

BDR 38-195
SB 142

STATE AGENCY RESPONSES
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: February 24, 2023

Agency Submitting: State Agencies

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

Explanation

(Use Additional Sheets of Attachments, if required)

Name _____

Title _____

State Agency Responses
S.B. 142 / BDR 38 - 195

State Agency: Cannabis Compliance Board Approved by: Lisa Figueroa, ASO3 Comment: The Cannabis Compliance Board has reviewed BDR 38-195, 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: Colorado River Commission of Nevada Approved by: Douglas Beatty, Administrative Services Officer Comment: The agency has reviewed the language of 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: Commission on Judicial Discipline 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: Department of Administration Approved by: Daniel Marlow, ASD Administrator, Department of Administration Comment: Department of Administration has reviewed the BDR as written and determined 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: Department of Agriculture Approved by: Marko Markovic, Administrative Services Officer III Comment: Proposed BDR doesn't have any financial impact on Nevada Department of Agriculture.				
Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Corrections**

Approved by: Kristina Shea, Deputy Director

Comment: The Nevada Department of Corrections (NDOC) has reviewed Senate Bill 142 which makes proposed revisions to Chapter 428 of the Nevada Revised Statutes. The department has determined that there is no fiscal impact at this time.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Education**

Approved by: Beau Bennett, State Education Funding Specialist

Comment: If enacted, the proposed legislation would enact the Homeless Persons' Bill of Rights. The agency has reviewed the bill and determined that there is no fiscal impact as of February 13, 2023.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Stewart Terry, Admin Services Officer II

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: **Department of Health and Human Services**

Approved by: Kimberly Fahey, Management Analyst 3

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: **Department of Indigent Defense Services**

Approved by: Marcie Ryba, Executive Director

Comment: The Department has reviewed the bill and believes there will be no fiscal impact.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Sentencing Policy**

Approved by: Victoria Gonzalez, Executive Director

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: **Department of Taxation**

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

Comment: The Department has reviewed SB142 and concluded that it does not have a fiscal impact on the Department.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Brenda Scolari, Director

Comment: After reviewing the text, there is no fiscal impact to the department.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Department of Transportation**

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

Comment: According to NDOT's counsel, there may be programmatic and/or legal costs associated with the privacy protections enumerated in Sec. 3(1)(g) of SB142. However, NDOT is unable to estimate those costs. Currently, NDOT provides sufficient legal notice to homeless individuals prior to encampment clean-up efforts and endeavors to be respectful of personal property. NDOT does not routinely store items it removes during these clean-up efforts. At least one relevant case found that a city agency violated the 4th Amendment when it "seiz[ed] and destroy[ed] homeless individuals' unabandoned legal papers, shelters, and personal effects, [...] even if the property was left on sidewalks in violation of municipal ordinance." The Court further found that "homeless individuals maintained protected interest in unabandoned personal property left temporarily unattended in public area, [effectively] prohibiting [the] city from seizing and destroying homeless individuals' unabandoned personal property located in public area." Lavan v. City of Los Angeles, 693 F.3d 1022 (2012). Thus, the broad privacy protection proposed by this bill raises concerns for the ability to keep highway rights-of-way clean and safe and exposes the State to potential damages if homeless individuals impacted by a clean-up effort claim that their possessions were improperly seized. NDOT is unable to estimate the amount of potential civil damages.

Alternatively, the bill may require NDOT to modify its existing approach towards abandoned property during right-of-way clean-up efforts, incurring storage costs and sanitation expenses. Specifically, NDOT may need to develop a procedure for customers to claim their property and purchase storage facilities, boxes, disinfectant, pesticides, and other materials. However, as SB142 does not provide specifics on how to maintain compliance with its personal property protections, NDOT is unable to estimate the costs associated with a change in its programmatic efforts.

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

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

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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 38-195 and determined that there will not be a fiscal impact to the Department.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Division of Minerals**

Approved by: Mike Visher, Administrator

Comment: There is no fiscal impact to the agency.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Nevada Commission on Ethics**

Approved by: Ross Armstrong, Executive Director

Comment: The agency has reviewed the bill and anticipates no fiscal impact.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Jessica Hoban, Chief Financial Officer

Comment: The agency has reviewed this BDR and determined there is no fiscal impact at this time.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **Office of the Military**

Approved by: Chris Snidow, Management Analyst II

Comment: The Agency has reviewed this bill and has determined there is no impact.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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 reviewed the bill and anticipates no fiscal impact.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: James Smack, Chief Deputy Controller

Comment:

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Christopher L. Carter, Deputy Director

Comment: We are unable to determine fiscal impact at this time but anticipate that passage of the Bill would necessitate the development of additional training hours and curriculum for Nevada peace officers as this Bill potentially creates an additional protected class with expanded rights under the Nevada State Constitution.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Breanne Potter, Commission Secretary

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: **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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

State Agency: **State Department of Conservation and Natural Resources**

Approved by: Kelly Williams, Administrative Services Officer IV

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: **State Public Charter School Authority**

Approved by: Jennifer Bauer, Administrative Services Officer III

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.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Angela Smith-Lamb, DMV Administrator

Comment: BDR 38-195, citing as the Homeless Persons' Bill of Rights, would require state agencies to treat persons experiencing homelessness with the same rights, privileges and benefits afforded to a resident of this State who is not experiencing homelessness. This bill would become effective October 1, 2023.

The Department has reviewed this bill and determined there will be no impact as currently written. DMV already accommodates Nevada residents who are homeless. It is DMV's policy to process an application of a homeless Nevada resident and accept the address of a shelter as a residential address for that homeless individual. During 2021 Legislative Session, SB222 passed which required state agencies to designate a Diversity and Inclusion Liaison (DIL). DMV has a designated DIL. Further, DMV already complies with safeguarding of personally identifiable information (PII) and confidentiality of records.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0

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

Approved by: Jason Kolenut, ASO 3

Comment: BDR 38-195 is an act relating to homelessness; enacting the Homeless Persons' Bill of Rights; authorizing certain civil actions; and providing other matters properly relating thereto.

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: **Department of Business and Industry, Nevada Housing Division**

Approved by: Stephen G. Aichroth, Administrator

Comment: As currently drafted, BDR 38-195 has been reviewed and the agency has determined that there is no fiscal impact to the Nevada Housing Division.

Impact	FY 2022-23	FY 2023-24	FY 2024-25	Future Biennia
No Impact	\$0	\$0	\$0	\$0