard you correctly, there are about 300 applicants monthly to have their record sealed, but only 120 cases that are actually sealed. If this legislation were to be approved and go in effect, your portion of the fiscal note for the Clark County District Attorney's Office would require six new positions at a cost of \$1.5 million. Is that correct?

**John T. Jones, Jr.:**

Yes, looking at what we currently seal versus what we project we will be sealing after 2026, that is our estimated staffing need.

**Chair Monroe-Moreno:**

Members, are there any questions for Mr. Jones? [There were none.] Thank you so much. I appreciate your testimony and your answers to the questions reflecting the fiscal note.

**Mary-Sarah Kinner, Government Affairs Liaison, Washoe County Sheriff's Office:**

Like our fellow law enforcement agencies, we have concerns about the technology required to move forward with this and the fiscal impact that will have on our agency regarding additional employees as well as the technological impact that upgrading our technology in order to accommodate what we expect to be an increase in requests would have on our agency.

**Marc Schifalacqua, Senior Assistant City Attorney, Criminal Division, Henderson City Attorney's Office, Henderson, Nevada:**

I am speaking today in opposition to A.B. 160 (R1) due to the potential strain on local government. With our current resources, it would be very difficult for prosecuting agencies to review each case for potential sealing within the timeframe that is outlined in the bill. So many cases may not receive serious review. The court would also have to add personnel to process the new records sealing caseload. Also, regarding the impact, it is true that there are some other states that have an automatic record sealing program; there are about 12 states in the nation. Many states limit the amount of times you can participate in a program like this to one time, limit the number of convictions, or they expand the waiting period quite a bit, usually between five and ten years. Those items do not appear in A.B. 160 (R1). There would be the cost of repeatedly sealing a defendant's record when that person is arrested or convicted of certain offenses every year or every few years. I do want to thank the bill sponsor for working with the City of Henderson and for your time today.

**Chair Monroe-Moreno:**

It does not say in your fiscal note, but about how many cases does the City of Henderson seal on a monthly basis, and what do you anticipate that number would increase to should this legislation pass?

**Marc Schifalacqua:**

Our numbers were about 250 records sealings per year. In this proposed program, I would estimate it to be somewhere between 900 to 1,000 total per year. If I am reading the bill correctly, I think it would require drug paraphernalia charges. I do not think it would be drug possession because it says drug related—about a 3 times increase.

**Chair Monroe-Moreno:**

On your fiscal note in fiscal year (FY) 2025 it has \$500,000 and then in future biennia, \$743,133, and then an additional \$1 million for the information technology (IT) expenditures to improve your current system. What exactly would the \$500,000 for FY 2025 pay for and then how does that number increase to \$743,133 in future biennia?

**Marc Schifalacqua:**

Most of that expense is from the court. This was a combined request on the fiscal note, so I cannot speak to everything. I would say that likely may be pushed forward a year because this came out before the amendment which I believe delayed the implementation by a year. That would be staffing and IT issues, mainly from the court, and then also over time for the City Attorney staff.

**Jennifer Noble, representing Nevada District Attorneys Association:**

I represent the Nevada District Attorneys Association, which is comprised of the 17 elected district attorneys in our state and opposes A.B. 160 (R1), not just on policy reasons which I will not discuss, but also on fiscal grounds. I will tailor my testimony as best as I can, but it is important to understand how this process works from an attorney standpoint. That process cannot be assisted simply by updated technology. The Committee needs to understand we have had relatively recent changes to our sealing stream in Nevada that has impacted our personnel resources already. In 2017, we worked with the majority leader, now our Attorney General, Aaron Ford on Senate Bill 125 of the 79th Session which shortens the time applicable to sealing violent crimes by one-third. For all other crimes, the time was cut by over one-half. That change resulted in an increase in sealing petitions across our state which are submitted, of course, by the folks who have those criminal convictions. That translated into increased workloads and increased need for personnel. The automatic sealing process contemplated by A.B. 160 (R1) removes that obligation on the petitioner to submit an application. It eliminates their obligation to submit their criminal history, replacing currently required information with essentially a list of names and convictions. Our offices struggle to conduct appropriate evaluations of sealing applications submitted under the current process.

This Committee is aware that district attorney's offices range in the state from one person to the Clark County District Attorney's Office, which has many attorneys. Those petitions require evaluation by an attorney, not a computer, to verify that no further offenses have occurred and that the person's criminal history overall warrants sealing, which is an act of judicial grade. That is what our Supreme Court has said. Assembly Bill 160 (1st Reprint) removes the obligation for applicants to submit their petitions, or any information at all. We estimate that the automatic sealing provisions will more than double those petitions throughout Nevada. No provision provides our district attorneys with additional personnel to support that change in policy. Faced with an overwhelmingly large list of names and convictions, it will be almost impossible for district attorneys and support staff to run these individuals in local and national criminal history databases so they can verify they have not reoffended during the applicable waiting period. Because there are no resources contemplated to provide that personnel or infrastructure by this bill, our ability to object where it is appropriate would be rendered virtually meaningless. We appreciate the discussions with the sponsors and the changes in the bill, but the effective date change still does not equal extra personnel that we believe we need, and for that reason, we oppose the bill.

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in the neutral position on A.B. 160 (R1)?



**Cadence Matijevich, Government Affairs Liaison, Washoe County:**

I will be speaking today regarding the fiscal note that was submitted by the Second Judicial District Court because Washoe County does pay those expenses of the Court. To clarify, the original fiscal notes submitted on the original version of the bill would have also applied to the first reprint. With the conceptual amendment discussed this morning, the fiscal impact that has been identified for FY 2024 and FY 2025 would be eliminated, and our fiscal impact for future biennia would be reduced to \$223,454. That would be for two years of the biennium; \$111,727 per fiscal year. That is in today's dollars, and we do not expect that we would incur those expenses until FY 2027.

**Chair Monroe-Moreno:**

Is there anyone else who would like to testify in the neutral position? [There was no one.] This bill has a lot of fiscal notes on it, and I am hoping a few people are in the room to speak to their fiscal notes before we close the hearing on A.B. 160 (R1).

Is there anyone from the Administrative Office of the Courts present? There was a fiscal note for \$3.8 million. I am not seeing anyone. How about the Department of Public Safety Records, Communications and Compliance? You had a fiscal note submitted under the original bill draft, and there was not an amended fiscal note. Will the \$1,264,950 still apply even as the bill is amended?

**Erica Souza-Llamas, Administrator, Records, Communications and Compliance Division, Department of Public Safety:**

The \$1.17 million is from our contracted Nevada Criminal Justice Information System modernization vendor. That cost would be associated with updating the current, or the soon to be, new modernized criminal history system to be able to perform the functions that are required in the bill.

**Chair Monroe-Moreno:**

No matter what happens to the bill, that is still a required expense?

**Erica Souza-Llamas:**

Correct. Whether we are doing a broad automatic seal or we are only sealing certain offenses, the base coding to allow that functionality has to occur, regardless of how broad it is.

**Chair Monroe-Moreno:**

I do not know if you can—but could you provide a little background on the Department of Public Safety's Parole and Probation fiscal note?

**Ryan Osborn, Captain, Division of Parole and Probation, Department of Public Safety:**

Ready for questions.

**Chair Monroe-Moreno:**

I have one question. There was no fiscal note that I see submitted on the original bill. With the amended bill, would there still be a fiscal note? I see that in FY 2024 and in FY 2025 there was a zero amount, however, for future biennia, it was \$676,883.

**Ryan Osborn:**

The fiscal note that was submitted was based off the projection that all of our written presentence investigations immediately became eligible. We basically used that as a metric to try and predict what the number would look like. That number could be revised, but unfortunately, we are in the middle of a system automation, so it may be difficult to estimate. That number was estimated off of the original language that made far more people eligible for this automatic sealing process.

**Assemblywoman Backus:**

I have a follow-up question because I was intrigued by the Department of Public Safety. Currently there is the modernization of the criminal system. If we are keeping the costs in the current fiscal year versus pushing it out because of the changes in this bill, was it already anticipated to plan for sealing criminal history records as a part of what is already being implemented? Part two of my question is after listening to all of these federal grants that are out there, has the Department of Public Safety been able to benefit from some of those federal grants to pay for this system modernization effort?

**Erica Souza-Llamas:**

I am going to start with your second question and probably ask you to repeat the first part if you could. Yes, we have utilized federal grant money for some support in the modernization program.

**Assemblywoman Backus:**

Is part of the grant money that has been already received intended for the purposes of automatically sealing criminal records?

**Erica Souza-Llamas:**

No, it is not.

**Assemblywoman Backus:**

My first question was as part of the modernization that is already underway is part of the programming anticipating providing for automatic records sealing?

**Erica Souza-Llamas:**

No, it does not.

**Chair Monroe-Moreno:**

Members are there any questions for these two presenters? [There were none.] We are down to the last fiscal note, and that would belong to the Eighth Judicial District Court.

**Ashley Garza Kennedy:**

Our Clark County fiscal note encompasses the updates from the Eighth Judicial District Court.

**Chair Monroe-Moreno:**

With the amendments that have been made in the first reprint and the ones that were mentioned today, would it affect the fiscal note from the original bill?

**Ashley Garza Kennedy:**

For Clark County's fiscal note, all of that encompasses the first reprint, narrowing the scope of A.B. 160 (R1) where we are only looking at category E drug offenses and misdemeanor drug offenses. This fiscal note is also reflective of future biennia, and not this one.

**Chair Monroe-Moreno:**

I will invite the bill sponsor back to the table and ask whether you have any closing comments.

**Ashley Garza Kennedy:**

I wanted to mention a few different things. The current petition-based process to seal a record is cumbersome. It is a process that you really cannot do without legal representation, and that is why you see many sealing events, with one coming up soon with Clark County and the Legal Aid Center. Our goal with this legislation—that has also been done in other states—is to try to make that process easier. There are several states that have implemented automatic records sealing. Three states, in particular, have moved forward a policy that live in a similar state to Nevada, where we have disparate systems. The goal of the legislation—with a delayed implementation date, narrowing the scope of the automatic seals that were of convictions and charges that we are talking about—is trying to be responsible and start somewhere. We recognize that this is a big feat and giving us many years to figure this out with all of the relevant stakeholders involved.

The last thing I wanted to say is that we are not changing anything. Currently, when you file a petition to get your records sealed, you had to have completed your sentence, and not be on parole or probation, and have also waited a certain statutory waiting period. For a category E, you have to wait two years, and for a misdemeanor it is a one year before you are eligible. That has not changed. There is currently a rebuttable presumption in *Nevada Revised Statutes* Chapter 179 that if you have met these qualifications, you are eligible for a seal, and the court should rule in favor unless the prosecutor objects to that with a reasonable belief that you are not eligible. That has not changed. Even through this automated process, prosecutors will still have the ability to object to the seal. I just wanted to put all that on the record.

**Chair Monroe-Moreno:**

You said there are a few states that have already done this. What is the model state as you have done your research for this piece of legislation? What are the model states that have done this, that we could replicate? In Nevada we are kind of decentralized. Our courts do

not talk to each other throughout the state. Police departments do not talk to each other throughout the state. How did other states get to that more centralized communication method?

**Ashley Garza Kennedy:**

A lot of the states are still in implementation. I think the one that sticks out to me the most is Michigan. They are currently in the process of implementing this, and they actually created a statewide database that all the criminal justice agencies have access to, which was different than how we assume this could work in Nevada, with having our systems be able to communicate with one another. I think the Administrative Office of the Courts had mentioned technology that could support their system, communicating to the courts and the courts communicating back to their system, and similarly with the Central Repository with all those systems speaking together. Michigan did not do something like that. They created something completely different and did a statewide database. But I believe their implementation has not gone 100 percent live yet.

**Chair Monroe-Moreno:**

When you report back, if you can find out the approximate cost to that state, that would be great. I think that is good information to share with the Committee as we go through and decide on work session or moving forward with this bill.

I am not seeing any other questions from the Committee. We will close the hearing on A.B. 160 (R1). I will turn the meeting over to my Vice Chair for the next bill.

[Assemblywoman Backus assumed the Chair.]

**Vice Chair Backus:**

I will open the hearing on Assembly Bill 161 (1st Reprint).

**Assembly Bill 161 (1st Reprint): Revises provisions governing the identification of persons. (BDR 43-635)**

**Assemblyman Cameron (C.H.) Miller, Assembly District No. 7:**

Assembly Bill 161 (1st Reprint) revises provisions governing the identification of certain persons. The bill aims to address how persons with communication needs in interactions with law enforcement officers might be influenced by their social skills and communication challenges in such situations. It is critical that law enforcement officers are aware of potential communication needs as early as possible when engaging with these Nevadans. Upon the application of a person with a communication need, the bill requires the Department of Motor Vehicles (DMV) to place on any driver's license, vehicle registration, or identification card, a designation indicating the person is a person with a communication need. There is an opt-in process—they can opt-in to have it on their driver's license or their vehicle registration.

There is no fiscal impact, and I guess you are wondering why we are here, because there was no fiscal impact on the original bill. However, when we amended the bill to bring in Assemblywoman Bilbray-Axelrod's registration piece, there was a concern that there might be a fiscal impact based on the registration piece. Because the DMV is in their modernization phase, we are able to push out that portion of the implementation to align with their modernization, and that eliminated any fiscal impact concerns. I believe DMV is here to say that this will not cost them a million dollars.

**Vice Chair Backus:**

I invite Mr. Sever back up to the dais, because this is like DMV is handing out Christmas gifts today or something. I just wanted to clarify the bill sponsor may also have to confirm this as well. When looking at the proposed amendment, I know that there is some language at the top, but if it was just simply an effective date of January 1, 2026, would that take care of all of the issues with any potential anticipated fiscal note that DMV has, and will the bill's sponsor be okay with that amendment?

**Sean Sever, Deputy Administrator, Department of Motor Vehicles:**

We are neutral on A.B. 161 (R1), and we did provide a new fiscal note on the original bill. The amendment that would change the medical coding and add this to the registration did trigger a fairly large fiscal note that we have not submitted and that we spoke to at the original bill hearing. However, the suggested amendment from the bill sponsor moving back the implementation date of the registration portion of the bill would remove our fiscal note [[Exhibit M](#)]. The effective date of the driver's license indicator would remain the same, as we already have this in place with the specific conditions already offered on the driver's license.

**Assemblyman Cameron (C.H.) Miller:**

The specific language that I believe addresses it being upon the DMV having the proper resources to do so, but no later than 2026, follows language that Assemblywoman Monroe-Moreno suggested for another bill that had similar issues. The DMV has indicated that they anticipate being able to get it done sooner than 2026, so I would like to maintain that language with the expectation that it will be completed soon, but no later than 2026 rather than move to an implementation date of 2026.

**Vice Chair Backus:**

Assemblyman Miller, that does make complete sense. I just want to confirm with the Department of Motor Vehicles, that if they are able to get it done sooner than January 1, 2026, that it will not have a fiscal impact.

**Sean Sever:**

That is true—we agree to that.

**Vice Chair Backus:**

Is there anyone that has any questions for the bill sponsor or DMV? [There were none.]

[Assemblywoman Monroe-Moreno reassumed the Chair.]

**Chair Monroe-Moreno:**

Thank you, Vice Chair Backus, for taking over the presentation for Assembly Bill 161 (1st Reprint). I believe that we are up to testimony in support of A.B. 161 (R1).

**A'Esha Goins, representing NAACP, Las Vegas Branch 1111:**

This bill directly affects my son. I stand here as his mom, and I hope that you support this bill.

**Lilith Baran, representing American Civil Liberties Union of Nevada:**

We would like to thank both the sponsors, Assemblywoman Bilbray-Axelrod and Assemblyman Miller for their incredible work on this bill. It has been a really wonderful process, and I think that this is going to greatly help Nevadans who are experiencing communication impairment issues, as well as law enforcement, to have better interactions with those experiencing communication differences. I urge you to pass this bill.

**Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:**

We urge your support of this bill. I will just say briefly that law enforcement is trained that traffic stops are the most dangerous situations they can find themselves in. Ensuring that both law enforcement and those who may have a communication impairment are able to have that information shared is incredibly important.

**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:**

I echo the comments of everybody before me, and I am grateful for the DMV and their Christmas gifts and making sure this good piece of legislation gets passed.

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

We will say ditto to all of the comments before us and we hope you pass this amazing bill.

**Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:**

We are obviously in support of A.B. 161 (R1). We had several meetings with Athar Haseebullah from the American Civil Liberties Union of Nevada on behalf of the bill sponsor to discuss the change to the language access to read as communication need, rather than communication impairment. Impairment signifies that an individual is unable to communicate. We know that at this time, all you are trying to do is ensure that police officers and law enforcement are able to have more positive interactions, and we thank the bill sponsor and everyone here for their time.

**Matthew Wilkie, Private Citizen:**

I am calling in support of A.B. 161 (R1).

**Steven Cohen, Private Citizen:**

Ditto.

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

I would like to thank Annette Magnus for her amazing common sense comments and Catherine Nielsen and everyone before me. We are due to pass this bill.

**Chair Monroe-Moreno:**

Is there anyone wishing to testify in opposition to Assembly Bill 161 (1st Reprint)? [There was no one.] Moving to neutral, is there anyone who would like to provide neutral testimony on A.B. 161 (R1)? [There was no one.]

I will close the hearing on Assembly Bill 161 (1st Reprint). Members, we have before us. the first reprint of the bill and Assemblyman Miller presented another amendment today, and we see that there is no fiscal note on this bill. With that, I will entertain a motion to amend and do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 161 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

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

I will assign the floor statement to Assemblyman Miller. I believe in the hearing, which I missed part of, we are taking out the amended language that just leaves in the language "no later than January 1, 2026."

Thank you and moving on, we will open the hearing for the last bill of Assemblyman Miller Day, Assembly Bill 253 (1st Reprint) which provides for the licensure and regulation of certain events at which the sale and consumption of cannabis or cannabis products is allowed.

**Assembly Bill 253 (1st Reprint): Provides for the licensure and regulation of certain events at which the sale and consumption of cannabis or cannabis products is allowed. (BDR 56-152)**

**Assemblyman Cameron (C.H.) Miller, Assembly District No. 7:**

I am here to present Assembly Bill 253 (1st Reprint). This bill addresses some of the issues with illicit cannabis consumption at events, by requiring the Cannabis Compliance Board to license and regulate certain events where the sale and consumption of cannabis products is allowed. In short, this bill with the amendment [[Exhibit N](#)] will allow for certain events that

meet certain requirements as determined by the local jurisdiction to allow for cannabis sales and consumption and designated spaces at those events. It does this by creating a permit for events to have a cannabis vendor now called the cannabis concierge providing local jurisdiction with a broad framework on minimum standards those events must meet to qualify. It creates the Cannabis Concierge license, which moves to address fiscal concerns by limiting the number of licenses issued to just 21, allowing for a slow and measured ramp up approach, starting with just 5 licenses for the first 18 months and then 16 over the course of a five-year period. You can almost consider this a slow, measured, pilot program approach to having responsible cannabis use at events.

There are a couple of fiscal notes. The first is from the Cannabis Compliance Board (CCB). They submitted a fiscal note for \$1.1 million in fiscal year (FY) 2024 to assist with regulatory and enforcement duties. The CCB requests 13 full-time positions which makes up nearly \$900,000 for the upcoming fiscal year. The CCB has also included the cost associated with equipment, information technology, in-state travel, operating, physicals, and uniforms. The new equipment costs are one-time expenses. The revenue impacts have not been determined due to the uncertainty surrounding the fees at this time. This was based on the initial introduction of the bill which did not have the limits on the number of licensees. In the explanation, the Board stated that it would be due to there currently being about 73 events that would be eligible to have cannabis events. That was based on the original bill, now with the amendment, we have significantly limited the number of licenses which I hope should significantly limit the number of events to receive permits. Of the 73 events that are perceived as possibly being eligible, currently, none of those would be eligible based on the standards that we have created. We would essentially be creating another type of event or requiring those events to significantly change some of the parameters to be allowable for cannabis consumption.

It is my belief that these changes significantly impact the need to have an additional 13 people in the immediate future. It also gives us time because only five licenses would be issued for the next 18 months starting in January of 2024. That would give time for us to see how these events are operating, to see if there are any challenges, to quickly be able to shut things down, or determine if we need to expand them by the 2025 Legislature, or if we need to provide additional resources to any of the departments. I will note though, that this fiscal note, this cycle is half of what it was last cycle. We are on our way in the right direction, and I believe that the amendment continues moving us on that downward path.

Secondly, there is a fiscal note prepared by the Department of Taxation. I believe they are here in the room. Their fiscal note initially said that they were going to need two positions and the associated costs related to those positions. After a conversation, we have been able to lower their fiscal impact by \$85,000 per fiscal year. Again, they are here and able to confirm. With that, I will stand with my copilot in this particular bill, A'Esha Goins, from Cannabis Equity and Inclusion Community, and she is here once again for the hard questions. Thank you.



**Chair Monroe-Moreno:**

Thank you so much for the presentation, and we do not have the updated fiscal notes from the agencies. If they are in the room, they can testify to what those are, and then we will need to get those for the file. I have a question. The Cannabis Compliance Board is fee based, so with that in mind, would the fiscal impact for them be to offset the transfers that would be going into the State Education Fund? Maybe if there is someone here from the CCB, they could answer that.

**Tyler Klimas, Executive Director, Cannabis Compliance Board:**

You are right, if we were to add new positions that would increase our operating budget, which comes out of the pot of money that includes the wholesale tax revenue. Yes, it would ultimately at the end downstream affect the transfer to the State Education Fund.

**Chair Monroe-Moreno:**

Assemblyman Miller, you said that there would be fewer events a year. What was the number? In the original bill it was estimated to be approximately 73 events a year. Has that changed at all?

**Assemblyman Miller:**

We do not have an event that actually qualifies based on the minimum standards. They would have to change either the age requirements of their events, the locations of their events, or the number of participants for those events to qualify for the broad framework that we are creating in this bill. Additionally, the jurisdictions that will ultimately have authority over the actual events themselves will have additional requirements that will need to be met in those respective jurisdictions. As of right now, of the 73 events, I imagine some probably would try to make those changes. There are not any events that will qualify. They would have to recreate or create new events.

**Chair Monroe-Moreno:**

I have a question for the Cannabis Compliance Board; you have 13 new positions and associated operating costs. There are currently no events of this type being held. How did you get to the 13 positions? How was that calculation made?

**Tyler Klimas:**

That is correct. Even with the original bill draft, we just do not know what events would qualify. To put any kind of fiscal note on the bill, we had to start somewhere. We looked at Travel Nevada, just to get an idea of statewide events. We certainly realized that all of those would not qualify. We just needed a baseline marker because most of these are likely going to be new events, and they are going to be cannabis-focused events. We do not know what jurisdictions will allow for them. We do not know exactly what they are going to look like. It is an unknown number and needed a baseline to start. We do know we will need resources to facilitate, audit, and inspect the plans, and have agents to be able to go out and ensure compliance. We started with the information from Travel Nevada to at least give us a starting point.

**Chair Monroe-Moreno:**

Because you are fee-based and you do not receive General Funds, would you be able to absorb this cost, or would the cost be associated with the fees for the vendors?

**Tyler Klimas**

I believe the fees in the newest amendment that we got a couple of days ago were \$5,000 for the license, \$3,000 for renewal, and then \$250, I believe, for the event permit. Assemblyman Miller can confirm that. With those fees, and with the limit on licenses, which is 20, if you facilitated all 20 there would be \$100,000 in application fees, and then whatever that is plus the \$3,000 and renewal. No, that would not cover as we sit here, the 13 positions that we are requesting. Certainly, we could realize new tax revenue from these events, which has potential to add certain revenues downstream from the wholesale sales, even though they have to purchase from a retail sale. But that would be impossible for us to determine at this time.

**Chair Monroe-Moreno:**

I would ask the Department of Taxation to join Assemblyman Miller if you are here in the room.

If you could speak to the fiscal note that you submitted. I know the fiscal note was submitted on the original bill, and there was an amendment, and then Assemblyman Miller did have additional amended language. How would that affect your fiscal note?

**Jeffrey Mitchell, Deputy Executive Director, Local Government Services, Department of Taxation:**

Our original fiscal notes submitted on the initial language was for \$187,753 in FY 2024 and \$203,826 in FY 2025. That was for consideration of two audit compliance investigators to help in the administration of this tax. With the proposed amendment that we were able to review, we did reduce that down to one position, because we believe there would be a limit on the number of events that would be coming forward. In FY 2024, we would have a total of \$106,333 for a reduction of \$81,420, and in FY 2025 it would be \$118,021 for a reduction of \$85,805, and in future biennia \$273,195 which is a reduction of \$107,987 from the original fiscal note.

**Chair Monroe-Moreno:**

Members, are there any questions for the presenters, the Department of Taxation, or the Cannabis Compliance Board? [There were none.] Is there anyone who would like to testify in support of A.B. 253 (R1)? [There was no one.] Is there anyone who would like to provide testimony in opposition to A.B. 253 (R1)? [There was no one.] Is there anyone who would like to provide neutral testimony on A.B. 253 (R1)? [There was no one.] I will close the hearing on A.B. 253 (R1) and we will move on to the last bill on our agenda for the day and that is Assembly Bill 184 (1st Reprint).

**Assembly Bill 184 (1st Reprint): Establishes an incentive program for the purchase of certain zero-emission medium-duty and heavy-duty vehicles. (BDR 40-588)**

**Assemblyman Howard Watts, Assembly District No. 15:**

It is my pleasure to present Assembly Bill 184 (1st Reprint) for your consideration today. Briefly, what this program looks to do is to utilize a new pot of federal funding that came from federal infrastructure laws known as the Carbon Reduction Program and use the 35 percent of funds that the state can use for various programs to stand up an incentive program aimed at helping local governments, state government, and businesses to procure zero emissions for medium and heavy-duty electric vehicles—everything from buses and semitrucks, down to delivery vans and other similar vehicles. The goal is to utilize this pot of funding meant to reduce pollution and emissions in our state and focus it on those vehicles that have a high proportion of those emissions.

I will get right into both the fiscal aspects of the bill as well as the amendment that you have before you [[Exhibit O](#)]. The first page is a summary of the changes that are laid out in the mockup. There are a couple of policy items, but there are also items related to the fiscal aspects of the bill. I will note there was a fiscal note submitted by the Department of Transportation. It is a zero fiscal note but explained some of the dynamics involved in trying to figure out how this program works. There is a fiscal note from the Division of Environmental Protection, State Department of Conservation and Natural Resources. After I conclude, I would ask them to come up so they can answer questions about their fiscal note, which I believe can be absorbed and covered with the federal funds being dedicated to this program.

In addition to that fiscal note, the other reason that we are here in the money committee is because a \$4 million appropriation was added coming out of the policy committee. That was because the program that is administered is on a reimbursement basis. There were a lot of conversations about figuring out how to make sure that the funding is available to stand up this program and then be able to get those costs reimbursed. In additional conversations with the agencies and others, we have determined that that appropriation can be removed from the bill, and that we will have the ability to find a way to make some of those expenditures and get them reimbursed without having to appropriate that initial capital to just have some kind of liquidity for the program. This is a federal Department of Transportation (DOT) program. Those funds come to the state Department of Transportation (DOT). Our Division of Environmental Protection has run incentive programs, including specifically for the replacement of heavier duty diesel vehicles in the past, including through the Volkswagen Settlement Funds. We felt that was the best home for the program. Essentially funds will come from federal DOT to state DOT. They will enter into an agreement with the Division of Environmental Protection to administer that program and that agreement will allow for the funding and administration to be connected.

The first item in the amendment adds some clarification, because like many federal programs, the guidance is still being produced. There has been active engagement with the agency and based on some other similar existing programs that this is modeled on, we

believe that this will be an allowable use of the funds. This first amendment basically says that if for any reason it turns out that this is not an allowable use of the funds, we do not want to end up in a Catch 22 where we have dedicated the funds in a way that is not workable. This would make it clear, in that event, the Department of Transportation would be able to change course and use this for any other eligible purpose.

The next change in section 16, subsection 6, strikes when we are talking about other funding that we could potentially bring in to support these efforts. We added a program that is not an eligible source of funding, so we struck that out just to help clean up the statute. In section 16, subsection 7, is another piece just meant to guarantee that we are making the most of these funds. As we are getting this guidance, setting these things up, and doing the outreach to get folks to participate, if there is any danger of funding expiring in a year and we might not be able to expend funds, that money again can come back to NDOT for other eligible purposes to make sure that we are getting all those dollars on the ground in Nevada in some way. Section 17, subsection 6, ensures that we are allowing flexibility to align with the federal guidance on this program when it comes out. Section 17, subsection 6, paragraph (a), provides multipliers for these incentives. One is for various minority businesses, and we are clarifying that section so that they are disadvantaged, small businesses. This is a term used by the Small Business Administration, and it also requires that those businesses demonstrate that they are both socially and economically disadvantaged. We are basically just modifying that section to align with some of the Small Business Administration language and programs. We have a little bit of clarifying language, including some clear language around having regulations developed for the process of awarding these incentives.

Finally, we are proposing deletion of the proposed \$4 million appropriation. With that, I would ask a representative of the Division of Environmental Protection to come up to help to confirm their understanding of their fiscal note, and then open it up to any questions that members of the Committee may have.

**Danilo Dragoni, Ph.D., Deputy Administrator, Division of Environmental Protection,  
State Department of Conservation and Natural Resources:**

Thank you for giving us the opportunity to clarify our fiscal note. The Division estimated that we will need an additional environmental scientist position to develop and manage the clean trucks and bus incentive program and additional traveling to promote the incentives. As we learn more about the federal Carbon Reduction Program grant, it is our understanding that this federal grant will cover 90 percent of the cost incurred by the Division. There is a 10 percent match, and the Division will be able to absorb it. And finally, the proposed amendment today does not change our assessment.

**Assemblywoman Brown-May:**

Just one clarifying question with regard to the change of the eligibility. How does this, or does this eliminate, nonprofit organizations that are operating fleets? And I would just use Catholic Charities as perhaps the example; they do have a small number of fleets that they use to deliver home-based meals. I am curious to know if they would still be eligible for this type of program.

**Assemblyman Watts:**

Let me start by saying at the highest level, yes, any type of entity is eligible to benefit from this program, whether they are a for profit, not for profit, or a governmental entity. However, we do have certain modifiers that we have put in place for certain types of entities, for example, to help school districts get more electric zero-emission school buses deployed within their fleets. On that account, looking at some of the small business language to see if nonprofits are covered, I would have to get back to you. But I will say that a high-level overall access to the program is open to basically any entity in the state that owns or operates these types of vehicles.

**Assemblywoman Brown-May:**

Thank you for the clarification. Many times, nonprofits the size of Catholic Charities do not qualify for small business but would be a medium sized business. I just want to make sure that as we tighten up the eligibility requirements, we do not inadvertently do harm to an entity that could really use the assistance.

**Chair Monroe-Moreno:**

In your amendment on page 5, section 16, subsection 7 in the amendment language that says ". . . in one year or less must revert to the State General Fund to be administered by the Department of Transportation for other eligible uses of such federal monies." However, if it is reverted to the State General Fund, it would stay there. Do you want to clean up that language so that the money would stay with the Department of Transportation so they could utilize that money?

**Assemblyman Watts:**

Yes. Again, as we were working on this and getting some final changes put together, the intent is that it would be reverted back to the Department of Transportation. We do not want it to end up outside of the Department. So yes, we would absolutely like to clean up that language. The intent with all of this is that these funds are coming into the Department of Transportation. In any event where it seems like there is going to be a problem in utilizing those funds, either in general or within the allocated time frame, we want those funds to go back to the Department of Transportation for use on other eligible activities.

**Chair Monroe-Moreno:**

We will just need cleanup language to transfer that money back to that Department. Then there was one other fiscal note from the State Department of Conservation and Natural Resources. Is there someone here to speak on your fiscal note? I believe that fiscal note was

submitted with the original bill, not as the bill is amended. With the amendment, the first reprint, and the amendment presented today, will that affect your fiscal note and perhaps lower it?

**James A. Settelmeyer, Director, State Department of Conservation and Natural Resources:**

I believe the fiscal note and question for the State Department of Conservation and Natural Resources is the one from the Division of Environmental Protection, since it is one of the divisions in our Department.

**Assemblyman Watts:**

The latest understanding is that those costs do stand, and 90 percent of those costs are eligible to be covered from these federal funds. They believe that the other remaining 10 percent match can be absorbed by the agency.

**Chair Monroe-Moreno:**

Can that 10 percent match be absorbed by the agency?

**James A. Settelmeyer:**

That is our understanding. Yes.

**Assemblywoman Kasama:**

Thank you so much for this bill. I just wanted to say I really appreciate how you worked really hard in section 22.5 for the \$4 million. That was a General Fund appropriation and to seek out and find bridge funding for that is really great. I think this is a good bill that can do a lot of good for our environment and for options for the businesses in the state of Nevada.

**Chair Monroe-Moreno:**

Members, are there any other questions? [There were none.] Thank you so much for the presentation. Is there anyone who would like to testify in support of A.B. 184 (R1)?

**Kyle Davis, representing Western Resource Advocates:**

There is a letter on the Nevada Electronic Legislative Information System (NELIS) detailing our support, [[Exhibit P](#)] so I will not spend too much time. I just want to thank the Department of Transportation and the Division of Environmental Protection for working with us on this bill and working through some of the real technical aspects.

**Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League:**

We are here in strong support of A.B. 184 (R1). We think it is a win-win for the state, saving some businesses money and reducing toxic air pollution. We also submitted a letter on NELIS [[Exhibit Q](#)], so I will leave it at that and urge the Committee's support.

**Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:**

I am here today to support A.B. 184 (R1). We greatly appreciate working with the sponsor and the proponents of the bill to come up with something that was workable for our industry.

While this is available to everybody, we really do appreciate some of the sweeteners—those base incentives that are put in the bill that help our disadvantaged business enterprises as well as owner operators. When you are looking at buying one of these new zero emission vehicles, the cost is about three times what you are paying for a conventional truck. The fact there is that 33 percent base incentive is something that is great for those folks who are looking at the math and saying, hey, this is not something we can do. When you are looking at one of these new trucks, taxes, federal excise tax, registration, and sales tax; you are looking at hitting about \$100,000 just in taxes. This is absolutely needed. Thank you very much.

**Andrew MacKay, Executive Director, Nevada Franchised Auto Dealer Association:**

It is important to note that the biggest impediment, particularly with respect to medium- and heavy-duty trucks, of getting the small businessmen and women into cleaner safer vehicles, is cost and the referenced federal excise tax on trucks. These things are not cheap, and quite frankly, what this is going to do is to put those small businessmen and women into electric vehicles where they would not otherwise be able to do it. I would be remiss if I did not thank Assemblyman Watts on this. I do not want to get into the policies, but we had some concerns, and those were addressed. I really encourage your support.

**Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:**

The Chamber is also in support of A.B. 184 (R1), and we appreciate the work done by the bill sponsor with the industry and stakeholders. The Chamber is in support of the policy bill components in the individual hearing, and we also support the financial provisions of the bill and the focus to help Nevada small businesses in the industry.

**Tom Clark, representing Reno + Sparks Chamber of Commerce:**

I will just keep it short and say ditto to all the things that have been said previously.

**Janet Carter, Volunteer Member, Sierra Club Legislative Committee:**

I want to speak very briefly on behalf of our over 30,000 members and supporters within the state of Nevada. The Sierra Club strongly supports this legislation. We really appreciate the work that has gone into it to make it cost effective for the state. We recognize that an immediate and rapid reduction in fossil fuel consumption should be a priority in our efforts to mitigate climate change and the transportation sector being a major contributor to poor air quality. We really support this effort to go in that right direction, and we think it is time to do it, and we ask for your support of A.B. 184 (R1).

[[Exhibit R](#), [Exhibit S](#), and [Exhibit T](#) were not discussed during the hearing but were submitted in support of Assembly Bill 184 (1st Reprint) and will become part of the record.]

**Chair Monroe-Moreno:**

Is there anyone who would like to testify in opposition to A.B. 184 (R1)? [There was no one.] Is there anyone who would like to provide neutral testimony? [There was no one.] I will close the hearing on A.B. 184 (R1) and open the work session on A.B. 184 (R1).

In the presenter's testimony and in the amendment, the \$4 million appropriation has been removed from the bill. The fiscal notes were addressed in the bill, as well as the 10 percent match. The agency testified that they could absorb the cost. With that and the additional amendment to update the language in this section, I will accept a motion to amend and do pass as amended.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS AS  
AMENDED ASSEMBLY BILL 184 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the bill?

**Assemblyman Hafen:**

I did have a couple of questions that came up that I am going to take offline with the bill sponsor, but I am going to support this today.

**Chair Monroe-Moreno:**

Is there any other discussion on the motion? [There was none.]

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

I will assign the floor statement to Assemblyman Watts.

That brings us to the very last item on our agenda for today. I will open the meeting to public comment. [Public comment was heard.]

Meeting adjourned [at 12:38 p.m.].

RESPECTFULLY SUBMITTED:

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Anne Bowen  
Committee Secretary

APPROVED BY:

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Assemblywoman Daniele Monroe-Moreno, Chair

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



## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 148 \(1st Reprint\)](#), submitted by John McCormick, Assistant Court Administrator, Nevada Supreme Court.

[Exhibit D](#) is a proposed conceptual amendment titled "Conceptual Amendment to AB 246 (1st Reprint)," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit E](#) is a letter to the Assembly Committee on Ways and Means, dated May 26, 2023, submitted by Deanna Hua Tran, Coalition Coordinator, Nevada Immigrant Coalition, in support of [Assembly Bill 246 \(1st Reprint\)](#).

[Exhibit F](#) is an information sheet dated December 22, 2022, submitted by Liz Ortenburger, Chief Executive Officer, SafeNest, in support of [Assembly Bill 257 \(1st Reprint\)](#).

[Exhibit G](#) is a letter dated May 26, 2023, submitted on behalf of SafeNest and CEO Exchange of Southern Nevada, in support of [Assembly Bill 257 \(1st Reprint\)](#).

[Exhibit H](#) is a document titled "AB 192 Fact Sheet," submitted by Assemblywoman Cecelia González, Assembly District No. 16, regarding [Assembly Bill 192 \(1st Reprint\)](#).

[Exhibit I](#) is a proposed amendment to [Assembly Bill 150 \(1st Reprint\)](#), dated May 25, 2023, submitted by Assemblywoman Natha C. Anderson, Assembly District No. 30.

[Exhibit J](#) is an Executive Agency Fiscal Note, dated April 12, 2023, submitted by the Department of Motor Vehicles, regarding [Assembly Bill 151 \(1st Reprint\)](#).

[Exhibit K](#) is a proposed amendment to [Assembly Bill 501](#), submitted by the Aging and Disability Services Division, Department of Health and Human Services.

[Exhibit L](#) is a proposed amendment to [Assembly Bill 160 \(1st Reprint\)](#), dated May 26, 2023, submitted by Assemblyman Cameron (C.H.) Miller, Assembly District No. 7.

[Exhibit M](#) is a proposed amendment to [Assembly Bill 161 \(1st Reprint\)](#) submitted by Assemblyman Cameron (C.H.) Miller, Assembly District No. 7.

[Exhibit N](#) is a proposed amendment to [Assembly Bill 253 \(1st Reprint\)](#) submitted by Assemblyman Cameron (C.H.) Miller, Assembly District No. 7.

[Exhibit O](#) is a proposed amendment to [Assembly Bill 184 \(1st Reprint\)](#) submitted by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit P](#) is a letter dated May 25, 2023, submitted by Jermareon Williams, Government Affairs Manager, Western Resource Advocates, in support of Assembly Bill 184 (1st Reprint).

[Exhibit Q](#) is a letter dated May 27, 2023, submitted by Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League, in support of Assembly Bill 184 (1st Reprint).

[Exhibit R](#) is a letter submitted by John Karakoulakis, Director, The Western Way, in support of Assembly Bill 184 (1st Reprint).

[Exhibit S](#) is a letter dated May 26, 2023, submitted by Will Drier, Policy Manager, Electrification Coalition, in support of Assembly Bill 184 (1st Reprint).

[Exhibit T](#) is a letter dated May 25, 2023, submitted by Melissa Ramos, Senior Manager, Clean Air Advocacy, American Lung Association, and Katie Ryan, System Director of Nevada Government Relations, Dignity Health-St. Rose Dominican, in support of Assembly Bill 184 (1st Reprint).