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EXEMPT

S.B. 211

SENATE BILL NO. 211—COMMITTEE ON FINANCE

FEBRUARY 18, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions relating to the Nevada Commission on Minority Affairs. (BDR 31-587)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Nevada Commission on Minority Affairs; revising provisions relating to the budget of the Commission; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission on Minority Affairs, consisting of nine members appointed by the Legislative Commission, within the Department of Business and Industry. The Commission is required to perform various duties relating to minorities in Nevada. (NRS 232.852, 232.860)

The State Budget Act prescribes the procedures for the proposal of the budget for the Executive Department of the State Government. (NRS 353.150-353.246) The Legislative and Judicial Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency are required to submit their budgets to the Legislature for approval and to the Chief of the Budget Division of the Office of Finance in the Office of the Governor for informational purposes, but are otherwise exempt from the requirements of the State Budget Act. (NRS 353.210, 353.246) In the same manner, **sections 1 and 2** of this bill exempt the Nevada Commission on Minority Affairs from the requirements of the State Budget Act, except for the requirements of submitting its biennial agency budget to the Legislature for approval and to the Chief of the Budget Division for informational purposes.

The members of the Commission are not entitled under existing law to compensation for their services, but are entitled to be reimbursed for travel and other expenses incurred in the performance of their duties, within the limits of money available to the Commission. (NRS 232.856) The Director of the Department of Business and Industry is required under existing law to employ a Minority Affairs Management Analyst to perform investigations, data collection and statistical analysis to support the Commission. (NRS 232.525) **Section 3** of this bill appropriates money to the Commission to pay for operating expenses of the



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25 Commission, including expenses for outreach efforts and travel of the members of
26 the Commission and the Minority Affairs Management Analyst.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 353.210 is hereby amended to read as follows:

2 353.210 1. Except as otherwise provided in subsections 6 and
3 7, on or before September 1 of each even-numbered year, all
4 departments, institutions and other agencies of the Executive
5 Department of the State Government, and all agencies of the
6 Executive Department of the State Government receiving state
7 money, fees or other money under the authority of the State,
8 including those operating on money designated for specific purposes
9 by the Nevada Constitution or otherwise, shall prepare, on blanks
10 furnished them by the Chief, and submit to the Chief:

11 (a) The number of full-time equivalent positions within the
12 department, institution or agency.

13 (b) The number of full-time equivalent positions within the
14 department, institution or agency that have been vacant for at least
15 12 months, the number of months each such position has been
16 vacant and the reasons for each such vacancy.

17 (c) Any existing contracts for services the department,
18 institution or agency has with temporary employment services or
19 other persons, the proposed expenditures for such contracts in the
20 next 2 fiscal years and the reasons for the use of such services. If
21 such contracts include any privatization contracts, a copy of each of
22 those privatization contracts together with:

23 (1) A statement specifying the duration of the privatization
24 contracts;

25 (2) The number of privatization contracts proposed for the
26 next 2 fiscal years and the estimated expenditures for the
27 privatization contracts; and

28 (3) An analysis of each of the privatization contracts, which
29 includes, without limitation:

30 (I) For the preceding, current and next fiscal years, the
31 annual amount required to perform each of the privatization
32 contracts; and

33 (II) For the preceding and current fiscal years, the number
34 of persons the department, institution or agency employed pursuant
35 to the privatization contracts, reflected as the equivalent full-time
36 position if the persons were regularly employed by the department,
37 institution or agency, including the equivalent hourly wage and the
38 cost of benefits for each job classification.



(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department *of the State Government*, the Public Employees' Retirement System, ~~and~~ the Judicial Department of the State Government *and the Nevada Commission on Minority Affairs created by NRS 232.852* shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:



(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 2. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and subsections 6 and 7 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department *of the State Government*, the Public Employees' Retirement System, the Judicial Department of the State Government, ~~and~~ the Tahoe Regional Planning Agency ~~and~~ *and the Nevada Commission on Minority Affairs created by NRS 232.852.*

2. The Legislative Department *of the State Government*, the Public Employees' Retirement System, the Judicial Department of the State Government, ~~and~~ the Tahoe Regional Planning Agency *and the Nevada Commission on Minority Affairs created by NRS 232.852* shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Minority Affairs created by NRS 232.852 for operating expenses of the Commission, including, without limitation, expenses for outreach efforts and travel of the members of the Commission and the Minority Affairs Management Analyst employed pursuant to NRS 232.525, the following sums:

For the Fiscal Year 2019-2020.....\$15,126

For the Fiscal Year 2020-2021.....\$9,109

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be



1 committed for expenditure after June 30, 2021, by the entity to
2 which the appropriation is made or any entity to which money from
3 the appropriation is granted or otherwise transferred in any manner,
4 and any portion of the appropriated money remaining must not be
5 spent for any purpose after September 17, 2021, by either the entity
6 to which the money was appropriated or the entity to which the
7 money was subsequently granted or transferred, and must be
8 reverted to the State General Fund on or before September 17, 2021.

9 **Sec. 4.** This act becomes effective on July 1, 2019.

