

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Sixth Session
March 11, 2011**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:03 a.m. on Friday, March 11, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn K. Kirkpatrick, Chair
Assemblywoman Irene Bustamante Adams, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman John Ellison
Assemblywoman Lucy Flores
Assemblyman Ed A. Goedhart
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Steven Brooks, Clark County Assembly District No. 19
Assemblyman John Ocegüera, Clark County Assembly District No. 16
Assemblywoman Debbie Smith, Washoe County Assembly
District No. 30

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Cyndie Carter, Committee Manager
Sheryl Burrows, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Mike Willden, Director, Department of Health and Human Services
Stacey Crowley, Director/Acting Commissioner of Energy, Nevada State
Office of Energy, Office of the Governor
Vincenta Montoya, Chair, Si Se Puede Latino Democratic Caucus
Charles Perry, President, Nevada Health Care Association
Lydia Ball, Executive Director, Clean Energy Project NV
Rose McKinney-James, representing Solar Alliance
Michael Murphy, Coroner, Office of the Coroner/Medical Examiner,
Clark County; representing Clark County
Chris Ferrari, representing Nevada Contractors Association
Judy Stokey, Executive, Government and External Affairs, NV Energy
Mathew Taylor, representing Nevada Registered Agents Association
Paula Berkley, representing Food Bank of Northern Nevada
Carole Vilaro, President, Nevada Taxpayers Association; representing
Clark County Priorities Committee
Bart Mangino, representing Clark County School District
Deborah Evans, State Director, Nevada Juneteenth Committee,
National Juneteenth Observance Foundation
Cadence Matijevich, Program Manager, Office of the City Manager,
City of Reno
John Cahill, Clark County Public Administrator
Dianna Alba, Clark County Clerk
Tera Burbank, Private Citizen, Las Vegas, Nevada
Elizabeth Brickfield, Private Citizen, Las Vegas, Nevada

Chair Kirkpatrick:

[Happy Birthday to Chair Kirkpatrick sung. Roll called.]

We will go a little bit out of order today because the Speaker and the Speaker Pro Tempore have a bill. I have a committee bill. We will have to be a little bit flexible. We also have a work session. We will start with the work session. Everyone should have a binder. We will start with Assembly Bill 16.

Assembly Bill 16: Provides for additional compensation to be paid to certain senior psychiatrists and senior physicians employed by the Department of Corrections for being available to be called in to work during periods in which they are not regularly scheduled to work. (BDR 23-451)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit C](#)).]

Chair Kirkpatrick:

Are there any questions? I know that we went over this and asked many questions. If there are no questions, I will take a motion.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 16.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assembly Bill 17: Revises the applicability of the Nevada Administrative Procedure Act to the Public Utilities Commission of Nevada. (BDR 18-455)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit D](#)).]

Chair Kirkpatrick:

Is there any discussion? This was the bill that was very complicated. We went back and revisited, so it should be good. Is there a motion?

ASSEMBLYMAN STEWART MOVED TO DO PASS
ASSEMBLY BILL 17.

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assembly Bill 37: Revises provisions relating to the hours of operation of state offices. (BDR 23-422)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit E](#)).]

Chair Kirkpatrick:

It could be 8 a.m. to 5 p.m., Monday through Friday, or 8:30 a.m. to 5:30 p.m., 9 a.m. to 6 p.m., 7 a.m. to 6 p.m. Monday through Thursday. I also believe the 30-day notice is important for people who are coming to visit. I know that was one of your concerns, Mr. Ellison. The 30-day notice should give them a little time to adjust. Is there any other discussion? I will take a motion.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 37.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assembly Bill 42: Authorizes a county to dispose of certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. (BDR 20-187)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit F](#)).]

Chair Kirkpatrick:

One of the big selling points on this is that the federal government can come in at any time at that airport and take everything back.

Assemblyman Goedhart:

I am not sure what the population is in Nye County, but with the new census we need to move that figure up closer to 50,000. That would ensure that the Tonopah Airport in Nye County falls within this bill.

Susan Scholley:

This bill will be included in the overall population cap adjustment bill done by the Legislative Counsel Bureau which will take care of that, so everything will remain consistent.

Assemblyman Ellison:

In work session we came up with some great ideas on this. I thought we had a good team.

ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 42.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

For the public's knowledge, I make sure that the Committee gets a copy of the work session at least four days in advance so that they can review it so we can be efficient in addressing their concerns. We are not just rolling through these. We have been looking at them for a while.

[Assembly Bill 103:](#) Makes various changes to the Airport Authority Act for Carson City. (BDR S-645)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit G](#)).]

Chair Kirkpatrick:

Do I have a motion?

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS
ASSEMBLY BILL 103.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Assembly Bill 145:](#) Requires a copy of an ordinance proposing the annexation of an area by an unincorporated town to be sent to each owner of real property in the area under certain circumstances. (BDR 21-11)

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit H](#)).]

ASSEMBLYMAN LIVERMORE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 145.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assembly Bill 166: Makes changes relating to the authority of municipalities to hold special elections for certain purposes (BDR 30-769).

Susan Scholley, Committee Policy Analyst:

[She read from work session document ([Exhibit I](#)).]

ASSEMBLYWOMAN WOODBURY MOVED TO DO PASS
ASSEMBLY BILL 166.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will go back now and give out floor assignments. Assemblywoman Pierce will do A.B. 16. Assemblyman Goedhart will do A.B. 17. Assemblyman Stewart will do A.B. 37. Assemblyman Ellison will do A.B. 42. Assemblyman Livermore will do A.B. 103. Assemblyman Goicoechea will do A.B. 145. Assemblywoman Bustamante Adams will do A.B. 166. We will make sure that everyone has floor statements ahead of time so that you are prepared. If you have any questions, we will make sure that you know everything you need to know.

We will now start with our bills. Since Assemblyman Brooks is here, and we will start with him. For the Committee members, we need to thank Jenny McMenomy for making the cupcakes. They are fabulous.

Assembly Bill 172: Requires the employment of certain persons in the Department of Health and Human Services and the Office of Energy. (BDR 18-706).

Assemblyman Steven Brooks, Clark County Assembly District No. 19:

I will begin by summarizing the bill, and then provide you with some background on the need for this legislation. I also provided copies of the graphs I will be talking about. They are in order ([Exhibit J](#)). A hard copy may be a little easier than following it on the Nevada Electronic Legislative Information System (NELIS). You should also have before you a proposed amendment ([Exhibit K](#)) that I will address later in my remarks.

Assembly Bill 172 creates four new positions for grant writers—two positions in the Department of Health and Human Services (DHHS) and two in the Nevada State Energy Office (NSEO). Currently in DHHS, according to the director Mike Willden, there are no designated grant writers. Grant applications are done, if at all, on a haphazard basis. The NSEO currently has one designated grant writer. According to <www.grants.gov>, a federal clearinghouse, there are over 1,000 federal grant programs with over \$500 billion in awards annually. Grants are the second largest source of federal funding for the states. But Nevada ranks 50th in per capita grant funding at \$1,422 per person, compared to Alaska at \$5,036 per person. By increasing its per capita rate by \$1,000, Nevada would add more than \$2.6 billion in additional revenue to the state budget. There goes our budget shortfall. The Sage Commission recognized the potential benefit of additional grant writing capability, as did the Governor who has proposed a budget enhancement of three grant writers to be housed in the Department of Administration. The Department of Health and Human Services is unable to respond quickly and effectively to grant opportunities which often open and close in 30 to 45 days. These grants may vary from \$250,000 to \$1 million. A dedicated and effective grant writer would easily pay for the position and then some. The importance of dedicated grant writers cannot be overstated. They provide the expertise and continuity necessary to be successful in both applying and administering grants.

I have proposed amendments to the bill which will advertise and set up one of the new grant writer positions as a lead person for the new group of grant writers so that together they can serve as a clearinghouse for all of the state's grants. By coordinating the efforts of the designated grant writers in other agencies and pulling in their know-how and experience, these new positions will enhance existing grant writing efforts.

Section 2 of this bill requires that the director of DHHS employ two persons in the unclassified service of the state to solicit and procure grants and other money. They must also manage and coordinate the use of any grants or other money for the activities and programs of the department. Section 3 of this bill requires the director of the NSEO to employ two persons in the unclassified service to solicit and procure grants and other money. They must also manage

and coordinate the use of any grants or other money to promote the use of renewable energy in the state and to promote the use of measures that conserve or reduce the demand for energy which result in the more efficient use of energy.

Chair Kirkpatrick:

Could you go over the amendments?

Assemblyman Brooks:

The amendment to A.B. 172 states that the four grant writers will serve as a clearinghouse for all state agency grants. The most qualified of the grant writers will be designated as a lead person with the responsibility for calling meetings and coordinating the activities of all designated grant writers in the state. The lead person will hold at least two meetings each month with those persons designated as responsible for grant applications in other departments. The meetings shall be for the purpose of reviewing, evaluating, and monitoring grant opportunities, grant applications, and awarded grants. With respect to awarded grants, the lead person will also take the appropriate steps to ensure that the grant conditions are fulfilled and will monitor the progress of the grants. The lead person shall report to the Department of Administration every six months and make recommendations on policies to improve the state's success rate on applications and to improve grant administration.

I would like to take you back to a couple of points I made previously. In Table 14 ([Exhibit J](#)), you will see that Nevada does rank number 50 in grants. Up above you will see that Arizona ranks 33. Utah is highlighted, and it ranks 46. You will also see that New Mexico ranks 5th. Table 1 ([Exhibit J](#)) is a summary of federal grant expenditures by state in millions of dollars. As you can see, Arizona receives \$14 billion in grants per year. Colorado receives \$8.8 billion in grants per year. New Mexico receives \$6.9 billion, and Utah receives \$4.9 billion. Nevada lags, receiving at fiftieth, with \$3.7 billion.

Chair Kirkpatrick:

So the record is clear for those that are listening at home, the grant numbers you are discussing are in the fourth column on Table 1 ([Exhibit J](#)), correct?

Assemblyman Brooks:

On table 4 ([Exhibit J](#)), the third column from the left illustrates how we are unable to respond quickly and effectively to grant opportunities. For every dollar that we put up in the State of Nevada, there are certain programs which have a multiplier effect. That means that the federal government would match us with \$2 or \$3. We are leaving a lot of money on the table. Arizona receives \$184 million. Colorado receives \$202 million from the U.S. Department

of Energy. Nevada receives \$125 million, which is below New Mexico which is \$162 million. Utah does lag behind us at \$68 million. There is rarely a match requirement for these grants, so that is just free money that we are not applying for. We should, of course, be a mecca for wind, solar, and geothermal.

On the sixth column to your right for the U.S. Department of Health and Human Services, you will see Arizona receives \$8 billion. Colorado receives \$3.9 billion. Nevada receives \$1.4 billion. New Mexico receives \$3.7 billion. Even Utah receives more than us at \$2.1 billion. That is just for the U.S. Department of Health and Human Services.

Figure 6 ([Exhibit J](#)) is a graph of federal government expenditures of annual amounts by major agencies for fiscal years 1993-2009. As you can see, in the light blue graph for Health and Human Services, the amount of money in billions of dollars has risen tremendously over the years. In 2008 there was over \$850 billion available for the U.S. Department of Health and Human Services. That is justifying what I stated earlier that there is over \$500 billion just for Health and Human Services.

Table 3 ([Exhibit J](#)) shows the federal government expenditures for direct payments other than retirement for disability and selected programs. I wanted to show you this graph because it talks about the Medicare benefits for which there are grants. We know that we are having a tremendously difficult time with some of our state agencies and particularly the University Medical Center of Southern Nevada (UMC). Applying for some of these grants would allow us to be able to match and bring more money to the state and assist hospitals like UMC which can be a potential partner as well.

Finally, Figure 7 ([Exhibit J](#)) is a graph that represents the federal government expenditures per capita amounts by state by major agency. What you will see is that Nevada ranks last on that list.

I have also provided quick facts ([Exhibit J](#)) in case you have missed anything.

Assemblywoman Woodbury:

You mentioned the Governor's proposal for a grants office. Does this go along with that proposal, and if so, how? If not, how does this replace that?

Assemblyman Brooks:

There was no language in the Governor's proposal until recently. My bill draft request (BDR) was placed months before, but it does actually go along with it. If you look at the Governor's proposal, he is actually asking for a procurement office, which would mean a hub where our grant writers actually report to.

With our budget crisis, it may not be possible to do both. The Sage Commission did identify that we not only need that, but we also need grant writers in the areas we have lacked. We have to hit the ground running. This is going to be a long process bringing the procurement program that the Governor is proposing. He is also proposing that we work with city and local entities which is certainly something we can do as a sole basis of being a hub. This bill allows us to begin writing grants while still working with those local entities but being more of a "boots on the ground" type of agency rather than a procurement agency.

Assemblywoman Benitez-Thompson:

What percentage of those grants would we have been eligible for if we had this resource in place?

Assemblyman Brooks:

I will have Mike Willden, director of DHHS answer that question since they have applied for many grants. There is a snapshot of grant opportunities ([Exhibit L](#)) that was provided which describes the grant and why we did not apply. [Assemblyman Brooks read from ([Exhibit L](#)).]

The efforts of grant writers coming together and working with multiple departments, centralizing and working as a clearinghouse with all the parties at table, making a spreadsheet very similar to what local municipalities do, following these grants, and finding the partners that we can work with is essential in order to have the infrastructure and combined agencies that we need in order to apply for these grants.

Assemblywoman Pierce:

I want to thank Assemblyman Brooks for bringing this bill forward. Those of us who have been around a while know that there is a virtual mountain of money in Washington, D.C. with the word "Nevada" on it. It just sits there year after year and gets bigger and bigger and we never go get it. If this is a way to begin to maximize the amount of federal dollars that we get, that would be a wonderful thing. I found a statistic a couple of years ago that for every dollar that leaves Nevada, Nevada gets \$0.66 back. New Mexico gets about \$2.10. When we get these folks, we should send them down to New Mexico for a couple of weeks.

Assemblywoman Bustamante Adams:

I think this is a step in the right direction. Since Alaska is on the top, what are they doing well?

Assemblyman Brooks:

They are actually pursuing the grants. Alaska has a lower population than us so they look better than us. They have streamlined by bringing agencies together.

Assemblyman Ellison:

No disrespect, I think you are looking to do the right thing. My problem is there is no free money. The backs of the American people are paying this. As a small businessman that is suffering, there is no free money. Someone is paying this debt.

Chair Kirkpatrick:

Last session, I remember when we did the American Reinvestment and Recovery Act (ARRA) funds that, within our own agencies, we did not communicate. I will use the NSEO as an example. That is no reflection on Ms. Crowley because she is new and the whole office has changed. The NSEO had put in one proposal and the Department of Wildlife had put in another one. We sent the federal government conflicting information which we spent a month during session trying to unwind. The communications piece of this is huge. The other portion of this I need to hear is the data. We can hire the people, but we need some data. Since my first session on natural resources, they said they had no data. Last session we approved some research on affordable housing, and we never hired anyone. We have to follow this through. We need accountability measures.

Assemblyman Brooks:

The accountability starts with the grant writing clearinghouse. The lead grant writer's sole responsibility would be to analyze and to bring those agencies together so there would not be that type of misrepresentation and we would be in synch with one another. That is why I think it is particularly important that we look at grant writers leading one another before we go into a procurement process or clearinghouse because we have enough problems right now just within our own state. We have to be on one page in our own state before we can try to help the local municipalities get their act together. To be honest, some of the local municipalities, nonprofits, and Clark County are doing better at procuring these grant dollars than we are. What I am trying to do is to make our own bed before we make someone else's.

Assemblyman Livermore:

I do not see a business plan in this such as start-up costs. What is the investment that we need to put into this?

Assemblyman Brooks:

There is not necessarily an investment per se to bring on a team of grant writers. My business plan is the law we would like to put into place. There is a fiscal note to this for the actual start-up cost, but, as I understand, we are just discussing policy today so I would rather not go into that. Two or three of these grants procured would well compensate for the cost of bringing those grant writers on.

Assemblyman Livermore:

I realize what the long-term results would be. I was just questioning that the fiscal part would come later, but I guess the devil is always in the details.

Chair Kirkpatrick:

I will help clarify that. We are the policy committee. We determine whether we even want to proceed with this idea, and then go to the budgeting process. We might even have some of these employees here today that we can pull into one piece. Our sole responsibility is to determine if this is a good enough idea to move forward. I know that Mr. Hansen and Mr. Hickey also have one of these bills. The Governor's Office has one of these bills. Apparently, it is a policy that this body wants to investigate. That is why we have the policy first and then figure out the fiscal part.

Assemblywoman Pierce:

I do not mean any disrespect to this country or this state, but having the highest dropout rate costs this state an untold amount of money in all kinds of ways that do not get quantified—our prison populations, people not making enough money to support their families and falling back on government services. I am not being flippant about this. The way we do things in Nevada tends to cost us an enormous amount of money. If getting money from the federal government results in us doing things in smarter, more efficient ways, it will save the taxpayer dollars in the end.

Chair Kirkpatrick:

On a positive note, we put the Commission on Economic Development, the Department of Employment, Training, and Rehabilitation and Nevada System of Higher Education together to work on some grants. They worked together and they were actually able to bring a couple of programs on job training, curriculum, and a new company to our state. This is a bipartisan bill draft. We will have about six in this Committee, so we just have to determine the policy at this point.

Assemblyman Brooks:

In particular, with Department of Energy grants, there are billions of dollars that we do not have to match. As everyone here knows, we are a mecca for wind, solar, and geothermal. By bringing in those grant dollars, it creates construction and manufacturing jobs and it puts it at the forefront of the state to compete with as we move forward in the 21st century. What is really important is the partnerships from private industry and the buy-in from other departments.

Mike Willden, Director, Department of Health and Human Services:

[Mr. Willden read from prepared testimony ([Exhibit M](#)) and referred to [Exhibit N](#).]

If we want to fix the grant problem in Nevada, fixing the front end of the system is absolutely necessary, but fixing the back end is also critical. What I mean by fixing the back end, which we have mentioned to the money committee several times, is the process that we must go through to accept a grant. This process is very frustrating. We have low thresholds in timing to get it to the Interim Finance Committee and Board of Examiners for approval. Many times we receive grants, but it is six months before we can spend the first dollar. That is frustrating for the federal government and others from which we receive grants. That process needs to be improved. Once we get a Notice of Grant Award (NOGA), we must ask for an extension from our grant awarder because we cannot start implementing in year one. The grant awarders often tell us we need to be quicker to get money on the ground.

Assemblywoman Benitez-Thompson:

You spoke of issues with competitive grants such as data, capacity, and infrastructure. Could you expand on those?

Mike Willden:

Many times grants are to solve a specific problem. For example, it may go to investigate a specific cancer when they know there are problems throughout the nation. They may want to improve surveillance, detection, treatment, et cetera. In order to get those competitive grants which not every state gets, you must have data and a needs analysis. Sometimes there is only a 30-day window to make the grant application. You do not have the time to gather the data. You need to have the data, know what your problems are, and be ready to apply when the grant money becomes available.

Assemblywoman Benitez-Thompson:

Within this concept of a grant writer, they will be helping to secure the data like that for these grants, not someone who is literally typing up and spell-checking the grant application. They will actually be working on the components for the application, correct?

Assemblyman Brooks:

Yes, that is correct. Mr. Willden referenced that they have already subcontracted with some of the people necessary in gathering the information. This grant writer would assemble the necessary personnel and direct their activities.

Assemblywoman Bustamante Adams:

I appreciate your description of the various types of grants that require different things to make them happen as it paints a realistic picture of the fact that the money will not just be flowing through. There is a process, and it will take us time, but this is a step in the right direction.

Stacey Crowley, Director/Acting Commissioner of Energy, Nevada State Office of Energy, Office of the Governor:

As Chair Kirkpatrick explained, a lot of money our office is seeing is ARRA funding. We have been working hard to see that those grants are implemented well so that the money is on the ground for jobs and construction. We have been repeatedly hailed as the state that has spent the money the fastest and has done well complying with all of the ARRA requirements such as Davis-Bacon wage determination and Buy American. That has been a success in our office. We were recently awarded a competitive grant through the U.S. Department of Energy (DOE) which is called our Nevada Retrofit Initiative. It is a \$5 million grant that we received at the end of last year. We were one of five states to receive that grant. This grant is a mechanism to help homeowners do energy efficiency projects and get the proper financing to do so. That is an exciting grant that we just received. We do have, as Assemblyman Brooks stated, one grants analyst in our office now. She is continuing to find and apply for grants that we typically go after. I have asked her to continually coordinate with other offices to make sure all the issues are worked out before the grant application is submitted. She has monthly calls with the staff at Nevada Commission on Economic Development (NCED) and others to ensure coordination of our efforts. I hope to continue that with whatever mechanism comes into place after these bills are heard.

We are in support of the idea of a grants team. We can always use help. The more boots on the ground we have, the better off we will be. We are following the budget issues at the federal level, which may mean a drop in available grants for us through the DOE. We are following that as best we can by working with our federal delegation to keep the DOE monies alive and well. Our only consistent source of funding for our office is a formula grant, the State Energy Program (SEP), which is at risk of being eliminated at the federal level. We do need help in finding other consistent sources of funding.

My grants analyst is currently looking at The Energy Foundation, which is a nonprofit. They have some good missions that we fit into.

We did have a fiscal note attached to this as well. At the moment, we do not have much General Fund dollars coming to our office and cannot support much more with the Governor's recommended budget.

Chair Kirkpatrick:

Are there any questions? We will go to Clark County for those that are in favor of A.B. 172.

Vincenta Montoya, Chair, Si Se Puede Latino Democratic Caucus:

I am speaking in favor of A.B. 172. I think this is a bill whose time has come. As a resident of Nevada since 1951, I am appalled that we lose so many grants. Over the years, we have heard repeatedly that Nevada only gets 75 percent back from the dollars sent to Washington, D.C. The blame for that is on the Legislature and the Governor. You are the ones who control this. You are the ones who are able to get that federal dollar back into our state. This is something that should have been done years ago. This is appropriate planning. This is an investment in our state. I applaud Assemblyman Brooks for bringing this forward. This needs to be done so that we do not lose dollars as we did with the foreclosures. Ordinary citizens do not understand when we have such a huge need in our state such as seen with the foreclosures that we miss out on grants. Mr. Brooks and Mr. Willden pointed out that needs assessment and data are required. The people who have the grants available are not going to wait for us to assemble that data. It is obvious we should already have this in place. This is an investment in our future. We cannot wait much longer to do this. It is very unsettling for ordinary citizens with the high dropout rate, the high rate of foreclosures, disease issues, depression, and all the other negative lists that we rank high on. We need to be able to address them better, and we know there are limited dollars available through our state. In those good times, when we had the opportunity to match grants from the federal government, we failed to do so. Now because of our fiscal situation, we cannot match those grants. But as Mr. Brooks pointed out there are other ways to match those dollars—sweat equity, et cetera. For the future of Nevada, I urge you to support this and pass it through.

Charles Perry, President, Nevada Health Care Association:

Assemblyman Brooks has done a wonderful job of putting this bill together. The reasoning behind this bill has been succinctly stated. On behalf of the Nevada Health Care Association, we too think this is a bill whose time has come, and we are foursquare in support of this bill.

Lydia Ball, Executive Director, Clean Energy Project NV:

I am here in support of the concept of the bill to create grant writers in the state. As a former U.S. Senate office representative, I worked very closely in reaching out to the public, community, and local and state government to work with the American Reinvestment and Recovery Act (ARRA). The state did a very good job of trying to catch up to the ARRA as fast as they could, but one of the major problems that I saw was there was no clearinghouse for the public and federal government representatives to find out what the state and local governments would be doing. Many of the grants out there, particularly on energy, do cover multiple entities within a government. Small Business Administration is a perfect example of loans or grants that are available that can go through the NSEO but could also be going through a development authority. A clearinghouse making sure communication was happening between multiple entities would be helpful. Another example would be the Rural Energy for America Program (REAP), which includes development loans and grants for rural communities to develop clean energy projects. You can see how that could enter either through the NSEO or the county levels. I am very supportive of this bill.

Rose McKinney-James, representing Solar Alliance:

I appreciate the fact that Assemblyman Brooks has brought this measure forward. He came to me to discuss this with respect to the implications for advancing the clean energy economy. This Committee is very familiar with the efforts the state has undertaken over the past few years to establish Nevada as a leader in clean energy. The ability to identify additional resources to enhance our tool kit, if you will, is incredibly important, particularly at this time. I am interested in seeing the opportunity to fully leverage our resources. This also gives us an opportunity to enhance our presence at the federal level and potentially enhance our presence at the regional level, where we can collaborate with other states who are taking full advantage of these resources. As Ms. Crowley indicated in her testimony, interestingly, they are seeking funding from The Energy Foundation. I have served on that board since 1995. Philanthropy, private industry, and other opportunities well outside of public funding could be made available to us if we had the tools and resources in place. I want to thank Assemblyman Brooks for bringing this measure forward and to indicate that, from my perspective and the perspective of those I represent, this could be an important tool going forward.

Chair Kirkpatrick:

Does anyone have any questions? Is there anyone else in southern Nevada who would like to testify in support of this bill? We will go to northern Nevada. If you have something new to add, you can do that.

Michael Murphy, representing Clark County:

Clark County is in support of this bill.

Chris Ferrari, representing Nevada Contractors Association:

Obviously a lot of the dollars Mr. Brooks is looking to obtain will go to roads and infrastructure. We support this bill as well.

Judy Stokey, Executive, Government and External Affairs, NV Energy:

I had all these great comments, but due to the time constraints I will just say we support this bill.

Chair Kirkpatrick:

You can submit those comments for the record and we will add them.

Mathew Taylor, representing Nevada Registered Agents Association:

We are in support of the concept of this bill for a reason. We believe that, as these grants are obtained and projects are funded, it has the potential to create additional employment opportunities and recruit new businesses here to the State of Nevada.

Paula Berkley, representing Food Bank of Northern Nevada:

The Food Bank of Northern Nevada has a number of grants we have applied for with the state. Some of them the state runs, and we just look good because we are the collaborators. Others, the Northern Nevada Food Bank runs for the state because we can. There have been a number of grants this year that we applied for or could not apply for because of a lack of resources at the state. We support this bill because we think it will bring a lot of service.

Chair Kirkpatrick:

Is there anyone else in support? Is there anyone who is neutral on A.B. 172? Is there anyone who is in opposition of A.B. 172? [There was no response.] We will close the hearing on A.B. 172 and open the hearing on Assembly Bill 248.

Assembly Bill 248: Revises certain requirements for the proposed budget of the Executive Department of the State Government (BDR 31-146).

Assemblyman John Ocegüera, Clark County Assembly District No. 16:

Assembly Bill 248 is a bill on performance-based budgeting. Typical budgeting is baseline budgeting. It is based on what an agency or department spent in the previous year. Performance-based budgeting is different. Performance-based budgeting sets priorities, then budgets towards the outcomes. We have already started this, but we believe that there are no solid requirements and we need to change it just a bit to make it a little bit better for the future. This is a

long-range bill which will not solve our problems overnight, but will help us in the future.

Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:
[Assemblywoman Smith spoke from presentation ([Exhibit O](#)).]

Let us talk for a minute about the performance indicators. When we evaluate the budget, we look at performance indicators that are brought forward by the agencies. The preceding discussion about grants is an example—how many applied for, how many acquired. The interesting thing about performance indicators is that they can just change, somewhat arbitrarily, from one session to the next. If that happens, how do you ever measure progress towards those goals? They can be very fleeting. This has a process in place for approvals to change the performance indicators. That will allow us to truly be connecting their performance indicators to the priority setting that was done in the beginning and to make sure all of that is being tied together.

We had this bill in the last session. It passed and was vetoed. It was vetoed apparently because of any possible cost that it would take to implement. This bill is the same language as the last session with the added language that allows the Governor to authorize agencies to conduct public hearings prior to session. I really like the concept of the public hearings prior to session. A lot of this performance-based budgeting came from the Texas model. The original bill did not adopt that, but I personally saw this at a meeting with other fiscal leaders. It gets the agencies to conduct public hearings prior to session. That will allow them to get public input before the final budget is developed. It gives the public more opportunities in a setting that specifically is for their input. On October 15 of the budget-cycle year, the budget information becomes public. It goes online as far as what the agencies have requested for their budgets. The agencies could use that information in their public hearings prior to the Governor developing his final budget and before we go into session. It gives the public one more opportunity. It gives the agencies and the Governor one more opportunity before the final budget is recommended. It gives the Legislature that much more information from the public.

Although this bill was vetoed, much of it has been started through the Department of Administration, which we very much appreciate. They did go through a priority-setting process with the agencies. They presented, along with the executive budget, what is affectionately known as the Priorities of Government (POG). It is in a separate binder which shows the priorities the agencies have set. This bill will certainly put in statute that we want this process to continue on. It is important for us long term that we have a process in statute that validates this priority setting process. But it also continues on

requiring that the information be presented online. It requires that the performance measures must go through a process to be changed. While we are headed down the right path and we appreciate the work that was done on this, there is much more to do. We want this set in statute.

Assemblyman Ocegüera:

Just to conclude, this model was based on a number of states which they have implemented or are in the process of implementing. Thirty-nine other states use performance measures in their agency budget requests and twenty-two states use performance measures in their actual budgeting. This has been going on for about ten years in some states. We think that it is a more effective way to deliver the services and easier to figure out what the cuts will be in the downturn. For example, in our current situation, if we saw that an agency, a department, or a program was not performing, that would be one we would look at to cut in times like this. We used a number of states, primarily Washington and Oregon. We think this will give us more transparency than we have ever had before. Some other states that we recognize as having good programs are Maryland, Utah, Oregon, Virginia, Indiana, and Texas.

We think that the bill will do a couple of things—provide services more efficiently, increase transparency, opportunity to plan strategically for the long term and ultimately save the state money.

Assemblywoman Smith:

The Speaker is absolutely correct about what has happened in other states. Savings have been noticed in other states—some small, some larger. There is an inherent value in knowing what your priorities are when you are either adding to a budget or cutting a budget. It helps you make those decisions. Some of those decisions are tough because then you have to have the political will to do what you have set as your priorities. It gives you the framework to start in either case. A good example is Utah. We have heard a lot about Utah on the economic development side. They have absolutely prioritized that as being important to their state. That is how they have funded. They have seen an absolute outcome from the funding that they provided based on that being a priority of their government. That is a really good example. There are measures that can be taken on the transparency side where you can actually, on the agency website, place these goals and the performance measures. That keeps the agency always focused on what its goals are supposed to be, how it should be making its decisions every day to serve the public, and is it making progress towards those goals. I am really excited about the opportunity for us to implement this process. I see this type of budgeting not as a quick fix or an easy solution for anything we are doing now, but it is much of what we have been talking about in this session, which is long term planning and moving one

more step in the right direction—that planning, that transparency, and that goal setting that should keep us on a good track.

Chair Kirkpatrick:

I would like to applaud both of you because I think that it is time that we start thinking in bigger terms and responsibilities. In order to do this, we have to start making strides now when times are terrible, so when times get good again we have done something good for our state.

Assemblywoman Flores:

I have also heard of incentivizing better performance. For example, if a department has a goal, and they manage to not only meet but exceed their goal, and they save \$100,000. Instead of being incentivized by being allowed to keep a portion of that, they just lose it. There is no incentive for anyone to be more efficient, because they know their budgets will just be cut. I did not see that addressed in here. Perhaps there is some sort of incentive component other than just meeting the goals. If they do better, there could be some sort of bonus involved.

Assemblywoman Smith:

We have another bill that we are working with Senator Rhoads on with this concept of an employee incentive program which will provide an incentive for both the individual employee and the department when they come up with cost-saving measures. It is really too bad that we have not had that in place already, because I can tell you that the employees on the ground are the ones who have been coming up with all of these budget solutions, savings measures, and how they survive in these tough times. It is too bad that we did not already have it in place. It has been tried a few times. In fact, Senator Rhoads will probably get a medal for all of his efforts back into the 1990s. We are working on that, and you will see that bill pretty soon.

Assemblyman Ocegüera:

During the last special session, we put an area on our legislative website where state employees could enter their ideas, and we used quite a few of those ideas. We found out a lot. Those employees are out there where the rubber meets the road. That is a great idea.

Assemblywoman Bustamante Adams:

In order for performance-based budgeting to work, you must have the cost data in an accurate format and readily available. Do you believe that we have that in the Ways and Means Committee?

Assemblywoman Smith:

That will be a work in progress. It does require a constant revision of the systems that we use to develop and implement the budget. That will take some work. Down the road, it will undoubtedly take some investment in our systems. Once you have the information, the challenge will be implementation of the accountability measures and ensuring all the connections are in place. Although the fiscal note was the problem with the bill last time, this administration has implemented this process without asking for any additional monies. Again, we have very talented employees who are constantly working on improvements in the Controller's Office, the Budget Division, and in our own Fiscal Division on how we can use our current systems to make this work.

Chair Kirkpatrick:

Are there any other questions? We have some people who want to testify in support. We will go to southern Nevada first.

Vincenta Montoya, Chair, Si Se Puede Latino Democratic Caucus:

We support this bill. Any bill that promotes transparency in government, efficiency, and cost savings, we will support.

Carole Vilardo, President, Nevada Taxpayers Association:

I can remember when we went from line item budgets to what we refer currently as the cost-to-continue budget. We started, as an association, recommending that we look at priorities and performance budgets. I think both the Speaker and the Chair of the Ways and Means Committee have done an excellent job in explaining why. The only volume of the budget that I have found useful is the fourth volume, which is the performance budget. I urge you to look past the first couple of charts, which are just a rundown of the high, medium, and low priorities, and get into the individual parts of the budget. It is an eye-opener. As Assemblywoman Smith says, it is a shame this has not been in place. It would make it so much easier to evaluate programs because you are looking at what you must do as priority. Arkansas is another state that has used priority budgeting, which has been in place in that state since 1948. They run by priorities. They look at what is federally mandated, constitutionally mandated, and statutorily required. That helps identify your priorities. You may not like them but, if it is mandated, at least you know what you are dealing with. This is probably going to be one of the bills that I am the happiest with this entire session because we are finally doing something which, in my opinion, is very proactive. I urge your unconditional support. I am hoping that next year there will not be four volumes of budget online. It is not only a waste of paper, it is unwieldy. Even just opening up the volumes on your computer can be a royal pain in the neck. I am hoping for two volumes next time. I will rely on the experts and the money committees to get us there.

Paula Berkley, representing the Food Bank of Northern Nevada:

The Food Bank of Northern Nevada (FBNN) has been advocating for performance measures for three sessions. The reason is that the state focuses on the General Fund expenditures. The Food Bank of Northern Nevada believes that is a mistake. For example, when you look at Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, if you look at just the General Fund expenditures, they spend \$50,964,807 to administer the program. The federal government pays for 100 percent of food stamps. The administration is 50/50 with the federal government and the state. When they see the \$50 million, they do not see how many dollars SNAP brought to Nevada, which happens to be \$381,588,573. That is an increase over last year of \$139 million. When they are trying to make a decision of how many eligibility workers we need and whether we can cut some, they should also be asking how many millions of dollars of SNAP the State of Nevada does not want. It is opening up the vision of what we look at in order to make a good financial decision for the state. We have advocated for these performance measures when dealing with a federal nutrition program. We should also look at the federal dollars that are potential or that might be lost. If we were at 100 percent of SNAP, we would have a minimum of \$200 million to spend in the State of Nevada. This is big dollars and bigger total dollars than many of our tax revenue sources. Thus, we need to look at this money as really important and essential for the state, and it just happens to feed poor people and kids, which is pretty important too.

Assemblyman Goedhart:

I know that in the last couple of years there has been a much higher participation in the SNAP program. Nationally, what percentage of the population is enrolled in that program?

Paula Berkley:

Nationally, one out of seven is enrolled. The Food Research and Action Center (FRAC) just came out with some new numbers, showing one out of five adults in the nation actually qualify. A lot of people do not realize that they qualify because, like you and me, they thought they would never be on food stamps. They are unemployed. The State of Nevada leads the nation with a 45 percent increase in enrollment in SNAP.

Assemblyman Goedhart:

What is the Nevada percentage of enrollment? Does it mirror the national number, or are we higher?

Paula Berkley:

You have hit one of the things I complain about constantly. The way you measure this is using the USDA numbers, which are always lagging three years. A lot has happened in the last three years. All I can do is estimate that we are at 61 percent, which would put us about 40th in the nation.

Chair Kirkpatrick:

Are there any other questions? Does anyone else want to testify in support of A.B. 248?

Bart Mangino, representing Clark County School District:

We are in support of A.B. 248 and the process outlined in the bill.

Chair Kirkpatrick:

Is there anyone who would like to testify neutral on A.B. 248? Is there anyone who is in opposition of A.B. 248? [There was no response.] With that we will close the hearing on A.B. 248 and open the hearing on Assembly Bill 174.

[Assembly Bill 174](#): Designates June 19 as Juneteenth Day in Nevada.
(BDR 19-137).

Assemblyman Harvey J. Munford, Clark County Assembly District No. 6:

I am here to introduce Assembly Bill 174 to the Assembly Government Affairs Committee. This legislation concerns a historical event that deserves recognition by the State of Nevada. [He continued reading from prepared text ([Exhibit P](#))].

Chair Kirkpatrick:

Does anyone have any questions? Good job, Mr. Munford.

Assemblywoman Flores:

Thank you for bringing forward this bill. I think that it is important. Oftentimes to move forward, we have to remember where we came from.

Assemblyman Munford:

Thank you for your comments.

Assemblywoman Pierce:

I would also like to thank you for bringing this forth and for the little history lesson.

Assemblyman Stewart:

Good job, my fellow history scholar.

Chair Kirkpatrick:

Now we just have to give the kids the history.

Assemblyman Munford:

I know Mr. Stewart really has a strong connection to this because he is a former social studies teacher.

Chair Kirkpatrick:

Is there anyone who would like to testify in support of A.B. 174.

**Deborah Evans, State Director, Nevada Juneteenth Committee,
National Juneteenth Observance Foundation:**

We are in support of passage of the amendment to the *Nevada Revised Statutes* (NRS) Chapter 236 to recognize June 19th as Juneteenth Independence Day, also known as Juneteenth Freedom Day or Juneteenth. At this point, 37 states currently recognize Juneteenth. Georgia came in last week, and at this point Maine is in committee, so they are racing with us. Hopefully, we will beat them to be the 38th state. We are not asking for Juneteenth to be a paid holiday, which would be a burden to the taxpayers, but we are asking for it to be a day of observance and celebration, recognizing the day when the General Orders, No. 3 was read announcing the end of slavery in the United States in southwestern Texas, which was the last area where slavery was practiced. This was eight months after Nevada achieved statehood in October 1864; four months after the 13th Amendment was ratified by the Nevada Legislature in 1865; and two months after the death of President Lincoln and the surrender at Appomattox, ending the Civil War in April of 1865. Some slaves won their freedom by joining the army when President Lincoln declared that any slave joining the Union Army would be given freedom. Others had escaped enslavement and migrated to states and territories outside the Confederacy, including Nevada. We are asking that the contributions of blacks in the State of Nevada, documented to being business and property owners in Virginia City in 1866, their contributions to mining and early development of Nevada, the role of the black cowboys, and the contributions of their collective descendents in the building of the State of Nevada be recognized and taught to our youth. It has been documented that former slaves and freeborn African-Americans prospered in Nevada. A jet-black child graduated in 1883 from an integrated Virginia City public school. We are asking for recognition of Nevada's black residents' historical significance and acknowledgement of the full spectrum of African-American achievements and accomplishments to Nevada since June 19, 1865, by the news media, educators, and appropriate governmental offices. We thank you in advance for your consideration, especially Mr. Munford for bringing this to your attention.

Vincenta Montoya, Chair, Si Se Puede Latino Democratic Caucus:

Si Se Puede Latino Democratic Caucus proudly supports A.B. 174 which would designate June 19th as Juneteenth in Nevada. We stand with our African-American community in support of this bill.

Chair Kirkpatrick:

Does anyone have any questions for either one of them? Does anyone else there want to testify in support? Is there anyone in northern Nevada to testify in support?

Cadence Matijevich, Program Manager, Office of the City Manager, City of Reno:

I had originally just signed in for support of the bill, but I do want to indicate that the Reno City Council does support this bill. In our city last year we had a Juneteenth parade, which our City Council proudly sponsored. Our Mayor participated and walked in the parade.

Chair Kirkpatrick:

Great, maybe the rest of the state can get some ideas from the City of Reno. Is there anyone who would like to testify in opposition of this? Is there anyone who is neutral on this? [There was no response.]

Assemblyman Munford:

I want to extend my appreciation to the Las Vegas supporters and the support from the City of Reno. I was not aware that the City of Reno had taken such positive steps, and I commend them. Maybe I will come up to be in their parade next year.

Chair Kirkpatrick:

At this time we will close the hearing on A.B. 174.

[Assemblywoman Bustamante Adams assumed the Chair.]

Assembly Bill 164: Consolidates the office of county coroner with the office of public administrator in certain counties (BDR 20-34)

Vice Chair Bustamante Adams:

At this time, I would like to open the hearing on Assembly Bill 164.

Assemblywoman Marilyn K. Kirkpatrick, Clark County Assembly District No. 1:

I am here to bring forward A.B. 164, which I was given by a post session committee from Clark County residents. One of the recommendations of that committee was this bill. During the testimony, there were a lot of services that

were duplicated between the county coroner and the public administrator office. I was asked to put in a bill to have that discussion. The bill does not say when the public administrator's office would be eliminated, but the intent was that would be after the end of the current administrator's term. We had a report ([Exhibit Q](#)) from Assembly Bill No. 494 of the 75th Session. [Complete report at www.leg.state.nv.us/Division/Research/Library/Documents/ReportsToLeg/.]

Assemblywoman Pierce:

Can you explain what A.B. No. 494 of the 75th Session and this committee was again?

Assemblywoman Kirkpatrick:

Assembly Bill No. 494 of the 75th Session was a consolidation bill that we heard in Government Affairs last session. It was a committee bill. We asked the local governments to return and discuss amongst themselves to see what they could do better. Clark County formed their own committee for some budget talks they were having. This was the number one recommendation that the entire committee agreed on. I only referenced this bill because we had requested the local governments to work on what they could do more efficiently.

Carole Vilardo, representing Clark County Priorities Committee:

The committee met every two weeks over a period of approximately eight months. We had presentations from every county agency and received information that committee members requested. We went through a very deliberative process, which resulted in the development of master sheets comparing the data. When we completed the presentations in specific areas, we ranked by three major categories. The agencies provided us with the information on what was statutory by the state, which was federally mandated, and what they could do just because they were able to do it. It was very extensive and deliberative. I believe that it was partially in response to A.B. No. 494 of the 75th Session. When we reviewed the data, we looked for duplication. This is not only a budgetary concern but also a client concern. We independently ranked based on the scoring sheets. The scoring sheets were then compiled, which ultimately determined the list. In that ranking, it was felt that the Clark County Office of the Coroner/Medical Examiner was already performing a number of details that the Clark County Public Administrator was also performing, but also they were the first on the scene. The Coroner's Office was responding to, in some but not all cases, the next of kin requests much faster than the Public Administrator would be able to. As a result, we felt that it would not be a burden to consolidate those offices, giving the responsibility to the Coroner for multiple reasons. For anyone who wants to see the analysis

sheets and the 454 pages of what Clark County submitted based on the bill that can be provided. There were a number of areas, not just this.

Assemblywoman Flores:

Is there a quantification of any cost savings associated with this consolidation?

Carole Vilardo:

We were not specifically looking for cost savings. We were looking for efficiencies, such as flexibility of office hours, or location of marriage permit issuance. We found that there would be cost savings. In this particular area, the only cost savings may be the elimination of one management position—that of the Public Administrator. You may not eliminate anything else. Depending on the work load of the Coroner's Office, you may have to transfer someone in from the Public Administrator's Office. That may only be one person, because we did find that a good portion of the work is being done by the Coroner's Office already. That is what we looked at in every agency. We did not want to impact public service. The representation in the committee ranged from people like me, who most of you see as conservative, to the union representatives from the county. We realized that this was a time that we had to be more efficient about what we were doing. We had to provide a maximum level of service for the dollars available. That is how the recommendations came down.

Assemblyman Stewart:

Are other counties doing this? Could we make this permissive for the other counties? Do you know how much the Public Administrator is paid currently?

Carole Vilardo:

That was information that some of us requested, but I would not attempt to remember it. The Public Administrator is here. I am sure he could probably attest to that. I personally do not have a problem with making the bill permissive to other areas. You know how difficult it is. We need to provide more tools to the local governments to operate and provide the services that their residents expect, which may not be the same in urbanized area as in a rural area, and may not be the same between Clark and Washoe Counties. To have the tools available is very important—something as simple as controlling how they set their office hours.

Assemblywoman Kirkpatrick:

To follow up on that note, in this session we will have to make some tough choices and local government will have to make even more tough choices. We have talked, and we have bills making consolidation on various things more accessible for the local governments to do. We have to recognize that. We are

working with the cities and counties now. We can pick some ideas, but it is better if they can tell us what is more efficient. There needs to be more flexibility so they can adjust with the unfortunate cuts we will be making this session.

Vice Chair Bustamante Adams:

Miss Vilardo, I was surprised that this is the number one thing that all the stakeholders at these meetings identified that they could do better. If this was number one, how long was the list of recommendations that they provided?

Carole Vilardo:

There were close to 70 that we were ranking, and there were some 40 or so recommendations. The process was very interesting.

Assemblywoman Kirkpatrick:

The one thing that frustrates me most is we put all these working groups together—most of them volunteering their time—then no one does anything with their recommendations. That is so frustrating when they work to solve the problem and no one takes their recommendation seriously. That is the number one reason this bill was introduced. We have to do that for these working groups. Business people are taking off from their business, and working people are taking time off from their jobs to be at those meetings. If we want the public to buy in on some of these things we are trying to do, we need to act. We need to start taking people who spend the time to do these things seriously. I know that no one likes this and there is a lot of opposition, but we have to have the public dialogue. We were sent here to be leaders and have these hard discussions. I am tired of working groups that do not ever get their recommendations acted upon.

Assemblyman Ellison:

You are 100 percent right. It is best to get the people involved from the outside looking in. They come up with an entirely different set of ideas, and there are some great ones out there. I thought maybe a recommendation would be to have my colleague from Clark County do double duty and become the coroner.

Assemblywoman Kirkpatrick:

I do not have a dog in this fight. I do know for a fact, because I met with their county manager last week, that they are both being asked to take 10 percent cuts off the top of their agencies. The entire county is going through that process for the third time. If they have not gotten together and discussed the duplicate services they provide and divided those up so that the taxpayer can get a service, then shame on both of them.

Vice Chair Bustamante Adams:

Are there any others in support of A. B. 164? Are there any that are neutral on A.B. 164?

Michael Murphy, Coroner, Office of the Coroner/Medical Examiner, Clark County; representing Clark County:

In the interest of taking hats on and off, Clark County is neutral. As the County Coroner I will remain to answer any questions you may have, and I will try to remain factual and neutral in nature.

Assemblyman Ellison:

Being a coroner is a specialty, is it not?

Michael Murphy:

Of the 17 counties in the state, in 15 the sheriff serves as the ex-officio coroner. In Washoe County, the coroner is a medical examiner. In Clark County, the coroner can either be a doctor or a layperson. I am a layperson. You have to have a law enforcement background. There are some duties where the public administrator and our office overlap in reference to scene response. We are, in fact, assisting and working with the public administrator offices in both the north and south county areas. The area includes Overton, the Mesquite area, and Laughlin where we are doing some services for the Public Administrator's Office that was brought forward a few years ago by the Public Administrator as a pilot project. This was to provide better services to the constituents of that area because of the area's remoteness.

Assemblyman Ellison:

That is what confused me. In Elko County, we have a coroner who actually runs the ambulance service, not the sheriff. I did not know if they needed to have specialty training if there were issues to be contested.

Michael Murphy:

As a past president of the International Association of Coroners and Medical Examiners, I can tell you that we are working hard to bring the level of training for coroners up across the United States. Generally they are laypeople. In many instances, they are an elected office. In Clark County, it is an appointed office. We try to encourage those coroners in the outlying areas to understand when they are in over their head they need to push those cases to either Washoe or Clark County so that a forensic pathologist who is trained specifically in cause or manner of death can perform that work for them. It is a marriage of two systems, with the purpose of providing accurate medical and legal death investigations.

Assemblyman Anderson:

Can you go over the services that are duplicated between the Coroner's Office and the Public Administrator's Office? Can the county save money on its own without this bill?

Michael Murphy:

We need to have the Public Administrator up here so he can assist in answering these questions.

Assemblywoman Kirkpatrick:

It is not fair to have one and not the other. Maybe he can talk about the five priorities. We are not here to pit folks against each other. We are here to figure out what services we can provide, so that our taxpayers get the best bang for their buck. Maybe there are additional services that the Public Administrator's Office can pick up via group homes. Maybe the best way to do it is have each of them list the responsibilities and submit it to the Committee for further review. I am not here to pick sides. I am here to pick services for the constituents of Clark County.

Michael Murphy:

The Coroner's Office has five primary responsibilities. The first is to determine the cause and manner of death. The cause of death is the medical reason why someone's life ceases. The manner of death is a method by which they die. There are five manners of death: accident, suicide, natural death, undetermined, and homicide. The next responsibility is to identify the decedent, officially. Once they have been identified, we can perform our next responsibility which is to notify the next of kin of the death. Our next responsibility is to protect the property of the decedent. For the last 35 years that has been interpreted to be to protect the property that is on or about the decedent. That would be things such as rings, watches, clothing, and other personal items. Typically we do not get involved in houses, cars, large objects, and the estate. That is the responsibility of the Public Administrator's Office. They can address their duties. The next responsibility is to return that property to the appropriate people. The final responsibility is to conduct inquests on officer involved deaths or law enforcement deaths as defined by statute.

Assemblyman Livermore:

Help me understand how you fit in the organization. To whom do you directly report?

Michael Murphy:

I report and serve at the pleasure of the county commission, but I report to an assistant county manager who, in turn, reports to the county manager. I work at the pleasure of those individuals.

Assemblyman Munford:

In which way are you connected to law enforcement?

Michael Murphy:

We are an independent agency. We serve independently and report directly to the county commission. We are not a part of law enforcement in either Washoe County or Clark County. In the other 15 counties, the sheriff oversees the coroner operation.

Assemblyman Munford:

When there is a coroner's inquest, what role do you play? Your word seems to carry a lot of weight and your testimony seems to have a lot of influence. Does that put you in a difficult position?

Michael Murphy:

By statute, I am one of three people that have the responsibility to be able to call a coroner's inquest. Those three people are the coroner, the district court judge, and the district attorney's office. I do not actually provide any testimony during a coroner's inquest. It is my responsibility as the coroner to facilitate the inquest process. I actually have no bearing on the ultimate outcome. I just make sure that it happens by statute.

Vice Chair Bustamante Adams:

It would helpful if you provide in writing the duties of the coroner's office.

Mike Murphy:

I would be more than happy to do that.

Vice Chair Bustamante Adams:

Is there anyone who would like to testify neutral? Is there anyone who would like to testify in opposition of A.B. 164?

John Cahill, Clark County Public Administrator:

I feel like I should start off with an apology because one of the reasons we are here is the work of the committee that was done in Clark County. After a brief appearance in front of the committee, I told the committee that I would follow up and I submitted a three-page memo on what the office does to the chairman

and found out later that it was not distributed. Perhaps if I had done a better job then, we would not be here today.

It is my hope that my testimony will honor the office of Clark County Public Administrator and the important work that elected office has done for the citizens of Clark County since it was established in 1909.

I begin with the assumption that this change is recommended in good faith with the hope that it might save money in county operations. [He continued to read from prepared text ([Exhibit R](#)).]

Assemblywoman Neal:

This question is for the coroner. What skill sets do you have as a coroner that cross over to the skill sets that the public administrator just listed as his financial duties?

Michael Murphy:

I do not know that I have any specific skill sets for the Public Administrator's Office other than to tell you that I am a department head within Clark County and I am the manager of that office. One of the things that we overlap a little bit on is the capturing of property on the scene. Our investigators typically respond to a death investigation scene and then call the Public Administrator to the scene to assist us and then take over the responsibility of properties. With respect to skill sets, these are sets that are acquired. I cannot tell you that I possess the specific skills that the Public Administrator has, but I cannot tell you that they cannot be learned. I am a proponent of either direction.

Assemblyman Livermore:

In the rural county of Carson City where I live, the clerk-recorder, also elected, functions as the public administrator. The coroner is attached to the sheriff's office. I am trying to understand how this would work in rural counties. Our public administrator also administers the indigent accounts for long-term care, et cetera, when they become the ward of the county. Do you also do that?

John Cahill:

There was a long-standing practice to combine the duties of public guardian with the public administrator in many or most of the counties of Nevada. That changed in Clark County and Washoe County in 1999 by law, and now there is an appointed county manager as public guardian. If the issue was cost savings, putting those two responsibilities back together under the public administrator and setting aside the public guardian in Clark County would save more money than doing away with the elected position because that manager earns more money than my salary. One must consider the purpose of the consolidation.

Most of the time consolidation is for duplicated services. We are in the field and securing property at the same time the coroner is there. The coroner characteristically will turn the property over to us because our laws allow us to release it to any member of the family, while their laws appear to say to release it to the next of kin. So it is easier for us to do it than them. Emergency services, mortuaries, and police are also at the scene with the coroner and us. I serve all municipalities in Clark County. In the discussion of consolidation, the multiple fire chiefs, water plants, water treatment plants, et cetera, are duplicated identically by municipal and county governments.

Assemblywoman Benitez-Thompson:

In your discussion regarding financial institutions, you said that they may not recognize the coroner as the person who is entitled and enabled to sign documents. In my day job, I work with families that have deceased ones. We oftentimes do have problems with financial institutions, even if these people have legitimate financial power of attorney.

Carole Vilardo:

I do not recollect any conversation about that. With many of these elected administrative positions, there are no qualifications. It is a plus when you get someone who knows what he is doing. We have had instances where that does not occur, not just in Clark County nor in this position.

Vice Chair Bustamante Adams:

Would you please submit your testimony to the Committee Secretary for the record? That would be very helpful. Also, would you submit your duties to the Committee as well please?

John Cahill:

Yes, I will submit my duties ([Exhibit S](#)).

Dianna Alba, Clark County Clerk:

While this bill does not affect my position directly, it does affect county government. As with any decision, you must weigh the benefits with the costs. Clark County has already stated officially that there will be no cost benefit to this. But, I believe that there will be some significant intangible costs, if not real costs. For some time I have been attending the bimonthly department head meetings held by Clark County. About 45 people attend those meetings most of whom are appointed department heads, with the exception of the elected clerk, treasurer, recorder, and public administrator. One thing that always surprised me when I attended those meetings was most of the comments, questions, and requests for clarification came from the elected officials. Most of the appointed heads sit silently in those meetings. I believe that occurs

because they are appointed and report to county managers, and the elected officials report to the voters. I would not like to see an elected official be removed. That does reduce the voice of the public to the local government. It is not an abstract concept. It is a reality. I would encourage you to exercise extreme care when considering the consequences of this bill and eliminating an elected official.

I am not against consolidation. I think that we do need to look at some things. I think there are situations when consolidation is a good thing to do, but not in this situation. It has been ensured that there is not a cost benefit and there are some unintended consequences here.

Tera Burbank, Private Citizen, Las Vegas, Nevada:

I understand that the county and the state are looking at ways to save money, but this is not the appropriate way to do it. These are not the same jobs. The Coroner's Office and the Public Administrator do not perform the same duties. The Public Administrator needs contacts and processes to perform his functions. That expertise is there. That office is running efficiently. Moving that position to the Coroner's Office is not fiscally efficient. Retraining someone for this position will cause an initial cost increase. I think this will actually be a disservice to remove this position.

Vincenta Montoya, Chair, Si Se Puede Latino Democratic Caucus:

I am in opposition to this bill. This bill does not speak to efficiency. The change does not save money. That should be a red flag to every member of this Committee. With all due respect to Chair Kirkpatrick, when she says that the public must have confidence in these committees that study these issues, when proposals like this are the result, the public will not have confidence. Removing an elected position that has been a part of Nevada history since 1909 erodes public confidence. As a voter in Clark County, I want to be able to vote for my public administrator. I want that official to be accountable. If that person is not doing the job, I want to have the opportunity to vote that person out of office.

Elizabeth Brickfield, Private Citizen, Henderson, Nevada:

I do not understand why we feel in Nevada that we should eliminate our right to choose our officials. Our public needs education. It does not need to have its right to vote stripped away. In the last election, November 2010, the citizens of Nevada rejected the proposal that judges be appointed and not elected and that is reason to believe that they want the same choice about their public administrator. We should not take a position of great sensitivity and make it appointed. We should continue to allow the families of those who employ the public administrative services to believe they have a say in who is elected to the

public administrator position. This position has a statutory preference to serve as administrator where there is no other person eligible to do so. The public administrator is viewed as a neutral position. He is responsible to the court. He is respected by the public and the attorneys who work with him. His responsibilities do not simply begin and end with collecting property after death. His responsibilities include administering the estate, gathering assets if he is appointed as the administrators, notifying creditors, resolving accredited claims, and finally getting his estate distributed to the beneficiaries. I have worked with the public administrator's office through several administrations on the behalf of clients. When I tell people that this is an elected position, they know who the public administrator is and have confidence in them. I urge to preserve the public administrator's office.

Vice Chair Bustamante Adams:

If there are no other individuals that would like to testify in opposition of A.B. 164, then we would like to ask Assemblywoman Kirkpatrick to make closing remarks.

Assemblywoman Kirkpatrick:

That entire committee was the public. We will continue this discussion. This is not about taking away someone's right to vote. This is about efficiency.

Assemblywoman Flores:

I want to acknowledge the very hard work that the Clark County Priorities Committee did. I myself have volunteered my services on committees where nothing has come of it. Consolidation is a very important topic. We should not consolidate because it appears to be the good thing to do. At this point, it does not seem to be a whole lot of benefit to outweigh the costs.

Vice Chair Bustamante Adams:

We will close the hearing on A.B. 164. Is there any public comment? [There was none.]

[Chair Kirkpatrick reassumed the Chair.]

Chair Kirkpatrick:

Meeting adjourned [at 10:57 a.m.].

RESPECTFULLY SUBMITTED:

Sheryl Burrows
Recording Secretary

Rebecca Richman
Transcribing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 11, 2011

Time of Meeting: 8:03 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 16	C	Susan Scholley	Work Session Document
A.B. 17	D	Susan Scholley	Work Session Document
A.B. 37	E	Susan Scholley	Work Session Document
A.B. 42	F	Susan Scholley	Work Session Document
A.B. 103	G	Susan Scholley	Work Session Document
A.B. 145	H	Susan Scholley	Work Session Document
A.B. 166	I	Susan Scholley	Work Session Document
A.B. 172	J	Assemblyman Steven Brooks	Federal Expenditure by State
A.B. 172	K	Assemblyman Steven Brooks	Amendment to Assembly Bill 172
A.B. 172	L	Assemblyman Steven Brooks	Current Snapshot of Grant Opportunities
A.B. 172	M	Mike Willden	Prepared Testimony
A.B. 172	N	Mike Willden	Budget Documents
A.B. 248	O	Assemblyman John Ocegueda and Assemblywoman Debbie Smith	Presentation for Assembly Bill 248
A.B. 174	P	Assemblyman Harvey J. Munford	Prepared Testimony
A.B. 164	Q	Assemblywoman Marilyn Kirkpatrick	Support Documentation
A.B. 164	R	John Cahill	Prepared Testimony
A.B. 164	S	John Cahill	Duties of the Office of Public Administrator in Clark County