

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 10, 2017

Agency Submitting: Business and Industry, Division of Insurance

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Expense (Expense)		\$63,110	\$79,624	\$159,248
Total	0	\$63,110	\$79,624	\$159,248

Explanation

(Use Additional Sheets of Attachments, if required)

Please see the attached exhibits which identify the fiscal impact to the Department of Business and Industry, Division of Insurance.

Name Laurie Squartsoff

Title Chief Deputy Commissioner

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, February 22, 2017

The agency's response appears reasonable.

Name Laura Freed

Title Exec. Branch Budget Officer

DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: BDR 19-560/SB 170

Name of Agency: Division of Insurance

Division/Department: Division of Insurance/Dept. of Business & Industry

Date: February 16, 2017

The agency has reviewed the bill and as it is currently written, the DOI would be fiscally impacted.

SB 170 (BDR 19-560) proposes amendments to NRS 239.001 dealing with the production of public documents or records by governmental entities. The bill, if passed, would necessitate that the Division modify the way in which it processes Public Records Requests ("PRR"). The proposed amendments call for an increase in notices to be sent to those who request documents and reduce the amount of time given to the governmental agency to produce records.

The Division receives numerous PRRs; in CY 2016, 179 requests were made to the Division. The requests made of the Division are often for a voluminous amount of records. It's not unusual for the Division to produce 1,000 pages or more of records. Given that many of the documents retained by the Division have confidential information, each page must be checked, confidential information redacted, and a privilege log created to show what was redacted and why. All of the foregoing takes a great deal of time and requires a certain level of expertise to determine what should be redacted and to create the privilege log. There are already times when the Division can be so inundated with PRRs that multiple staff persons including, but not limited to, legal secretaries are assigned to fulfill the requests to the actual exclusion of all other work. One or more of the Division staff attorneys are likewise required to participate in the process to help ensure that confidentiality tenets are met.

The concerning fiscal impact from the Bill as written is that the DOI currently has limited legal staff resources. In order to comply with the new requirements, the Division would need to create a new position within the legal section – preferably a paralegal or Legal Research Assistant position – that would be in charge of records production and retention.

BAV Line Items

Date: 2/21/17 9:41 AM

Budget Period: 2017-2019 Biennium (FY18-19)

Budget Account: 3813 B&I - INSURANCE REGULATION

Department: 74 DEPARTMENT OF BUSINESS AND INDUSTRY

Division: 741 B&I - INSURANCE DIVISION

Function: 025 COMMERCE & INDUSTRY

Sub-Function: 035 DEPT OF BUSINESS & INDUSTRY

Fund: 504 INSURANCE ADMINISTRATION AND ENFORCEMENT FUND

Assigned Analyst: copeland

DU	Catg	GL	Description	Year 1	Year 2	Schedule
E225	01	5100	SALARIES	35,197	48,452	PAYROLL
E225	01	5200	WORKERS COMPENSATION	835	873	PAYROLL
E225	01	5300	RETIREMENT	9,855	13,567	PAYROLL
E225	01	5400	PERSONNEL ASSESSMENT	251	260	PAYROLL
E225	01	5500	GROUP INSURANCE	6,687	8,891	PAYROLL
E225	01	5700	PAYROLL ASSESSMENT	85	83	PAYROLL
E225	01	5750	RETIRED EMPLOYEES GROUP INSURANCE	936	1,236	PAYROLL
E225	01	5800	UNEMPLOYMENT COMPENSATION	43	70	PAYROLL
E225	01	5840	MEDICARE	510	703	PAYROLL
E225	04	7020	OPERATING SUPPLIES	120	60	- None -
E225	04	7050	EMPLOYEE BOND INSURANCE	2	2	PAYROLL
E225	04	7054	AG TORT CLAIM ASSESSMENT	99	97	PAYROLL
E225	04	705A	NON B&G - PROP. & CONT. INSURANCE	3	3	BUILDING RENT NON-BUILDINGS AND GROUNDS
E225	04	7110	NON-STATE OWNED OFFICE RENT	4,545	4,545	BUILDING RENT NON-BUILDINGS AND GROUNDS
E225	04	7255	B & G LEASE ASSESSMENT	53	62	BUILDING RENT NON-BUILDINGS AND GROUNDS
E225	04	7292	EITS 18-19 ELIM (OLD EITS VOICEMAIL)	43	43	EITS
E225	04	7295	EITS 18-19 ELIM (OLD EITS STATE PHONE LIN	161	161	EITS
E225	04	7460	EQUIPMENT PURCHASES < \$1,000	90	0	EQUIPMENT
E225	04	8371	COMPUTER HARDWARE <\$5,000 - A	24	0	EQUIPMENT
E225	05	8241	NEW FURNISHINGS <\$5,000 - A	1,129	0	EQUIPMENT
E225	26	7533	EITS EMAIL SERVICE	175	175	EITS
E225	26	7554	EITS INFRASTRUCTURE ASSESSMENT	196	212	PAYROLL
E225	26	7556	EITS SECURITY ASSESSMENT	94	129	PAYROLL
E225	26	7771	COMPUTER SOFTWARE <\$5,000 - A	527	0	EQUIPMENT
E225	26	8371	COMPUTER HARDWARE <\$5,000 - A	1,450	0	EQUIPMENT
TOTAL:				\$ 63,110	\$ 79,624	



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
LEGAL RESEARCH ASSISTANT II	35	B	7.752
LEGAL RESEARCH ASSISTANT I	33	B	7.750

SERIES CONCEPT

Legal Research Assistants spend the majority of time providing the most difficult paralegal assistance/support to agency counsel, drawing upon their training and/or experience to analyze a specific set of facts; performing general legal research for a specific question of law; reaching a conclusion of law; presenting findings either orally or in writing for the attorney's review; and composing briefs, pleadings, motions and other legal documents for the attorney's review and signature. In contrast, incumbents in the Legal Assistant class perform routine paralegal work including performing specific topical research and locating specific case law citations; reviewing the case for applicability to the given set of facts; shepardizing case law; composing and formatting the appropriate legal documents; and performing duties generally of a processing, monitoring or data gathering nature.

Research legal problems facing the agency and draft legal opinions, pleadings, motions and various other legal documents for agency counsel.

Draft and dictate letters and memoranda concerning specific cases, issues or conclusions as requested by agency counsel or supervisors.

Review files and other furnished information to identify favorable and unfavorable information regarding the client's or opposition's position in order to provide counsel with sufficient information to determine appropriate legal action.

Interview clients to obtain information regarding their case; obtain pertinent information from individuals who call requesting help in order to provide initial information to counsel; and provide referrals to other resources as applicable.

Prepare evidence packages to be presented by counsel at hearings; draft and prepare charts, graphs, chronologies regarding facts and evidence after review and analysis for litigation or compliance.

Evaluate opposing counsels' briefs to verify accuracy and determine whether or not citations are pertinent to issues of the case; and research and prepare opposition.

Research non-legal issues such as medical evidence, scientific methods of diagnosis, and demographics that support litigation or other agency work; and provide related analysis such as trend or performance analysis.

Serve, process and file documents at courts and pick up or deliver documents; perform tasks related to the collection of debts owed to the State such as locating debtors and creating documents necessary for collection.

Maintain law library materials in hard copy and on computer; and index and maintain the brief bank.

Review legislative packages during legislative session and refer bills which may impact the agency to the proper supervisor; prepare legislative packages as assigned; and summarize and chart the effects of changes.

Assist secretarial support staff with locating and using proper court rules, procedures, computer search methods, and pleading production.

Perform related duties as assigned.

CLASS CONCEPTS

Legal Research Assistant II: Under general supervision, incumbents, in addition to performing the full range of duties described in the series concept, supervise Legal Research Assistant I's. Supervisory responsibilities include hiring, training, developing work performance standards, and taking disciplinary actions. Incumbents also conduct more complex and in-depth legal research and analysis functions by applying higher-level knowledge and expertise.

Legal Research Assistant I: Under general supervision, incumbents perform the full range of duties described in the series concept. This is the journey level in the series.

MINIMUM QUALIFICATIONS

LEGAL RESEARCH ASSISTANT II

EDUCATION AND EXPERIENCE: Completion of a two-year accredited paralegal program and three years of legal research and document preparation experience including preparation of pleadings and other documents filed in court; **OR** one year of experience as a Legal Research Assistant I in Nevada State service; **OR** an equivalent combination of education and experience.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Detailed knowledge of: substantive, procedural, evidentiary, and ethics law sufficient to analyze and formulate legal opinions regarding legal questions. **Ability to:** prepare legal documents; review written material and provide input to counsel and supervisor; conduct legal analysis and summarization; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: law on subject matter for which the department is responsible. **Working knowledge of:** supervisory techniques and practices. **Ability to:** provide training, assign work, develop work performance standards, and evaluate the performance of subordinate staff.

LEGAL RESEARCH ASSISTANT I

EDUCATION AND EXPERIENCE: Completion of a two-year accredited paralegal program and two years of legal research and document preparation experience including preparation of pleadings and other documents filed in court; **OR** an equivalent combination of education and experience.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: legal publications and sources of information to effectively obtain pertinent information; substantive, procedural, evidentiary, and ethics law sufficient to analyze and formulate legal opinions regarding legal questions; how to use law libraries; preparation of legal documentation. **Ability to:** effectively compose business documents and legal correspondence; communicate effectively both orally and in writing; conduct research regarding legal issues using law libraries, the Internet and other sources as appropriate.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

(These are identical to the Entry Level Knowledge, Skills and Abilities required for Legal Research Assistant II.)

LEGAL RESEARCH ASSISTANT II
LEGAL RESEARCH ASSISTANT I

35	B	7.752
33	B	7.750

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This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

7.752

7.750

ESTABLISHED:	12/24/97UC	1/01/61
REVISED:		12/18/81-3
REVISED:		7/01/89P
REVISED:		9/27/88PC
REVISED:		7/01/93P
REVISED:		9/24/92PC
REVISED:		12/24/97UC
REVISED:	7/15/05PC	7/15/05PC