

**BDR 40-157**  
**AB 312**

STATE AGENCIES  
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 7, 2023

Agency Submitting: State Agencies

<b>Items of Revenue or Expense, or Both</b>	<b>Fiscal Year 2022-23</b>	<b>Fiscal Year 2023-24</b>	<b>Fiscal Year 2024-25</b>	<b>Effect on Future Biennia</b>
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

Name \_\_\_\_\_

Title \_\_\_\_\_

State Agency Responses  
**A.B. 312 / BDR 40 - 157**

State Agency: <b>Cannabis Compliance Board</b> Approved by: Andrea Fountain, Budget Analyst 3 Comment: The Cannabis Compliance Board has reviewed AB312 (BDR 40-157), as currently written and has determined that there is no fiscal impact.				
Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: <b>Colorado River Commission of Nevada</b> Approved by: Douglas Beatty, Administrative Services Officer Comment: The agency has reviewed the bill and determined that it has no fiscal impact.				
Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: <b>Commission on Judicial Discipline</b> Approved by: Paul C. Deyhle, Executive Director and General Counsel Comment: The agency has reviewed the bill and determined that there is no fiscal impact.				
Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: <b>Department of Administration</b> Approved by: Daniel Marlow, ASD Administrator, Department of Administration Comment: The agency has reviewed the BDR as written and determined there is no fiscal impact to the Department of Administration.				
Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Agriculture**

Approved by: Marko Markovic, Administrative Services Officer III

Comment: NDA will need 1 (one) Admin Assistant IV to write reports and do the research on what may or may not economically impact underserved minority communities in Nevada for each proposed regulation NDA has.

Agency is requesting the position start date of August 1, 2023, to allow for the recruitment to start on August 1, 2023. Due to the technical limitation with Success Factors, agency can't initiate the recruitment until position is active in Success Factors. With active date of August 1, 2023, agency would have 2 months to successfully recruit the candidate and have them start by October 1, 2023.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Has Impact	\$0	\$73,206	\$72,762	\$145,774

State Agency: **Department of Business and Industry**

Approved by: Dale Hansen, ASO IV

Comment: The agency has determined that BDR 40-157 has no fiscal impact on the Department of Business and Industry.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Corrections**

Approved by: Kristina Shea, Deputy Director

Comment: No fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Education**

Approved by: Megan Peterson, Deputy Superintendent

Comment: If enacted, the proposed legislation would create the Commission on Environmental Justice and establish requirements to determine environmental impact. The agency has reviewed the bill and determined that there is no fiscal impact as of March 24, 2023.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Employment, Training and Rehabilitation**

Approved by: Stewart Terry, Admin Services Officer II

Comment:

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Indigent Defense Services**

Approved by: Peter P. Handy, Deputy Director

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Sentencing Policy**

Approved by: Jorja Powers, Policy Analyst

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Taxation**

Approved by: Adriane Roberts-Larson, Deputy Executive Director - Administrative Services

Comment: This bill creates the Commission on Environmental Justice and establishes requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities. Under current law, the Department/ Nevada Tax Commission (NTC), the Committee on Local Government Finance (CLGF) and the State Board of Equalization (SBE) have authority to adopt regulations and are required by law to determine the impact of any proposed regulations on small businesses and prepare impact statements, solicit public comments, and provide the data and certifications of the same with the Legislative Counsel. This bill models that structure to require these boards to prepare statements of environmental impact on historically underserved communities, including soliciting comments, noticing requirements, preparing informational statements, and sending documents to the Legislative Commission. The bill requests persons knowledgeable in this area to prepare such impact statements, and increases timelines to adopt regulations. This bill also allows for petitions to object to the impact statement thereby requiring board action to reconsider the statement. The NTC has 24 chapters, CLGF has 3 chapters, and SBE has 1 chapter of NAC under their respective jurisdictions. Since 2020, these boards have prepared more than 25 regulations. The additional responsibilities under this bill warrant additional staff and Deputy Attorney General (DAG) Allocation.

This request is for one Program Officer I position and associated operating costs beginning in October 2023. This request includes an increase to the Department's Attorney General (AG) Cost Allocation Plan due to an increase in services. The Department will incur recurring expenses as follows each biennium: Personnel Services of \$163,256; Operating Expenses of \$6,394; and Information Services of \$3,160 for required EITS Assessment costs (phone, productivity suite, etc).

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Has Impact	\$0	\$95,515	\$99,154	\$172,810

State Agency: **Department of Tourism and Cultural Affairs**

Approved by: Brenda Scolari, Director

Comment: After reviewing the text of the bill, no fiscal impact to the department can be found.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Transportation**

Approved by: Debbie Binggeli, Customer Service Manager and Legislative Coordinator

Comment: Should this bill be approved, the Nevada Department of Transportation (NDOT) expects an additional cost to hire an additional NDOT staff (1 FTE) to provide the following: oversight on meeting the requirements to engage in meaningful consultation with historically underserved communities; analysis on the potential impacts of a regulation(s); development of meaningful and applicable mitigation; drafting of a report; and follow-up efforts to ensure mitigation measures are implemented. Additionally, consultants would be required to perform the actual work to effectively implement this bill. All costs would likely not occur until after the 2025 legislative session when the new Commission is to report on a process and metrics for the environmental justice impact statement process.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Has Impact	\$0	\$0	\$0	\$325,997

State Agency: **Department of Veterans Services**

Approved by: David Johnson, Deputy XO

Comment: The agency has reviewed the bill and determined that there is no fiscal impact

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Wildlife**

Approved by: Jordan Goshert, Deputy Director, Administrative Services

Comment: The Department has reviewed BDR 40-157 (Redo 0) / AB312 and has determined that a fiscal impact cannot be determined at this time. It is not clear if this bill would apply to the Department of Wildlife. If so, the Department could be required to consult with members of the historically underserved community, conduct an analysis of the likely impact on the historically underserved community, consider methods to reduce or mitigate the environmental impact on the historically underserved community, and prepare an environmental justice impact statement. This additional work could require the Department to hire a contractor or request a new full time position.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Division of Minerals**

Approved by: Mike Visher, Administrator

Comment: AB 312 as introduced is likely to have a fiscal impact to the agency. However, until the process and metrics required under Section 18 are completed by the Commission on Environmental Justice (created under Section 6), the cost to the agency to complete the analysis required under Section 11 cannot be determined at this time. It is likely that the agency, with its limited staff, will need to contract this analysis work.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Governor's Office of Economic Development**

Approved by: Michele Lynn, GOED Director of Administration

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada Commission on Ethics**

Approved by: Ross Armstrong, Executive Director

Comment: We have reviewed the proposed language and determined there is no fiscal impact on our agency.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada Gaming Control Board**

Approved by: Michael K. Morton, Senior Policy Counsel

Comment: The Nevada Gaming Control Board has reviewed the bill and determined that there would be no fiscal impact to the Board.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada System of Higher Education**

Approved by: Tillery Williams, Director of Community Engagement, Equity, and Inclusion

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the Attorney General**

Approved by: Jessica Hoban, Chief Financial Officer

Comment: While the agency has identified required staff time associated with sections 7, 8, 11, and 12, if this bill is approved, the workload impact is not known at this time.

Pending outcomes of required workload, and/or approval of multiple bills requiring agency staff time may cumulatively demonstrate the need for additional staff as a later date.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Office of the Governor**

Approved by: Daniel Marlow, ASD Administrator, Department of Administration

Comment: The agency has reviewed the BDR as written and determined there is no fiscal impact to the Office of the Governor.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the Lieutenant Governor**

Approved by: Michael Dayton, Senior Advisor

Comment: The agency has reviewed the BDR as written and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the Military**

Approved by: Chris Snidow, Management Analyst II

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the Secretary of State**

Approved by: Debbie Bowman, Deputy Secretary of State for Operations

Comment: The agency has review the bill and anticipates not fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0



State Agency: **Office of the State Controller**

Approved by: James Smack, Chief Deputy Controller

Comment:

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the State Treasurer**

Approved by: Kirsten Van Ry, Chief of Staff

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Peace Officers' Standards and Training Commission**

Approved by: Christopher L. Carter, Deputy Director

Comment: The Bill, as written, imposes additional burdens and processes on the POST Commission regarding issues and subject matter well outside the existing subject matter expertise of the Commission and/or current employees. The requirements of the Bill are so broad that acutal impact cannot be accurately determined at this time. POST would likely need to expand existing full-time staff to include a person or persons with subject matter expertise in order to comply with the requirements as outlined as well as create additional processes in Commission proceedings at an undetermined cost.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

State Agency: **Public Employees' Benefits Program**

Approved by: Laura Rich, Executive Officer

Comment: The agency has reviewed the bill and determined there is no fiscal impact to the Public Employees' Benefits Program.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Public Utilities Commission of Nevada**

Approved by: Breanne Potter, Commission Secretary

Comment: The Public Utilities Commission of Nevada has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Silver State Health Insurance Exchange**

Approved by: Jonathan Lopez, Chief Financial Officer

Comment: The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **State Public Charter School Authority**

Approved by: Jennifer Bauer, Director of Finance & Operations

Comment: The agency has reviewed this bill and determined the following: A) Fiscal impact to the agency - none; B) Fiscal impact to the sponsored charter schools – none.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Motor Vehicles, Research and Project Management**

Approved by: Angela Smith-Lamb, DMV Administrator

Comment: AB 312 (BDR 40-157) relates to environmental justice and proposes to: create the Commission on Environmental Justice and enumerate its duties, and; establishes various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities. Sections 2-7 and 18 become effective on July 1, 2023 and sections 8-17 become effective on the date when the Commission on Environmental Justice adopts permanent regulations and files them with the Secretary of State.

The Department has reviewed this bill and determined there will be no impact as currently written. DMV has established procedures in place for adoption of regulations and the provisions of the bill will be incorporated into this process.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Public Safety, Records, Communications, and Compliance**

Approved by: Jason Kolenut, ASO 3

Comment: AB312 / BDR 40-157 is an act relating to environmental justice; creating the Commission on Environmental Justice; setting forth certain duties of the Commission; establishing various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities; and providing other matters properly relating thereto.

The agency has reviewed the bill and determined that there is no fiscal impact.

<b>Impact</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0