

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Seventy-ninth Session
May 26, 2017**

The Senate Committee on Finance was called to order by Chair Joyce Woodhouse at 8:17 a.m. on Friday, May 26, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Joyce Woodhouse, Chair
Senator David R. Parks, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Ben Kieckhefer
Senator Pete Goicoechea
Senator Becky Harris

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Rick Combs, Director
Mary Sullivan, Committee Secretary
Felicia Archer, Committee Secretary

OTHERS PRESENT:

The Honorable James W. Hardesty, Justice, Nevada Supreme Court
Holly Welborn, American Civil Liberties Union of Nevada
Steven Cohen
Jeff Fontaine, Executive Director, Nevada Association of Counties
Alex Ortiz, Assistant Director, Clark County Department of Administrative Services
Lisa A. Gianoli, Washoe County
Mary C. Walker, Carson City; Douglas County; Lyon County; Storey County

Stephanie O'Rourke, Deputy Chief, Northern Command, Division of Parole and Probation, Department of Public Safety
Robin Hager, Division of Parole and Probation, Department of Public Safety
John Borrowman, Deputy Director, Support Services, Department of Corrections
Craig M. Stevens, Clark County School District
Chris Daly, Nevada State Education Association
Jessica Ferrato, Nevada Association of School Boards
Brett Barley, Deputy Superintendent, Student Achievement, Department of Education
Mendy Elliott, Nevada Humane Society

CHAIR WOODHOUSE:

We will open the hearing on Senate Bill (S.B.) 451.

SENATE BILL 451 (1st Reprint): Makes various changes relating to criminal justice. (BDR 14-1007)

THE HONORABLE JAMES W. HARDESTY (Justice, Nevada Supreme Court):

The principle recommendation made to the Legislature this year by the Advisory Commission on the Administration of Justice is the creation of the Nevada Sentencing Commission. The policy behind the Sentencing Commission was vetted thoroughly before the Senate Committee on Judiciary. A number of states have embarked on the use of sentencing commissions to study the inequities and inconsistencies existing in sentencing and sentencing ranges. The Advisory Commission voted unanimously to embark on the formation of the Sentencing Commission for Nevada following a pattern developed in Connecticut. The current director of the Nevada Department of Corrections is a strong proponent and advocate of this measure based on what was seen in Connecticut. Connecticut experienced a decline of 5,000 incarcerated individuals between 2011 and 2016.

Nevada may not see the same results, but the opportunity is here to form the Sentencing Commission, and in the process, provide significant racial equity in sentencing practices. It will develop sentencing ranges to level out prison sentences to be more consistent with the crimes committed by the same or similar defendants.

I support the associated fiscal note. When I served on the Advisory Commission, there was a limit to the number of meetings the Commission was

allowed to hold because funding for more meetings or the staff commitments needed for serious work for drill down in these areas was not available.

I encourage the Committee to pass this measure with the minimal associated fiscal note. The amount of the fiscal note may not be adequate; it will probably need to be enhanced. This is based on what I have seen from the work of other sentencing commissions. This is a minimal investment when compared to the costs incurred by the Nevada prison system. The costs are enormous considering the level of incarcerated individuals in our prisons. Much of that cost is driven by the length of stays for incarceration.

The Advisory Commission also notified the Legislature that over 64 percent of the incarcerated individuals in Nevada have committed category B felonies. The sentencing ranges for category B felonies, more than 215 crime types are very inconsistent. The inconsistency alone is adding to the costs and inequities for those sentenced to prison. Nevada is not being smart on crime. The creation of the Sentencing Commission offers Nevada an opportunity to correct this. It is a small investment for the type of work the Sentencing Commission will be expected to do.

It was suggested in S.B. 507 to eliminate the Advisory Commission and delegate the work to the interim committees. The resources are still necessary for quality drill down and will require the input of specialists necessary to understand the facts and figures required by the Commission study.

SENATE BILL 507 (1st Reprint): Revises the interim committee structure of the Legislature. (BDR 17-1126)

SENATOR KIECKHEFER:

I appreciate this bill. I have always been dumbfounded by the list of what is included in the category C felonies and the diverse subject matter. I have never been able to figure out why some things are where they are; it is because the structure was built over decades without much reasoning behind it.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

I am a member on the Advisory Commission for the Administration of Justice. The American Civil Liberties Union of Nevada supports S.B. 451. This proposed legislation passed out of the Advisory Commission with a unanimous vote. It is imperative to create a sentencing structure to reduce the prison population in

Nevada. The prison population in Minnesota has declined since that state adopted a sentencing commission structure as shown on the handout ([Exhibit C](#)).

RICK COMBS (Director):

I will review the fiscal note. The creation of the Sentencing Commission mirrors the structure of the Advisory Commission on the Administration of Justice bill. The Sentencing Commission is required to meet at least once quarterly. Four meetings have been figured in the fiscal note for each year of the biennium. There is a possibility money will be left in the budget for another meeting, or needed funds could come from other commission accounts. Additional funding for another meeting per year would cost approximately \$1,000.

The Sentencing Commission includes four Legislators. It authorizes the Legislators to receive the salary and per diem Legislators receive during the Legislative Session. The other members of the Commission will handle his or her own travel and expenses. The fiscal note totals \$8,336.

I recommend including an appropriation in S.B. 451 to fund the costs. The Legislative Counsel Bureau budget has closed.

CHAIR WOODHOUSE:

I will close the hearing on S.B. 451 and open the hearing on S.B. 121. As I will be presenting the bill, I will temporarily relinquish the gavel and the chairing of this meeting to Senator Parks.

SENATE BILL 121 (1st Reprint): Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons. (BDR S-63)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I have submitted a copy of my introductory remarks to be included in the record ([Exhibit D](#)). Senate Bill 121 creates a long overdue interim study to examine, research and make recommendations regarding the behavioral and cognitive care of older persons. This bill seeks to address a demographic shift that policy makers can no longer ignore: the aging of Nevadans. The rapid increase in the older population shows no signs of stopping. The first baby boomers turned 65 in 2011, and millions more will reach that age by 2030. People lucky enough to

reach such a mature age in the 21st century are also living longer than ever before. These facts have serious policy implications.

Older persons have unique cognitive, health and medical needs that health and social support systems may not be prepared to address. We can agree that as set forth in the Legislative declaration found in section 1, subsection 1 of S.B. 121 "Older persons, including those with behavioral and cognitive health issues, are among the most treasured and vulnerable assets of this State." Those who care for older persons often lack the information, resources and knowledge needed to relate to those with behavioral and cognitive diseases. Caregivers, including family members, struggle to obtain the necessary training to care for the elderly in a beneficial manner. With the tremendous growth of the older population, more and more persons are afflicted with cognitive and behavioral diseases. It is imperative to identify gifts, grants, programs and other services that may be used to benefit this population and to study the many facets of this important issue which has touched thousands of Nevada families.

Senate Bill 121 provides that the Legislative Commission shall appoint a committee to conduct an interim study concerning the needs related to the behavioral and cognitive care of older persons. This interim committee is directed to consult with numerous experts in the field of behavioral and cognitive care of older persons. The care of persons with cognitive and behavioral health issues requires a financial commitment by caregivers and family members. The committee is required to research, examine and identify potential sources of State funding available to support evidence-based Statewide community programs to aid caregivers. The interim study shall analyze the provisions of education and training for health care professionals in the screening, diagnosis and treatment of behavior and cognitive diseases prevalent in older persons.

It is my hope that S.B. 121 will be one of the studies funded by the 79th Legislature with results coming before us in 2019. I know this Committee shares my belief that our aging population deserves to be cared for with dignity and respect. This is especially true for seniors who suffer from behavioral and cognitive disorders. This interim study is a step in the right direction to ensure these individuals receive important care and to provide much needed assistance to those family members and other caregivers who contribute selflessly to caring for this growing population.

STEVEN COHEN:

I have submitted a conceptual amendment to expand the scope of the study to include people with disabilities and people with autism ([Exhibit E](#)). Often, people who fall under the population of the subject of S.B. 121 are caregivers for their children.

SENATOR PARKS:

What disabilities are you referring to in your conceptual amendment? Are any of them disease-related disabilities?

MR. COHEN:

I am well versed in autism. I would not be opposed to expanding the language in the bill for disease-related disabilities.

MR. COMBS:

The Legislative Commission's budget is approved by the money committees and includes \$30,000 for interim studies. That amount, together with some funding available in the Legislative Commission's administrative budget, can fund five to six interim studies. I do not recommend the need to add any appropriations to S.B. 121. The money is in the budget to handle the study as described in the bill based on typical interim studies that meet four times and the members participate in the meeting location nearest to them.

CHAIR WOODHOUSE:

We will close the hearing on S.B. 121 and open the hearing on S.B. 8 and S.B. 9, which are similar bills.

SENATE BILL 8 (1st Reprint): Revises provisions relating to presentence and general investigations and reports. (BDR 14-439)

SENATE BILL 9 (1st Reprint): Revises provisions relating to presentence and general investigations and reports. (BDR 14-437)

JEFF FONTAINE (Executive Director, Nevada Association of Counties):

Senate Bill 8 seeks to provide some relief for counties for the growing costs of presentence investigation (PSI) reports. These reports are prepared by the Division of Parole and Probation of the Department of Public Safety. The reports are used by District Court judges for sentencing and by State agencies,

including the Department of Corrections and the Division of Parole and Probation for various purposes.

Prior to 2011, the State prepared PSI reports without charge to the counties. During the 76th Legislative Session, 70 percent of the costs to prepare PSI reports was shifted to the counties and apportioned to the counties on proportional shares of the number of PSI reports prepared relative to the Statewide total of PSI reports. We hoped some of the cost shifts would be reversed when State revenues increased. The State revenues are increasing at a greater pace than county revenues.

Many of the cost shifts are increasing including costs for preparing PSI reports, which are the most significant cost increases for the counties. The costs for the counties have more than doubled, from \$3.5 million to \$8.6 million annually since 2011. This represents a 63 percent increase in county assessments through the next biennium. This is mostly for new PSI writers for southern Nevada, which we fully support. The cost increases also include \$3.8 million in overhead costs for office space and other expenses. The assessments are significant burdens for the counties, especially in the rural areas.

Since 2011, all county general fund revenues have grown an average of 1.25 percent per year. During the same time period, the PSI budgets have grown an average of 16 percent per year.

The 70 percent to 30 percent split with majority of the costs going to the counties for the PSI reports is not an equitable share of the responsibility of these costs given the fact that the PSI reports are used primarily by the State.

When S.B. 8 was prepared in August, it was intended to roll back some of the assessments enacted in 2011. With the significant increase in the budget for the Division of Parole and Probation, the counties are attempting to keep the costs from growing further. Senate Bill 8 contains options for counties to address the growing costs. One option would result in State General Fund savings. Another option includes an appropriation request to reduce the 70 percent cost for counties to something less, perhaps to 30 percent for the PSI reports. The counties are requesting consideration on this request to this Committee.

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SENATOR HARRIS:

Is Clark County no longer seeking the ability to prepare their own reports according to its proposed amendment ([Exhibit F](#))?

ALEX ORTIZ (Assistant Director, Clark County Department of Administrative Services):

Clark County is not including the assumption of duties piece from the Division of Parole and Probation; however, the County will work closely with the Division as described in section 1, subsection 3 referencing an agreement between the two entities to complete the PSI reports in a timely manner. The County will continue to work with the Division through an agreement to get the PSI reports completed in a timely manner.

SENATOR HARRIS:

Other than the percentage, will the amendment make S.B. 8 and S.B. 9 parallel bills?

MR. ORTIZ:

The differences are the percentage and the effective dates.

SENATOR KIECKHEFER:

Is the amendment specific to S.B. 9?

SENATOR WOODHOUSE:

Yes, it is.

SENATOR KIECKHEFER:

Why does Clark County want to take over the entire process except for the psychosexual evaluations?

MR. FONTAINE:

The counties are not responsible for the costs of the psychosexual evaluations.

SENATOR KIECKHEFER:

So is that something that is carved out of the PSI report costs?

MR. ORTIZ:

Section 1, subsection 1 of either bill, line 5 states "... other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139 ... ," which is current statute.

SENATOR KIECKHEFER:

Is *Nevada Revised Statutes* (NRS) 176.139 required for everyone who is receiving a PSI report, or is that specific statute for specific offenders?

MR. ORTIZ:

That statute refers to when a defendant is convicted of a felony sexual offense.

SENATOR KIECKHEFER:

So is it only referring to sex offenders?

MR. ORTIZ:

Yes, that statute is referring to sex offenders.

There are two statutes that deal with the submission of PSI reports to the sentencing judge. The first, NRS 176A.100, provides that if a PSI report is required by NRS 176.135, the report must be transmitted to the court within 45 days of the date requested. The second statute, NRS 176.153, requires the PSI report to be submitted to the judge, prosecuting attorney and defense attorney—most often the public defender's office—no later than 14 calendar days prior to sentencing.

The time frame for completing a PSI report is the same whether the defendant is in custody or not. According to testimony on A.B. No. 423 of the 77th Session, there was no time frame requirement for delivering PSI reports to prosecuting attorneys or a public defender's office. It was not uncommon for a defense attorney to receive a PSI report only days prior to sentencing or on the actual date of sentencing. If there was an issue with the status of a PSI, the defense attorney would ask for a continuance. This resulted in additional days in the county detention facility for the defendant.

In 2013, NRS 176.153 was adopted requiring the Division of Parole and Probation to provide PSI reports within 21 working days prior to sentencing. The section allowed the Division to phase-in the 21-day requirement. In the spring of 2014, the phase-in was halted at 14 days. The Division attempted to

get to the 21 days in November 2014. The efforts to meet the 21-day requirement resulted in 1,600 overtime hours with costs of more than \$67,000. The Division went back to the Legislature in 2015 asking for a change in NRS 176.153 to make the submission deadline 14 calendar days rather than 21 working days. Although the public defenders opposed the change, the law was amended as the Division requested.

Clark County is paying 70 percent of the reimbursement to the State for PSI reports. Sixty-seven percent of all PSI reports are done in southern Nevada. The County also pays the costs for holding offenders awaiting sentencing in its detention facilities. If there is a delay in sentencing because the PSI report is delivered late, or the PSI is inaccurate, the defendant returns to the detention facility at a cost of \$155 per day.

While production time for PSI reports decreased for a time, it has slowly increased to levels that exceed statutory requirements. This has resulted in Clark County requesting the introduction of S.B. 9. The bill gives Clark County the authority to enter into an agreement with the Division of Parole and Probation to pay all or a portion of the total costs of the County's PSI reports. It includes a requirement that the Division use the money provided by a county for the expenses related to the PSI, a specific time by which the PSI must be completed by the Division, and a requirement for an annual report to be prepared by the Division which identifies the specific manner in which the money provided by the county is used.

The proposed amendment by Clark County, [Exhibit F](#), removes section 1, subsection 4 from the bill, eliminating the assumption of duties provision. Section 1, subsection 3 speaks to the agreement portion of the bill. Section 1, subsection 6 is revised stating "An agreement entered into by a county and the Division pursuant to subsection 3 are exempt from any regulations adopted by the Committee on Local Government Finance pursuant to NRS 353.203." The time line in NRS 353.203 gives the ability for both parties to enter into an agreement at any time when deemed necessary.

LISA A. GIANOLI (Washoe County):

Washoe County pays \$750,000 per year for its 70 percent portion of the PSI costs to the State. The County shares 16 percent of the costs Statewide. This reflects less than 2,000 reports per year. In 2015, there were 1,957 reports, which works out to \$382 per report. The County has very little

control over the PSI reports. The reports are used throughout the system for State and County use. The burden Washoe County is carrying on the PSI costs issue is greater than the return it receives.

MARY C. WALKER (Carson City; Douglas County; Lyon County; Storey County):
In 2011, when the State shifted the costs of many services to the counties, it was after the 2005 tax cap and the 2008 recession. The counties have laid off 25 percent to 30 percent of their employees. The millions of dollars of cost shifts to the smaller rural counties has been very difficult for these counties. There is no justification for the 70 percent provision. The counties support S.B. 8 and S.B. 9 which allows a fairer fee for the counties.

STEPHANIE O'ROURKE (Deputy Chief (Northern Command), Division of Parole and Probation, Department of Public Safety):
The Division of Parole and Probation is neutral on S.B. 8 and S.B. 9. One of the concerns with S.B. 8 is the opt-out provision for counties. It is unclear if it is a permanent option or an arbitrary one. It will be difficult for the Division to provide staffing if counties decide to opt out of allowing the Division to write the PSI reports. In S.B. 9, if the proposed amendment from Clark County is approved, the Division will remove its fiscal note.

SENATOR KIECKHEFER:
The options in S.B. 8 can be negotiated in an agreement. How can that be budgeted?

ROBIN HAGER (Division of Parole and Probation, Department of Public Safety):
There is no good way to budget for this. Each county has the option to opt in or opt out. Knowing the portion each county pays makes the budgeting process easier. Each county requests a number of PSI reports in a particular fiscal year and the percentage paid per county is based on that number. Not knowing which counties are participating puts a hole in the budget. It is difficult to project without knowing which counties are participating in the PSI report program.

One option could be to require the counties to notify the Division of its choice when the biennial budget is decided. The Division will find it difficult to juggle which county to invoice and which not to invoice. The Division prefers that either every county opts in or every county opts out.

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SENATOR KIECKHEFER

How many staff do you have doing PSI reports?

MS. HAGER:

The Division just added 30 staff members. My guestimate is close to 100 staff members.

CHAIR WOODHOUSE:

I will close the hearing on S.B. 8 and S.B. 9 and open the hearing on S.B. 184.

SENATE BILL 184: Revises provisions relating to aggregated sentences and eligibility for parole. (BDR 14-83)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

Senate Bill 184 is a clean-up bill. It makes further changes to S.B. No. 71 of the 77th Session. It revises provisions relating to the aggregation of inmates' sentences. It establishes provisions relating to the determination of the minimum aggregate term of imprisonment in certain circumstances for purposes of determining eligibility for parole.

The benefit of aggregating consecutive sentences is in simplifying the sentencing process. It reduces confusion and lack of confidence in the criminal justice system by the general public. There are a lot of sentencing combinations an inmate may receive on any judgment of conviction. For example, an inmate may be eligible for parole after serving only six months based on good time credits and other sentence-reducing programs within the system. However, a victim of a crime would get notices from the Parole Board that the inmate is eligible for parole after a short period of time. This becomes upsetting for the victims, and they do not understand the consecutive and concurrent sentencing structure. Family members who are supporters of the inmate are also confused by the sentencing structure. Those family members and friends become upset thinking the inmate may be granted parole and be eligible to come home, which is not the case.

Senate Bill 184 passed unanimously out of the Senate Committee on Judiciary. There is a fiscal note for \$301,000 by the Department of Corrections. It indicates the Department would be required to review 3,000 inmate records to recalculate the sentencing structures.

JOHN BORROWMAN (Deputy Director, Support Services, Department of Corrections):

I will discuss the fiscal note attached to S.B. 184. This is not intended to block the bill in any manner. It is an attempt to secure the resources to carry out the intention of the bill in an accurate manner to restore faith in the system. The budgets are closed, and the Department of Corrections will need additional assistance through the bill to carry out its provisions.

CHAIR WOODHOUSE:

Does the fiscal note cover an addition of one correctional case worker for both years and one Master Services Agreement (MSA) contractor for the first year to do the research on the 3,000 inmates?

MR. BORROWMAN:

Yes. It could have an ongoing impact because it is for any convictions before, on or after the date noted in section 3, subsection 2. The Department wants to ensure the resources are available to carry out this provision. The MSA will automate the process—processing manually indefinitely is problematic.

SENATOR PARKS:

Pursuing this aggregating of sentencing will have a significant effect on the reduction of incarcerated individuals, and long-term savings will be realized.

CHAIR WOODHOUSE:

We will close the hearing on S.B. 184 and open the hearing on S.B. 467.

SENATE BILL 467 (1st Reprint): Revises provisions relating to technology in public schools. (BDR 34-1120)

SENATOR MOISES DENIS (Senatorial District No. 2):

The Nevada Ready 21 Technology (NR21) program is a critical component to the educational investments that have been made in public education since 2015. Its vision is to ignite economic development by delivering a 21st century workforce and ensure student equity through personalized access to a connected 21st century education. Our schools need to empower teachers to facilitate instruction using technology as a tool and help meet the needs of all of today's learners so they may be successful in the workplace.

The NR21 operates as a competitive grant program allowing middle schools across Nevada to become one-to-one computing-device schools. This means each student receives a laptop or other device, but also each teacher receives educational and technical training to deliver instruction in a 21st century fashion.

The Commission on Educational Technology staffed by the Nevada Department of Education oversees this grant program. Unlike many other educational investments and reforms from 2015, NR21 did not have a companion policy bill. It was simply a budget line item. This left some of the program details to be determined without a policy framework. Given this information and in working with stakeholders, a policy bill such as S.B. 467 is an important piece to ensuring a sustainable framework for future cohorts who benefit from this critically important investment in our schools.

There is a proposed amendment ([Exhibit G](#)) that will allow for a fair level playing field for schools wanting to apply for grant funding to implement the NR21 program. In turn, schools will have more buy-in and ownership resulting in greater success and sustainability.

Similar to other programs such as Clark County's Zoom schools and Victory schools programs, this bill and amendment will provide a framework of accountability and transparency so the Legislature can ensure the funds are being used in accordance with the NR21 Program requirements. It will allow for the State to contract with a single vendor and also allow for qualifying schools to choose their own vendors to provide the services outlined by the NR21 program.

SENATOR KIECKHEFER:

Are you a member of the Commission on Educational Technology?

SENATOR DENIS:

Yes.

SENATOR KIECKHEFER:

Has the Commission been meeting and functioning with quorums for meetings?

SENATOR DENIS:

Yes, there have been no missed meetings since its inception except for possibly one in the ten years since the Commission was established.

CRAIG M. STEVENS (Clark County School District):

Clark County School District supports S.B. 467 and the amendment. It appreciates the flexibility allowing our schools to have some options on the devices used, how they will use them and the strict guidelines for the use of the technology. The devices are learning tools for a learning process.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association supports S.B. 467. The Association supports the NR21 program and the implementation of technology in all Nevada's classrooms.

JESSICA FERRATO (Nevada Association of School Boards):

The Nevada Association of School Boards supports S.B. 467 and the amendment. It echoes the comments of the Clark County School District.

BRETT BARLEY (Deputy Superintendent, Student Achievement, Department of Education):

The Department of Education will first address section 4, subsection 3 regarding computing devices. Feedback from school districts about the devices indicates the Microsoft device is one that would be helpful, especially in the Washoe County School District. The Microsoft device has been made available. There are other devices that a district may want to use. For this reason, the superintendent introduced a device coupon for the value of a Microsoft machine or a Google Chromebook to allow purchase of similar devices to meet the needs of the individual districts. The Department is satisfied it has accommodated the mandate.

The NR21 program is an instructional delivery program about changing the way teaching is done in our classrooms, not a device program. The important aspect of the NR21 is how the devices change instructional practices. The external evaluator recommended continuing NR21 as it was written in 2015 to focus on professional development. The implementation and practices happening in classrooms with the devices vary greatly.

We had a concern that opening up device usage also opens up the ability of the districts to use different professional development providers and moves away from the Statewide economies of scale established to serve as many children as possible. If a school district could use an \$800 iPad rather than a \$250 Chromebook, less children will be served. The Department will work with the sponsor and stakeholders to maintain the integrity of the NR21 program to serve more children and focus on professional development.

SENATOR DENIS:

The bill is designed to put a framework in place, and we will work together with those with concerns to come to a place where everyone feels comfortable and are not locked into types of devices. We appreciate the professional aspect and how the devices are used.

CHAIR WOODHOUSE:

We will close the hearing on S.B. 467 and open the work session on S.B. 405.

SENATE BILL 405 (1st Reprint): Requires the establishment and use of an animal abuser registry Website. (BDR 14-10)

ALEX HAARTZ (Principal Deputy Fiscal Analyst):

Senator Bill 405 was heard on May 3. It requires the Director of the Department of Agriculture to contract with a nonprofit organization to establish and maintain an animal abuser registry Website and establish requirements for establishing and maintaining such a Website. It includes restrictions on the use of the information obtained through the registry Website. This bill requires persons convicted of certain offenses against animals to register with the animal abuser registry Website and requires courts to notify certain defendants of the requirements for registration. It also requires certain persons engaged in selling animals and adoption of animals to access the animal abuser registry Website before selling an animal or allowing the adoption of an animal.

There was discussion at the hearing about the fiscal impact. The State Department of Agriculture testified at the hearing and submitted an email to Fiscal staff on April 27 indicating there is no fiscal impact ([Exhibit H](#)).

The Department of Public Safety submitted a letter on May 2 ([Exhibit I](#)) indicating the amendment to S.B. 405 removed its fiscal note.

There was testimony supporting S.B. 405 by a retired animal control administrator. There was testimony heard against the bill both in person and in writing. Seven individuals submitted written testimony against S.B. 405. The Department of Agriculture provided testimony in the neutral position, and in the course of discussing the fiscal impact, it indicated that a minor amount of staff time would be needed to monitor the contract.

There are no additional amendments. Senate Bill 405 will become effective July 1.

CHAIR WOODHOUSE:

I have a letter in support of S.B. 405 from Mike Korn ([Exhibit J](#)).

SENATOR GOICOECHEA:

I am concerned about the exposure and the liability to the State. It may be better to allow the Department of Agriculture to "select" the nonprofit agency, which would likely be Nevada Humane Society, rather than "contract with" to maintain the registry. We can avoid the fiscal note and the exposure. A lot more time is going to be required in maintaining the Website and registry and monitoring the agency maintaining the registry. There could be a large liability to the State with the bonding and so forth. I would like to see more work done on the bill.

SENATOR KIECKHEFER:

I suggest moving away from a contract relationship between the State and a nonprofit organization and put the Department of Agriculture in charge of selecting the nonprofit organization to maintain the animal abuse registry.

Changes will be required in section 30.2, subsection 1 stating the Director of the State Department of Agriculture shall, on behalf of the Department, "select" a nonprofit organization rather than "contract with." In subsection 2, I recommend changing "to enter into a contract" to "be selected." In subsection 3, I recommend striking out, "Any contract entered into by the Director pursuant to this section must provide that" and beginning the subsection with "The Director may ... " Some additional conforming changes in subsection 3 are to strike out "terminate the contract" and "with which to contract."

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Additional conforming changes are required in sections 30.4, 30.7 and 30.8, subsection 3. I am willing to work with the Legislative Counsel Bureau to be sure the language is clean.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 405 WITH THE CHANGES PROPOSED BY SENATOR KIECKHEFER.

SENATOR GOICOECHEA SECONDED THE MOTION.

SENATOR FORD:

Are Senator Manendo and the Nevada Humane Society in agreement with the proposed changes to S.B. 405 by Senator Kieckhefer?

MENDY ELLIOTT (Nevada Humane Society):

The Nevada Humane Society agrees to the recommended changes.
Senator Manendo agrees to the changes.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WOODHOUSE:

Seeing no further public comment, this meeting is adjourned at 9:22 a.m.

RESPECTFULLY SUBMITTED:

Felicia Archer,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|------------------------|---------------------------------|---|---|---|
| Bill | Exhibit / # of pages | | Witness / Entity | Description |
| | A | 2 | | Agenda |
| | B | 4 | | Attendance Roster |
| S.B. 451 | C | 1 | Holly Welborn / American Civil Liberties Union of Nevada | Minnesota Sentencing Commission Structure Handout |
| S.B. 121 | D | 3 | Senator Joyce Woodhouse, | Introductory Remarks |
| S.B. 121 | E | 1 | Steven Cohen | Conceptual Amendment |
| S.B. 9 | F | 3 | Alex Ortiz / Clark County Department of Administrative Services | Proposed Amendment |
| S.B. 467 | G | 3 | Senator Moises Denis | Proposed Amendment |
| S.B. 405 | H | 1 | Debra Crowley / State Department of Agriculture | Email indicating no fiscal impact |
| S.B. 405 | I | 1 | Julie Butler / Department of Public Safety | Letter removing fiscal note |
| S.B. 405 | J | 1 | Mike Korn | Letter of support |