

**MINUTES OF THE JOINT MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND THE
SENATE COMMITTEE ON FINANCE**

**Eightieth Session
April 22, 2019**

The joint meeting of the Assembly Committee on Ways and Means and the Senate Committee on Finance was called to order by Chair Maggie Carlton at 8:15 a.m. on Monday, April 22, 2019, in Room 4100 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/App/NELIS/REL/80th2019.

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblywoman Maggie Carlton, Chair
Assemblywoman Teresa Benitez-Thompson, Vice Chair
Assemblyman Jason Frierson
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Dina Neal
Assemblywoman Ellen B. Spiegel
Assemblywoman Heidi Swank
Assemblyman Tyrone Thompson
Assemblywoman Robin L. Titus
Assemblyman Jim Wheeler

SENATE COMMITTEE MEMBERS PRESENT:

Senator Joyce Woodhouse, Chair
Senator David R. Parks, Vice Chair
Senator Chris Brooks
Senator Yvanna D. Cancela
Senator Moises Denis
Senator Pete Goicoechea
Senator Ben Kieckhefer
Senator James A. Settlemeyer



COMMITTEE MEMBERS EXCUSED:

Assemblyman John Hambrick

STAFF MEMBERS PRESENT:

Cindy Jones, Assembly Fiscal Analyst
Mark Krmpotic, Senate Fiscal Analyst
Sarah Coffman, Principal Deputy Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Cathy Crocket, Senior Program Analyst
Karen Hoppe, Senior Program Analyst
Julie Waller, Senior Program Analyst
Stephanie Day, Program Analyst
Janice Wright, Committee Secretary
Lisa McAlister, Committee Assistant

After a call of the roll, Chair Carlton reminded those in attendance to silence electronic devices, and she reviewed the rules of the Committees. She said that the time schedules would limit the discussions today. She explained that four budget closings for budget accounts (BA) 1340, BA 1342, BA 1301, and BA 1325 for the Office of Finance, Office of the Governor, would not be heard today and would be rescheduled for another day. She opened the hearing on the budget closing for BA 1008.

ELECTED OFFICIALS
OFFICE OF THE GOVERNOR
OFFICE OF INDIGENT DEFENSE (101-1008)
BUDGET PAGE ELECTED-102

Karen Hoppe, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that budget account (BA) 1008 funded the Office of Indigent Defense. The one major closing issue was the creation of the Office of Indigent Defense Services, Office of the Governor. The Governor recommended State General Fund appropriations of \$1.8 million over the 2019-2021 biennium to fund the creation of the Office of Indigent Defense Services (Office) within the Office of the Governor to provide services to rural counties and enact statewide policies for indigent defense. The recommendation included funding for seven full-time-equivalent (FTE) unclassified positions, associated costs, and travel.

Ms. Hoppe explained that Senate Bill 377 of the 79th Session (2017) created the Nevada Right to Counsel Commission (Commission). The Commission was required to conduct a study during the 2017-2019 Interim concerning issues related to the provision of legal representation to indigent persons, and recommend standards to the Legislature concerning the provision of legal representation to indigent persons. The Commission held ten meetings during the 2017-2019 Interim, and it submitted Assembly Bill (A.B.) 81 after considering presentations

by interested stakeholders and reports and recommendations from the consultant to the Commission.

Ms. Hoppe noted that Assembly Bill 81 included provisions to create a new Office of Indigent Defense Services within the Office of the Governor, a new Board on Indigent Defense Services to oversee the Office, and an Executive Director and no fewer than two deputy directors for the Office. Additionally, the Office would have oversight of the Office of the State Public Defender, which would be transferred from the Department of Health and Human Services. The State Public Defender's Office had 14 FTE positions that would be transferred to the Office of Indigent Defense Services and placed under the direction of one of the deputy directors. Assembly Bill 81 provided position responsibilities for each of the two deputy directors, as summarized in the following table.

Position Title	Deputy Director Position Responsibilities per <u>A.B. 81</u> as introduced.
Deputy Director One	Oversee the provision of indigent defense services in counties whose population was less than 100,000 and determine whether attorneys met the requirements established by the Board.
	Develop and provide continuing legal education programs for attorneys who provided indigent criminal defense services.
	Identify and encourage best practices for delivering the most effective indigent defense services.
Deputy Director Two	Review the manner in which indigent defense services were provided throughout the state.
	Obtain information from attorneys related to caseloads, salaries paid to criminal defense attorneys, and the manner in which indigent defense services were provided.
	Conduct on-site visits of court proceedings throughout the state to determine the manner in which indigent defense services were provided.
	Report to deputy director one upon a determination that any person provided indigent defense services in an ineffective manner.
	Recommend corrective action plans for any board of county commissioners that failed to meet minimum standards for the provision of indigent defense services.

Ms. Hoppe explained that the Governor recommended seven FTE unclassified positions and noted the recommendation differed from the provisions of A.B. 81 that specified that the Executive Director and deputy directors were in the nonclassified service of the state. In addition to the Executive Director and two deputy director positions authorized in A.B. 81, the Governor recommended four additional FTE positions for the budget. One executive assistant would support the Executive Director and deputy directors; one management analyst and one business process analyst would assist in reporting and collecting uniform data statewide from counties regarding caseload, training of attorneys, and the provision of services in accordance with standards that would be enacted; and one administrative assistant would support those two analyst positions.

Ms. Hoppe noted that on April 12, 2019, the Assembly Committee on Judiciary held a work session and voted to amend and do pass as amended A.B. 81. According to the work session document, the amendments related to the proposed positions in the budget that had the following budgetary effects.

- An additional responsibility for deputy director one was to provide assistance to counties that had to revise the manner in which indigent defense services were provided as a result of regulations adopted by the Board, including assistance developing a plan and estimating the cost to carry out the plan.
- An appropriation of \$15 million from the General Fund to the Office of Indigent Defense Services to be used to award grants to counties that were required to pay more than budgeted in the previous year, plus inflation to provide indigent defense services in a manner that met the standards established by regulation of the Board.

Ms. Hoppe stated that during the budget hearing on March 18, 2019, the Office of Finance, Office of the Governor (Governor's Finance Office [GFO]), testified that after discussion with the bill's sponsor, the GFO recommended that the Office not be located within the Office of the Governor, but be established as a new department. The GFO decided that the Executive Director and deputy directors would be recommended as unclassified positions, and the other recommended positions would be classified. On April 7, 2019, the GFO submitted Budget Amendment A193351008 that included changes to the classification of the recommended new positions and adjustments to budget expenditures. The following table reflected the seven new positions, as recommended by the Governor, and the modifications recommended in the budget amendment.

Governor's Recommended Positions	Original Classification	Original Salary	Revised Classification	Revised Salary
Executive Director	Unclassified	\$139,591	Unclassified	\$139,591
Deputy Director	Unclassified	\$135,287	Unclassified	\$135,287
Deputy Director	Unclassified	\$135,287	Unclassified	\$135,287
Executive Assistant	Unclassified	\$64,507	Unclassified	\$61,495
Business Process Analyst	Unclassified	\$73,793	Classified	\$70,247
Management Analyst	Unclassified	\$77,483	Classified	\$67,208
Administrative Assistant	Unclassified	\$47,711	Classified	\$40,114

Ms. Hoppe noted that the salaries were incorrect, but she had corrected the figures in the above table. The Executive Director and the two deputy director unclassified positions were unchanged from the original recommendation. The three remaining classified positions were at slightly lower salaries than originally recommended.

Ms. Hoppe explained that the Governor's recommended budget included costs for travel and training in several categories. The travel would be used for the following purposes:

- Out-of-state travel for the Executive Director to attend two conferences each year.
- In-state travel for deputy directors to travel to rural counties to meet with county staff and to travel for board or commission meetings.
- Commission travel for Commissioners to attend meetings.
- Training for the Executive Director and deputy directors to attend training courses related to judicial topics.

Ms. Hoppe noted that the budget amendment adjusted expenditures by reducing out-of-state travel, removing the duplications of the business productivity suite of the Division of Enterprise Information Technology Services, Department of Administration, and cost-allocation expenses. The GFO expected that the Office would provide its own fiscal services. The following table summarized the recommended expenditures by category for the Office as originally recommended by the Governor and the recommendations after the budget amendment was submitted.

Office of Indigent Defense Services Expenditures by Category							
Expenditures originally recommended by the Governor				Expenditures recommended after the budget amendment			
Category	FY 2020	FY 2021	2019-2021 Biennium	FY 2020	FY 2021	2019-2021 Biennium	Biennium Difference
Personnel	\$664,259	\$881,428	\$1,545,687	\$636,338	\$852,247	\$1,488,585	(\$57,102)
Out-of-state Travel	\$5,000	\$5,000	\$10,000	\$4,610	\$4,610	\$9,220	(\$780)
In-state Travel	\$8,070	\$10,506	\$18,576	\$8,070	\$10,506	\$18,576	\$0
Operating	\$23,500	\$30,579	\$54,079	\$20,564	\$26,665	\$47,229	(\$6,850)
Equipment	\$19,206	\$0	\$19,206	\$19,206	\$0	\$19,206	\$0
Commission Travel	\$7,992	\$10,655	\$18,647	\$7,992	\$10,655	\$18,647	\$0
Information Services	\$18,906	\$7,532	\$26,438	\$18,906	\$7,532	\$26,438	\$0
Training	\$15,817	\$15,817	\$31,634	\$15,817	\$15,817	\$31,634	\$0
Cost allocation	\$13,019	\$13,151	\$26,170	\$3,019	\$3,151	\$6,170	(\$20,000)
Total Expenditures	\$775,769	\$974,668	\$1,750,437	\$734,522	\$931,183	\$1,665,705	(\$84,732)

In total, the budget amendment would reduce Office expenditures by \$84,732 over the 2019-2021 biennium. If A.B. 81 or other enabling legislation was passed by the Legislature to establish a new Office of Indigent Defense Services, Fiscal staff requested authority to make technical adjustments to close the budget in accordance with the final provisions of the enabling legislation. She said there were no other closing items.

Ms. Hoppe asked whether the Committees wished to approve the Governor's recommendation, as amended by Budget Amendment A193351008, to fund the creation of the Office of Indigent Defense Services, contingent upon the passage and approval of enabling legislation, and

provide Fiscal staff with authority to make technical adjustments consistent with the enabling legislation.

Chair Carlton asked the Committees to review the columns on the right side of the table. She understood that the salaries for unclassified positions would be addressed in the Unclassified Pay Bill. Ms. Hoppe confirmed that Chair Carlton's understanding was correct.

Chair Carlton said the matter of the \$15 million appropriation was a policy matter and would not be addressed by the Committees. The appropriation was not within the decision unit, but related to A.B. 81.

Assemblywoman Titus said she found the salary adjustments interesting. It appeared that the individuals who did all the work were at the lower salary level, and the administrator received an increase in salary.

Assemblyman Kramer noted that the services of the Office of the State Public Defender were used by Carson City and Storey County only and not by the other counties. He had difficulty understanding the benefits of the new agency.

Chair Carlton understood his concern, but it was a policy matter rather than a fiscal concern.

There being no further questions or comments, Chair Carlton called for a motion.

SENATOR WOODHOUSE MOVED THAT THE COMMITTEES APPROVE THE GOVERNOR'S RECOMMENDATION, AS AMENDED BY BUDGET AMENDMENT A193351008, TO FUND THE CREATION OF THE OFFICE OF INDIGENT DEFENSE SERVICES, CONTINGENT UPON THE PASSAGE AND APPROVAL OF ENABLING LEGISLATION, AND AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY CONSISTENT WITH THE ENABLING LEGISLATION.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblymen Kramer, Titus, and Wheeler and Senators Goicoechea, Kieckhefer, and Settlemeyer voted no. Assemblyman Hambrick was not present for the vote.)

BUDGET CLOSED.

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ELECTED OFFICIALS
OFFICE OF THE GOVERNOR
COMMISSION FOR PERSONS WHO ARE DEAF (101-1006)
BUDGET PAGE ELECTED-14

Stephanie Day, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that budget account (BA) 1006 had not been previously reviewed by the Committees, and the Fiscal Analysis Division staff was responsible for developing closing recommendations for the budget. Pursuant to *Nevada Revised Statutes* (NRS) 427A.740, the duties of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing, or Speech Impaired included providing such persons with information and referrals for services and resources that promoted equality in education, employment, and socialization; reviewing procedures and practices of state and local government entities to ensure that such persons had equal access and services provided; and advising the Department of Education on research and methods to ensure the availability of language and communication services for such children. There were no major closing issues or other closing items in BA 1006. Fiscal staff recommended approval of the budget as recommended by the Governor, with authority to make technical adjustments as necessary.

There being no questions or comments, Chair Carlton called for a motion.

ASSEMBLYWOMAN SPIEGEL MOVED TO APPROVE BUDGET ACCOUNT 1006 AS RECOMMENDED BY THE GOVERNOR, AND AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Hambrick was not present for the vote.)

BUDGET CLOSED.

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ELECTED OFFICIALS
OFFICE OF THE GOVERNOR
OFFICE FOR NEW AMERICANS (101-1007)
BUDGET PAGE ELECTED-16

Julie Waller, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that budget account (BA) 1007 funded the Office for New Americans. The Governor recommended the creation of an Office for New Americans in the Office of the Governor to assist new and aspiring Americans to participate in civic and economic life and strengthen Nevada's welcoming environment. The Executive Budget recommended the creation of the

Office for New Americans (Office) and recommended General Fund appropriations of \$186,514 in fiscal year (FY) 2020 and \$207,217 in FY 2021 for the personnel and associated operating costs of one unclassified administrator position and one classified administrative assistant position to staff the Office. The Office would be located in Las Vegas. The Governor's Office submitted Bill Draft Request (BDR) 18-1222 (later introduced as Senate Bill 538) to create the Office for New Americans and enact the budget initiative.

Ms. Waller noted that the Office would initially focus on the development of a website to be a central location for links to relevant business, education, and health and human services webpages to facilitate applications for services and licenses. During the 2019-2021 biennium, the administrator would define the goals, objectives, and duties of the Office based on best practices learned from offices for new Americans in other states. The Office of Finance, Office of the Governor (Governor's Finance Office [GFO]) confirmed the intent was for the Office to support all immigrants who were in the United States legally, including individuals with work visas and new citizens. A number of other states had developed unique statewide offices to focus on immigration integration, economic development, and other immigration policy issues. Those states included, but were not limited to, Illinois, Massachusetts, Michigan, California, and New York. The following table summarized the Governor's recommended funding for the Office and the recommended budget inclusive of technical adjustments.

Office for New Americans		Governor Recommends		Gov. Recommends w/ Technical Adj.		Change	
Expenditures	Details	FY 2020	FY 2021	FY 2020	FY 2021	FY 2020	FY 2021
Personnel	1 Administrator - unclassified, 1 Admin Asst - classified	\$ 116,688	\$ 156,599	\$ 116,688	\$ 156,599	\$ -	\$ -
Out-of State Travel	2 trips each year to visit states w/similar office	\$ 6,217	\$ 6,217	\$ 4,512	\$ 2,923	\$ (1,705)	\$ (3,294)
In-State Travel	6 trips each year	\$ 6,697	\$ 6,697	\$ 4,883	\$ 4,883	\$ (1,814)	\$ (1,814)
Operating	Furniture, computers, general operating	\$ 14,237	\$ 6,601	\$ 14,237	\$ 6,601	\$ -	\$ -
Information Services	Website \$18,000	\$ 21,077	\$ 9,468	\$ 17,357	\$ 7,268	\$ (3,720)	\$ (2,200)
Training		\$ 4,217	\$ 4,217	\$ 2,109	\$ 2,109	\$ (2,108)	\$ (2,108)
Cost Allocations		\$ 17,381	\$ 17,418	\$ 17,381	\$ 17,418	\$ -	\$ -
Total		\$ 186,514	\$ 207,217	\$ 177,167	\$ 197,801	\$ (9,347)	\$ (9,416)

Ms. Waller continued that the salary proposed for the unclassified administrator position was \$78,907 each year, commensurate with the Director of the Western Interstate Commission for Higher Education who had a similar level of responsibility. The administrator position would create the Office for New Americans in conjunction with the Office of the Governor. The administrator position would also collaborate with other states that had developed similar programs to identify what was needed to assist new Americans trying to navigate the state system. The classified administrative assistant position would provide administrative support to the administrator, including overseeing the operation of the Office through providing general clerical duties, monitoring and tracking expenditures, booking travel, and maintaining all records. Both positions were budgeted with a start date of October 1, 2019.

Ms. Waller explained the Governor recommended out-of-state travel of \$6,217 in each fiscal year of the 2019-2021 biennium, for two trips per year for five days each. The trips were intended to enable the administrator to meet with other states that had created an Office for New Americans to learn best practices and what elements provided the greatest benefit to participants. Fiscal staff recommended technical adjustments to reduce the out-of-state travel budget to match the costs provided in the travel log, and reduced the number of nights used to calculate the lodging expense from five nights to four nights, resulting in a net General Fund savings of \$1,705 in FY 2020 and \$3,294 in FY 2021. The GFO concurred with the technical adjustment.

Ms. Waller stated that General Fund appropriations of \$6,697 in each year of the 2019-2021 biennium were recommended to fund per diem and in-state travel costs to allow the administrator to travel every other month to Reno and Carson City to meet with state, county, and city agencies. Fiscal staff recommended technical adjustments to reduce the in-state travel budget to match the costs provided in the travel log and reduce the number of nights used to calculate the lodging expense from three nights to two nights, resulting in a net General Fund savings of \$1,814 in each year of the 2019-2021 biennium. The GFO concurred with the technical adjustment.

Ms. Waller noted that the Information Services category included \$18,000 in FY 2020 and \$6,000 in FY 2021 to fund a master services agreement (MSA) contract to develop a website for the Office. The website was intended to be a one-stop shop for information on all state programs to assist new and aspiring Americans to fully participate in civic and economic life. The Office would coordinate with other agencies to ensure relevant documents were linked to the website to provide a single location to access all the forms and programs to assist an individual in navigating the state processes. The MSA hourly rate of \$150 used to calculate the cost of website development and website maintenance was incorrect in the Governor's budget. The MSA contractor rate for a web developer was \$95 per hour. Additionally, although new computers were included in the recommended budget, a printer was not. Fiscal staff recommended a technical adjustment to reduce the funding for website development and maintenance from \$18,000 to \$11,400 (a savings of \$6,600) in FY 2020 and from \$6,000 to \$3,800 (a savings of \$2,200) in FY 2021. Fiscal staff also recommended a technical adjustment to add a color printer, based upon a request by the GFO that resulted in an additional General

Fund appropriation of \$2,880 in FY 2020. The GFO concurred with those technical adjustments.

Ms. Waller explained that the Training category reflected out-of-state per diem and airfare costs totaling \$4,217 in each year of the 2019-2021 biennium for the administrator to attend two conferences. The administrator position was budgeted with an October 1 start date and would be tasked with setting up and organizing a new office. As recommended by the Governor, the administrator would travel out of state twice in FY 2020 for a period of five days each and was also budgeted for six in-state travel trips. Given the significant out-of-state and in-state travel that would be conducted in establishing the Office for New Americans during the 2019-2021 biennium, attending two out-of-state training conferences did not appear reasonable. Accordingly, Fiscal staff recommended a technical adjustment to reduce the out-of-state training budget from two conferences to one conference each year, which would result in a General Fund savings of \$2,108 in each fiscal year of the 2019-2021 biennium. The GFO concurred with the technical adjustment.

Ms. Waller stated that Fiscal staff requested statistics showing the number of new Americans who contacted the Office of the Governor for information over the past few years. In response, the GFO indicated the current constituent tracking system failed to capture the number of queries from new Americans. The need for the Office was determined by the demographics of the state. Currently, 637,304 or 21 percent of Nevada's residents were foreign-born. A resident who was foreign-born did not mean that such a resident would seek assistance in obtaining information or services from the state. Based on the information provided by the GFO, there did not appear to be an unmet, ongoing workload that supported establishment of the new Office.

Ms. Waller provided several options for the Committees' consideration.

- A. Approve the creation of the Office for New Americans in the Office of the Governor with General Fund appropriations of \$186,514 in FY 2020 and \$207,217 in FY 2021, as recommended by the Governor, for the support of two new full-time positions and associated operating costs.
- B. Approve the creation of the Office for New Americans in the Office of the Governor, inclusive of the technical adjustments noted that reduced training expenditures and web-developer costs and added a General Fund appropriation for a color printer, resulting in revised General Fund appropriations of \$177,167 in FY 2020 and \$197,801 in FY 2021 for the support of two new full-time positions and associated operating costs.
- C. Do not approve the creation of the Office for New Americans in the Office of the Governor with General Fund appropriations of \$186,514 in FY 2020 and \$207,217 in FY 2021, as recommended by the Governor, for the support of two new full-time positions and associated operating costs.

The options selected would be contingent upon passage and approval of BDR 18-1222 (later introduced as Senate Bill 538) or other enacting legislation. Fiscal staff requested authority to make technical adjustments as necessary.

Senator Kieckhefer asked whether similar offices in the Office of the Governor, such as the Office of Science, Innovation and Technology or the Office of Workforce Innovation, would be comparable offices under the Governor's purview. He asked whether directors of those offices were in the unclassified service or the nonclassified service.

Ms. Waller responded that those director positions served in the nonclassified service.

Senator Kieckhefer asked whether the administrator of the Office for New Americans was recommended as a nonclassified position.

Ms. Waller replied that the Governor recommended an unclassified position for the administrator and a classified position for the administrative assistant.

Senator Kieckhefer asked whether the recommendation was a deviation from the other positions in offices within the Office of the Governor.

Ms. Waller responded that certain offices were identified in *Nevada Revised Statutes* (NRS) that were part of the Office of the Governor that were in the nonclassified service. Unless positions were added to the NRS to be in the nonclassified service, then the Office of the Governor had the option to select whether the positions were in the unclassified or nonclassified service.

Senator Denis stated that he worked on this legislation over the last few years and saw offices in other states that were created to provide services to new Americans. He understood that it was hard to develop justification numbers initially, because the population that might benefit from services was unknown. One of the reasons Nevada would create the new Office would be to serve immigrants who might be driving a taxi, but had a medical or engineering degree. The Office would help those individuals obtain the type of licensing needed to work. He said it was an important office. The population numbers might be unknown, but he knew there was a need. After the Office was created, the Legislature would be able to see what those needs were. He knew there were problems in the community that the new Office would serve. He thought the Office was a good idea.

Chair Carlton understood that 21 percent was a significant number of immigrants in the state's population.

Assemblywoman Titus commented that she appreciated that 21 percent of Nevada's population were immigrants or foreign-born. Nevada would continue to welcome all who visited, stayed, and joined the workforce. She would not support the Governor's recommended budget because she did not see the need or that there was an unanswered problem. She understood the licensure

problems that individuals experienced. The state needed to make it less obtrusive to obtain a license, but she would not support the creation of the new Office and preferred Option C.

Chair Carlton said it was difficult to decide that the Office was not needed when the state had no place for individuals to share their concerns. It was hard to measure what the problem was, because no agency existed that addressed the problems faced by immigrants. She supported the investment of creating an office to resolve the immigrants' difficulties. The Office would gather specific data and real stories from Nevadans. Currently, only anecdotal data was available about licensure and education problems. She sought stories from real Nevadans living here who had to navigate the system. That data would help the Legislature determine how to address those problems in the future.

There being no further questions or comments, Chair Carlton called for a motion.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO APPROVE THE CREATION OF THE OFFICE FOR NEW AMERICANS IN THE OFFICE OF THE GOVERNOR, INCLUSIVE OF THE TECHNICAL ADJUSTMENTS NOTED THAT REDUCED TRAINING EXPENDITURES AND WEB DEVELOPER COSTS AND ADDED A GENERAL FUND APPROPRIATION FOR A COLOR PRINTER, RESULTING IN REVISED GENERAL FUND APPROPRIATIONS OF \$177,167 IN FY 2020 AND \$197,801 IN FY 2021 FOR THE SUPPORT OF TWO NEW FULL-TIME POSITIONS AND ASSOCIATED OPERATING COSTS.

SENATOR DENIS SECONDED THE MOTION.

Chair Carlton asked for discussion on the motion.

Senator Cancela stated that in her nonlegislative life, she ran a small nonprofit agency that helped individuals apply for citizenship. Many individuals had questions about the interactions with different local and state agencies. It was frustrating for immigrants and her staff to navigate those different systems and obtain the required paperwork, such as proof of income. The various requirements made it challenging, but were essential to obtaining citizenship. A centralized location for all the support would be helpful. She would be happy to share anecdotes and data that she had collected about how important this assistance would be to Nevadans.

Assemblyman Frierson echoed the sentiments of Senator Cancela. He pointed out that the data was not anecdotal, but reflected the problems faced every day by Nevadans. The difficulties were faced by many and not just one particular culture. A meeting was held recently in southern Nevada about immigrant taxicab drivers who felt there was no place where they could be heard. They were not undocumented or part of any stereotypical group. They had come to Nevada, but were having a hard time being heard and felt they lacked a voice. He supported the concept of centralized assistance for immigrants because the concentration of foreign-born

was probably greater than 21 percent. He was sensitive to the needs of the immigrants. Every day he was reminded that the Legislature advocated for the entire state and not just one part of the population. He believed that 21 percent of the foreign-born population probably lived primarily in densely populated areas of the state. He worried that problems existed for immigrants in rural areas also. The concept of creating an Office for New Americans was not new, because offices existed in other states and were proven successful and effective. Legislators always sought a balance between representing the needs of their districts and the statewide needs. The needs of the immigrants should be addressed, and 21 percent of the population was a large number. The creation of this new Office was a worthwhile endeavor and not just rhetoric. A cost benefit would result, and the state would see a savings with centralized services to ensure that individuals had access to services and information that they needed. He said the concept reflected forward thinking and was fiscally responsible.

Senator Kieckhefer said he had concerns about whether the administrator position was in the unclassified or nonclassified service, but that was a side problem about the Office. He understood that one-fifth of Nevada's population came from another country. Those countries had different governmental structures. Nevada's structures were not easily navigable in a new country for an immigrant who lacked an understanding of how to accomplish what some might consider basic tasks. He did not have a problem with the Governor's recommendation. He hoped that the Office did a good job of tracking the problems that were found. The data might make the state a more efficient and effective government for the individuals by identifying barriers to access government services. He hoped the Office would coordinate with the 2-1-1 program that Nevada had invested heavily in to help individuals find access to services. [2-1-1 was a special telephone number reserved in Nevada to provide information and referrals to health, human, and social service organizations.] Senator Kieckhefer was prepared to support the Governor's recommendation, but he hoped for reconsideration of the service in which the administrator would be placed.

Assemblyman Kramer said Carson City had over 21 percent foreign-born population. It was a problem. He understood the comments of the Office of Finance, Office of the Governor. He did not believe there was a need to be met, and the ongoing workload did not support the Governor's recommendation. He asked if there was a real need for the Office.

Chair Carlton clarified that there was no way to develop good data on the need, because the Office did not exist. She thought there was confusion about that. She believed that information was not being interpreted correctly. It was hard to analyze something that did not exist. That was the basic thought process related to obtaining data for the future.

Assemblyman Kramer appreciated the clarification. He understood that the Office would acquire information during the 2019-2021 biennium and present that data to the Legislature during the 81st Session (2021). The Legislature would study the data to determine whether to continue the Office. The staff positions should be unclassified to reflect the fact that changes might be made in two years.

Chair Carlton stated that the Committees would continue to receive updates during the Interim. The Assembly would chair the Interim Finance Committee next year and request updates from the Office to understand the needs and any other resources that might exist or be needed. The Legislature would stay involved as the Office moved through the 2019-2021 biennium. She would follow those matters.

Senator Woodhouse said that decisions on salaries would be decided when the Unclassified Pay Bill was presented and that was not part of the discussion today. The important part today was approval of the Office for the future.

There being no further discussion on the motion, Chair Carlton called for the vote.

THE MOTION CARRIED. (Assemblymen Titus and Wheeler voted no. Assemblyman Hambrick was not present for the vote.)

BUDGET CLOSED.

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ELECTED OFFICIALS
OFFICE OF THE GOVERNOR
SENTENCING COMMISSION (101-1010)
BUDGET PAGE ELECTED-106

Julie Waller, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that budget account (BA) 1010 funded the Sentencing Commission. The Governor recommended a new Office of the Nevada Sentencing Commission in the Office of the Governor for support of the 25-member Nevada Sentencing Commission (Commission) that was created by Senate Bill 451 of the 79th Session (2017) (codified in Chapter 176 of *Nevada Revised Statutes* [NRS]). The Commission was statutorily required to identify and study various aspects related to sentencing offenders convicted of crimes within the state.

Ms. Waller explained that the Governor recommended State General Fund appropriations of \$364,116 in fiscal year (FY) 2020 and \$449,803 in FY 2021 to fund the personnel and associated operating costs of four full-time-equivalent (FTE) positions for a proposed new Office of the Sentencing Commission (Office) to be located in Carson City. Although Assembly Bill (A.B.) 80, as amended, was introduced on behalf of the Sentencing Commission, it was a budget implementation bill for the Governor's budget initiative to establish the Office and identified the number and type of positions to provide administrative support for the Commission. *Nevada Revised Statutes* 176.0133 required the Director of the Legislative Counsel Bureau to provide staff to support the Sentencing Commission to the extent of legislative appropriations.

Ms. Waller continued that pursuant to NRS 176.0134, one of the statutorily required duties of the Commission was to prepare a comprehensive report detailing the Commission's findings and recommendations for proposed legislation. The report had to be submitted to the Director of the Legislative Counsel Bureau for transmission to the Legislature no later than January 1 of each odd-numbered year. The Commission's January 2019 report provided a summary of recommendations and a full report of each of the Commission's meetings held throughout the 2017-2018 Interim.

Ms. Waller noted that according to the January 2019 report, the Commission recommended drafting legislation to create an independent Office of the Nevada Sentencing Commission located in the Executive Branch of state government. The legislation revised the duties of the Commission and required the Commission to function as an independent, standalone, analytic, and oversight body for sentencing and related criminal justice data. The Commission's full-time staff would be independent, nonpartisan, and facilitate the collection and aggregation of data from the courts, corrections, parole and probation, and other agencies of criminal justice to further enable the Commission to efficiently and effectively evaluate criminal justice practices across the state.

Ms. Waller added that on March 21, 2019, the Office of Finance (GFO), Office of the Governor, submitted Budget Amendment A193191010 to modify personnel costs, reduce out-of-state travel costs, increase operating costs, add website development and maintenance costs, and add a cost allocation for fiscal services, resulting in additional General Fund appropriations of \$51,516 in FY 2020 and \$45,710 in FY 2021. Inclusive of the budget amendment, the Governor recommended total General Fund appropriations of \$415,632 in FY 2020 and \$495,513 in FY 2021 for the new Office of the Sentencing Commission. The table below summarized the Governor's budget, as originally recommended and inclusive of the proposed amendment.

Sentencing Commission Expenditures	Governor Recommended		Amended Gov. Rec.		Difference	
	FY 2020	FY 2021	FY 2020	FY 2021	FY 2020	FY 2021
Personnel	\$ 325,136	\$ 431,808	\$ 335,572	\$ 447,458	\$ 10,436	\$ 15,650
Out-of-State Travel	\$ 5,000	\$ 5,000	\$ 4,675	\$ 4,675	\$ (325)	\$ (325)
In-State Travel	\$ 9,120	\$ 9,120	\$ 9,120	\$ 9,120	\$ -	\$ -
Operating	\$ 358	\$ 354	\$ 14,177	\$ 14,293	\$ 13,819	\$ 13,939
Equipment	\$ 10,894	\$ -	\$ 10,894	\$ -	\$ -	\$ -
Information Services	\$ 11,758	\$ 1,671	\$ 33,344	\$ 12,117	\$ 21,586	\$ 10,446
Training	\$ 1,850	\$ 1,850	\$ 1,850	\$ 1,850	\$ -	\$ -
Cost Allocation	\$ -	\$ -	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
Total	\$ 364,116	\$ 449,803	\$ 415,632	\$ 495,513	\$ 51,516	\$ 45,710

Ms. Waller stated that to provide administrative support for the Commission, the Governor's budget, as originally recommended, included four new unclassified positions, including one bureau chief, one senior executive grants analyst, and two administrative assistants. All four positions were budgeted to start on October 1, 2019. Budget Amendment A193191010 proposed to change the recommended unclassified senior executive grants analyst position to an unclassified staff attorney position, requiring additional General Fund appropriations of \$10,436 in FY 2020 and \$15,650 in FY 2021, as reflected in the Personnel category in the table shown above. The bureau chief position was the equivalent of an administrator position in the Office of the Attorney General. It was determined the position should be an attorney and would function as the Executive Director of the Office and Secretary to the Sentencing Commission. As also recommended in Budget Amendment A193191010, the staff attorney position would be a licensed attorney in Nevada and perform collection and analysis of statistics and data and other duties as specified by the Executive Director. The two administrative assistant positions would be responsible for transcribing minutes, preparing and posting agendas, tracking expenditures, booking travel, and performing any other duties assigned by the Executive Director.

According to Ms. Waller, Assembly Bill 80, as amended, provided for the appointment of one Executive Director, who had to be an attorney, and one research analyst position, who might be an attorney, and two secretaries. As provided by A.B. 80, as amended, all four positions would be in the nonclassified service of the state, but that did not currently align with the four positions recommended in Budget Amendment A193191010. In response to Fiscal staff's request for clarification, the Governor's Finance Office said that an amendment to A.B. 80, as amended, would be forthcoming to modify the four positions from nonclassified service to match the classifications recommended in Budget Amendment A193191010 and remove the Office of the Sentencing Commission from the Office of the Governor to establish the Office as its own standalone agency within the Executive Branch. The GFO confirmed the four new positions would not be in the nonclassified service, because the Office would not report to the Governor, but rather the bureau chief and the staff attorney would be in the unclassified service, and the administrative assistant positions would be in the classified service.

Ms. Waller continued that as originally recommended, \$5,000 was budgeted for out-of-state travel in each year of the 2019-2021 biennium. Budget Amendment A193191010 recommended to reduce the out-of-state travel budget by \$325 to \$4,675 each year to align the funding with expenditures identified in the travel log. The out-of-state travel funding, as amended, would fund two out-of-state conferences for the Executive Director, as detailed in the table below.

Sentencing Commission Out-of-State Travel, as amended				
Position	Purpose	Destination	Duration	Annual Cost
Exec. Director	National Seminar on Sentencing Guidelines	New Orleans, LA	4 nights, 5 days	\$ 2,238
Exec. Director	National Seminar on Sentencing	Chicago, Illinois	3 nights, 4 days	\$ 2,437
			Total	\$ 4,675

Ms. Waller explained that Section 6 of NRS 176.0133 required the Commission to meet at least once every three months and provided that the Commission might meet at such further times as deemed necessary by the Chair of the Commission. Section 9 of NRS 176.0133 allowed each member of the Sentencing Commission, while engaged in the business of the Commission, to receive the per diem allowance and travel expenses provided for state officers and employees generally to the extent of legislative appropriation. General Fund appropriations of \$9,120 in each year of the 2019-2021 biennium were recommended to fund the per diem and in-state travel costs for the Executive Director and the staff attorney to attend and provide staff support for the quarterly meetings of the Commission and to fund the per diem and in-state travel costs of up to six Commission members to travel, when necessary, to attend the quarterly Commission meetings. The GFO indicated videoconferencing would be used as often as practical.

Budget Amendment A193191010 increased General Fund appropriations by \$13,189 in FY 2020 and \$13,939 in FY 2021 in the Operating category to add funding for operating supplies, printing and copying, rent, and mailroom costs, bringing the total recommended funding for the category to \$14,177 in FY 2020 and \$14,293 in FY 2021. General Fund appropriations of \$10,894 were recommended in the Equipment category for the purchase of office furniture for four new positions.

Ms. Waller stated that the Information Services category included General Fund appropriations totaling \$9,895 in FY 2020 for three desktop computers, one laptop, and one color printer. Based upon confirmation from the GFO that the desktop computers selected for purchase would be standard computers, Fiscal staff recommended a technical adjustment to modify the cost of the three desktop computers from high-cost to standard-cost computers resulting in a General Fund savings of \$1,230 in FY 2020. The GFO concurred with the technical adjustment. Budget Amendment A193191010 increased General Fund appropriations by \$21,586 in FY 2020 and \$10,446 in FY 2021 to support the development of a website and provide other information technology costs. As proposed in the budget amendment, funding for the development of a website and website maintenance totaled \$18,000 in FY 2020 and \$6,000 in FY 2021. Those amounts were based on an hourly rate of \$150 per hour for 120 hours in FY 2020 and \$150 per hour for 40 hours in FY 2021.

Ms. Waller noted that the master service agreement (MSA) hourly rate of \$150 used in the calculation of the cost for website development and website maintenance was incorrect. The MSA contractor rate for a web developer was \$95 per hour. If the recommendation, as amended, was approved, Fiscal staff recommended a technical adjustment to reduce the proposed funding included in Budget Amendment A193191010 for website development and maintenance from \$18,000 to \$11,400 (a savings of \$6,600) in FY 2020 and from \$6,000 to \$3,800 (a savings of \$2,200) in FY 2021. The GFO concurred with the proposed technical adjustment.

Ms. Waller added that the Governor recommended General Fund appropriations of \$1,850 in each year of the 2019-2021 biennium to fund one 3-day, 2-night, out-of-state trip to Phoenix, Arizona, for the Executive Director to attend the National Association of Criminal Defense Lawyers conference.

Ms. Waller asked whether the Committees wished to approve decision unit Enhancement (E) 350, inclusive of Budget Amendment A193191010 and with the noted technical adjustments, to fund personnel and associated operating costs for four full-time positions in the Office of the Sentencing Commission, for a total revised General Fund cost of \$407,802 in FY 2020 and \$493,313 in FY 2021, contingent upon the passage and approval of A.B. 80, as amended, or any other enacting legislation. Fiscal staff requested authority to make technical adjustments as necessary.

Chair Carlton said the discussions of A.B. 80 would occur at a later time. The budget was contingent upon how those discussions proceeded. The members would have the opportunity to ask more questions about the policy and how the Office would function. She suggested any comments, concerns, or questions be posed now.

There being no further questions or comments, Chair Carlton called for a motion.

SENATOR WOODHOUSE MOVED TO APPROVE DECISION UNIT ENHANCEMENT 350, INCLUSIVE OF BUDGET AMENDMENT A193191010 AND WITH THE NOTED TECHNICAL ADJUSTMENTS, TO FUND PERSONNEL AND ASSOCIATED OPERATING COSTS FOR FOUR FULL-TIME-EQUIVALENT POSITIONS IN THE OFFICE OF THE SENTENCING COMMISSION, FOR A TOTAL REVISED GENERAL FUND COST OF \$407,802 IN FY 2020 AND \$493,313 IN FY 2021, CONTINGENT UPON THE PASSAGE AND APPROVAL OF ASSEMBLY BILL 80, AS AMENDED, OR ANY OTHER ENACTING LEGISLATION, AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE MOTION.

Chair Carlton asked for any discussion on the motion.

Senator Kieckhefer said he served on the Nevada Sentencing Commission and an interim study recommended changes. The Governor's recommendation was considerably broader and more significant than the changes recommended by the interim study, and he was not prepared to support the changes. There being no further discussion, Chair Carlton called for the vote.

THE MOTION CARRIED. (Assemblymen Kramer, Titus, and Wheeler and Senators Goicoechea, Kieckhefer, and Settelmeyer voted no. Assemblyman Hambrick was not present for the vote.)

BUDGET CLOSED.

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Chair Carlton explained there would be no further business on the budget closings. Because of time constraints, four budget accounts would be deferred. The following budget accounts listed on the agenda were not heard, and were rescheduled for another day.

**ELECTED OFFICIALS
GOVERNOR'S OFFICE OF FINANCE
BUDGET DIVISION (101-1340)
BUDGET PAGE ELECTED-52**

**ELECTED OFFICIALS
GOVERNOR'S OFFICE OF FINANCE
DIV OF INTERNAL AUDITS (101-1342)
BUDGET PAGE ELECTED-57**

**ELECTED OFFICIALS
GOVERNOR'S OFFICE OF FINANCE
SPECIAL APPROPRIATIONS (101-1301)
BUDGET PAGE ELECTED-69**

**ELECTED OFFICIALS
GOVERNOR'S OFFICE OF FINANCE
SMART 21 (101-1325)
BUDGET PAGE ELECTED-61**

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Chair Carlton opened public comment, but there was none. There being no further business before the Committees, Chair Carlton adjourned the meeting [at 9:09 a.m.].

RESPECTFULLY SUBMITTED:

Janice Wright
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

Senator Joyce Woodhouse, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.