

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

**Eighty-first Session  
April 14, 2021**

The joint meeting of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Chris Brooks at 8:10 a.m. on Wednesday, April 14, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**SENATE COMMITTEE MEMBERS PRESENT:**

Senator Chris Brooks, Chair  
Senator Moises Denis, Vice Chair  
Senator Julia Ratti  
Senator Nicole J. Cannizzaro  
Senator Marilyn Dondero Loop  
Senator Ben Kieckhefer  
Senator Pete Goicoechea  
Senator Scott Hammond  
Senator Heidi Seevers Gansert

**ASSEMBLY COMMITTEE MEMBERS PRESENT:**

Assemblywoman Maggie Carlton, Chair  
Assemblywoman Daniele Monroe-Moreno, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Jason Frierson  
Assemblywoman Michelle Gorelow  
Assemblyman Gregory T. Hafen II  
Assemblywoman Sandra Jauregui  
Assemblyman Glen Leavitt  
Assemblywoman Brittney Miller  
Assemblywoman Sarah Peters  
Assemblyman Tom Roberts  
Assemblywoman Robin L. Titus  
Assemblywoman Jill Tolles  
Assemblyman Howard Watts

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**STAFF MEMBERS PRESENT:**

Wayne Thorley, Senate Fiscal Analyst  
Sarah Coffman, Assembly Fiscal Analyst  
Alex Haartz, Principal Deputy Fiscal Analyst  
Brody Leiser, Principal Deputy Fiscal Analyst  
Stephanie Day, Senior Program Analyst  
Christian Thauer, Program Analyst  
Melodie Swanson, Committee Secretary  
Tom Weber, Committee Secretary

**OTHERS PRESENT:**

Rick Stefani, Chief Information Officer, Administrative Office of the Courts,  
Nevada Supreme Court  
The Honorable James Hardesty, Chief Justice, Nevada Supreme Court

**CHAIR BROOKS:**

The Committees will begin by hearing closing recommendations for the Nevada Commission on Judicial Discipline budget account (B/A) 101-1497.

**LEGISLATIVE/JUDICIAL**

**JUDICIAL BRANCH**

Judicial Discipline — Budget Page JUDICIAL-72 (Volume I)  
Budget Account 101-1497

**STEPHANIE DAY (Senior Program Analyst):**

The budget closing recommendations of the Legislative Counsel Bureau, Fiscal Analysis Division for B/A 101-1497 begin on page 3 of Closing List #4 ([Exhibit B](#)). This budget was first heard by these Committees on February 17, 2021. Pursuant to *Nevada Revised Statutes* (NRS) 353.246, the budgets for the Judicial Branch are included in the Executive Budget but are not subject to review by Governor Steve Sisolak. Therefore, B/A 101-1497 represents the budget request of the Nevada Commission on Judicial Discipline.

There is one major closing issue within B/A 101-1497 involving the new investigative attorney being requested through enhancement decision unit E-225. A summary of issues pertaining to decision unit E-225 is described on page 4 of [Exhibit B](#).

#### E-225 Efficiency & Innovation — Page JUDICIAL-74

The Commission requested a budget amendment on January 25, 2021, to add a General Fund appropriation in fiscal year (FY) 2021-2022 of \$11,088. This appropriation will fund moving costs associated with the new investigative attorney position. This includes \$2,013 in moving costs and \$9,075 in Telecommunications Industry Association Category 6 voice and cabling costs related to the move. Additional details provided by the Commission during the hearing on February 17, 2021, regarding decision unit E-225 are presented on pages 4 and 5 of [Exhibit B](#).

During the hearing on February 17, 2021, the Commission indicated it received allocations from the Interim Finance Committee's (IFC) Contingency Account and supplemental appropriations for the last three fiscal years. This is due to the significant increase in judicial complaints filed and investigated by the Commission. The Commission also stated it lacks the necessary staff to address the increase in the complaints received and to address and defend the increased number of legal disputes brought against the Commission.

Additional information and updates provided by the Commission regarding decision unit E-225 after the hearing on February 17, 2021, are shown on page 5 of [Exhibit B](#). The investigative attorney would work with contracted independent investigators on increasing caseloads by helping defend against various writs and appeals filed with the Nevada Supreme Court. In response to questions from the Committees' members regarding office space for the new investigative attorney, the Commission stated it is in the process of looking for additional space in the building that it shares with the Office of the Governor, Office of Economic Development.

Do the Committees wish to approve the addition of an investigative attorney with associated costs? If so, do the Committees also wish to approve a General Fund appropriation of \$11,088 in FY 2021-2022 to fund moving costs inadvertently excluded from the Commission's request?

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN B/A 101-1497 THE ADDITION OF AN INVESTIGATIVE ATTORNEY IN DECISION UNIT E-225 WITH ASSOCIATED COSTS AND APPROVE A GENERAL FUND APPROPRIATION OF \$11,088 IN FY 2021-2022 TO FUND MOVING COSTS INADVERTENTLY EXCLUDED FROM THE COMMISSION'S REQUEST.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN BENITEZ-THOMPSON WAS EXCUSED FOR THE VOTE.)

SENATE: THE MOTION CARRIED. (SENATOR CANNIZZARO WAS EXCUSED FOR THE VOTE.)

\* \* \* \* \*

Ms. DAY:

Other closing items 1 and 2 within B/A 101-1497 are described on page 5 of [Exhibit B](#). Both closing items appear reasonable to Fiscal staff. Additional information regarding B/A 101-1497 is provided on page 6 of [Exhibit B](#).

Fiscal staff recommends the other closing item adjustments be approved as recommended by the Commission and requests authority for Fiscal staff to make technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE THE OTHER CLOSING ITEMS WITHIN B/A 101-1497 BEGINNING ON PAGE 5 OF [EXHIBIT B](#) AS RECOMMENDED BY THE COMMISSION AND AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN BENITEZ-THOMPSON WAS EXCUSED FOR THE VOTE.)

SENATE: THE MOTION CARRIED. (SENATOR CANNIZZARO WAS EXCUSED FOR THE VOTE.)

BUDGET CLOSED.

\* \* \* \* \*

CHAIR BROOKS:

The Committees will now hear an overview and closing recommendations for budgets within the Judicial Branch.

MS. DAY:

An overview of Judicial Branch budget accounts is provided on pages 7 and 8 of [Exhibit B](#). Pursuant to NRS 353.246, the budgets for the Judicial Branch are included in the Executive Budget but are not subject to review by the Governor. Therefore, the budgets represent the budget request of the Judicial Branch.

The Judicial Branch budgets are supported primarily through General Fund appropriations and court administrative assessments. Pursuant to NRS 176.059, not less than 51 percent of the court administrative assessment revenues deposited in the General Fund must be distributed to the Supreme Court, Office of Court Administrator for allocation among various Judicial Branch budgets based on the percentage distribution set in NRS 176.059 subsection 8, paragraph (a), and not more than 49 percent must be distributed to various Executive Branch budgets to the extent of legislative authorization. Any court administrative assessments not distributed to the Judicial and Executive Branch budgets must be transferred to the uncommitted balance of the General Fund.

The table on page 8 of [Exhibit B](#) displays the distribution of court administrative assessments for the 2019-2021 biennium and 2021-2023 biennium as reflected in the Executive Budget. The FY 2021-2022 grand total of \$21,680,858 and the FY 2022-2023 grand total of \$22,950,666 are based on the Judicial Branch's December 2020 projections. Updated projections are anticipated towards the end of April 2021. The Executive Budget recommends 62 percent of total court administrative assessments to be distributed to the Judicial Branch for the 2021-2023 biennium, which equates to \$13,442,133 in FY 2021-2022 and \$14,229,043 in FY 2022-2023.

There are three major closing issues regarding decision units that are used in multiple Judicial Branch budget accounts. The first major closing issue relates to

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shifting court administrative assessments and impacts to operating reserve levels requested through decision unit E-245 within B/A 101-1483, B/A 101-1486 and B/A 101-1487. This major closing issue is described on pages 9 and 10 of [Exhibit B](#).

Administrative Office of the Courts — Budget Page JUDICIAL-35 (Volume I)  
Budget Account 101-1483

E-245 Efficiency & Innovation — Page JUDICIAL-38

Uniform System of Judicial Records — Budget Page JUDICIAL-49 (Volume I)  
Budget Account 101-1486

E-245 Efficiency & Innovation — Page JUDICIAL-53

Judicial Education — Budget Page JUDICIAL-56 (Volume I)  
Budget Account 101-1487

E-245 Efficiency & Innovation — Page JUDICIAL-58

The final operating reserve levels in B/A 101-1483 as submitted by the Judicial Branch were recalculated and, after consultation between the Office of the Courts and Fiscal staff, it was agreed B/A 101-1483 has excess reserve funding. Therefore, the shifting of court administrative assessments between Judicial Branch accounts is no longer necessary and the Supreme Court recommends the elimination of decision unit E-245 in B/A 101-1483, B/A 101-1486 and B/A 101-1487.

There are operating reserve levels in the Judicial Branch budget accounts containing administrative assessments. Budget account 101-1483, B/A 101-1486, B/A 101-1487 and B/A 101-1495 are funded through court administrative assessments and other revenues.

Specialty Court — Budget Page JUDICIAL-61 (Volume I)  
Budget Account 101-1495

Additional information on the operating reserve levels and use of court administrative assessments within B/A 101-1483, B/A 101-1486,

B/A 101-1487 and B/A 101-1495 is provided on pages 9 and 10 of [Exhibit B](#). The actual impact of the Nevada Marsy's Law on court administrative assessments is unknown due to the Covid-19 pandemic.

Budget account 101-1487 has a Leadership Summit reserve category related to the Global Leadership Network's Global Leadership Summit occurring every four years.

Budget account 101-1495 has a special reserve category to ensure funding is available to continue transfers to the Office of the Courts, Specialty Court Program and avoid reductions in the Specialty Court Program in the event actual revenues are less than anticipated. The Specialty Court Program recommends the special reserve category within B/A 101-1495 remain at \$300,000.

During the hearing on February 17, 2021, Supreme Court Chief Justice James Hardesty testified the court administrative assessments have no correlation with the functions of the Supreme Court since traffic tickets are heard jurisdictionally by justices of the peace and the municipal courts. The Supreme Court is not involved unless a case is presented to it. It was further stated court administrative assessments are an unstable funding source because they are difficult to project. The generation of these assessments has been impacted by the Covid-19 pandemic and the incorporation of Marsy's Law into the Nevada Constitution in 2018, which requires restitution be collected on many charges first.

Bill Draft Request (BDR) S-1138 would continue the current distribution of court administrative assessments in NRS 176.059 section 8, paragraph (a) between Judicial Branch budgets as recommended in the Executive Budget and displayed in the table on page 8 of [Exhibit B](#), which expires by limitation on June 30, 2021.

**BILL DRAFT REQUEST S-1138:** Revises provisions relating to administrative assessments. (Later introduced as [Senate Bill 436](#).)

Do the Committees wish to not approve decision unit E-245 in B/A 101-1483, B/A 101-1486 and B/A 101-1487 as recommended by the Judicial Branch, since it has been determined that they are no longer necessary? In addition, do the Committees wish to allow the Judicial Branch to maintain an operating

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reserve level of at least 120 days in B/A 101-1483, B/A 101-1486, B/A 101-1487 and B/A 101-1495 for the 2021-2023 biennium?

CHAIR BROOKS:

Regarding the Judicial Branch funding sources shown in the table on page 7 of [Exhibit B](#), there is a 5.2 percent increase between the budgets the Legislature approved during the 2019-2021 biennium before the Covid-19 pandemic and the budget amounts the Judicial Branch is requesting during the 2021-2023 biennium. Is there a 5 percent increase in the amount of General Fund appropriations currently flowing into Judicial Branch budgets?

Ms. DAY:

There is a total 5.1 percent increase in the Judicial Branch budgets between the 2019-2021 and 2021-2023 biennia. The total amount of General Fund appropriations flowing into Judicial Branch budgets increased 5 percent between the 2019-2021 and 2021-2023 biennia. The increase in General Fund appropriations makes up the majority of the net 5.2 percent increase in Judicial Branch budgets between the 2019-2021 and 2021-2023 biennia. General Fund appropriations are the largest funding source of Judicial Branch budgets, as shown on page 7 of [Exhibit B](#).

ASSEMBLYWOMAN CARLTON:

I have had several conversations with Chief Justice Hardesty regarding the dependence of Judicial Branch budgets on court administrative assessment revenue. A large decrease in court assessment revenue during the Covid-19 pandemic shows we need to move away from depending on court assessments to fund Nevada's court system. If everyone obeyed the law, there would not be enough court assessment revenue to run the State's court systems.

I believe maintaining an operating reserve level of at least 120 days in B/A 101-1483, B/A 101-1486, B/A 101-1487 and B/A 101-1495 for the 2021-2023 biennium is necessary to ensure the court system has the necessary resources to operate efficiently in case of another emergency. We have gradually moved away from funding Judicial Branch budgets with court assessments, and I hope this work continues. I typically would not approve maintaining reserve levels at 120 days, but in this case I feel it is the best path forward.



SENATOR KIECKHEFER:

Budget account 101-1483, B/A 101-1486 and B/A 101-1495 are requesting operating reserve levels in excess of 120 days for the 2021-2023 biennium. Setting an operating reserve level at 120 days is the minimum amount of days it can be set at. Is there any restriction on how many days the operating reserve level of Judicial Branch budgets can be set at?

Ms. DAY:

These Committees are responsible for setting the level of operating reserves for B/A 101-1483, B/A 101-1486, B/A 101-1487 and B/A 101-1495. If the Committees want this reserve level set at exactly 120 days, Judicial Branch and Fiscal staff can shift court assessments between budgets to ensure an operating reserve level of 120 days. There are no restrictions preventing the Judicial Branch from setting the reserves of its budgets at a higher level unless these Committees choose to set these levels.

SENATOR KIECKHEFER:

It makes sense to provide additional flexibility to agencies wishing to set their reserves at a certain level, given the amount of uncertainty currently being experienced by the State. I am glad the operating reserve levels of B/A 101-1483, B/A 101-1486, B/A 101-1487 and B/A 101-1495 are not strictly set to 120 days.

CHAIR BROOKS:

The Judicial Branch budgets are included in the Executive Budget but are not subject to review by the Governor. However, the Governor asked Executive Branch agencies to work a 12 percent decrease in General Fund appropriations into their budgets for the 2021-2023 biennium. Why is there a 5 percent increase in the amount of General Fund appropriations for Judicial Branch budgets during the 2021-2023 biennium?

Ms. DAY:

As the Executive Branch has done, the Judicial Branch has built in a 12 percent decrease to its operating budgets. However, there are exceptions. Positions within the Judicial Branch are still fully funded. Although a 12 percent reduction has been built into Judicial Branch budgets, actual General Fund appropriations flowing into these budgets might not experience a 12 percent reduction when

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funding positions at 100 percent and taking into consideration other adjustments which may occur when budgets are built.

CHAIR BROOKS:

If all Judicial Branch funding sources grew by 5.2 percent and the amount of General Fund appropriations grew by 5 percent, how has there been a 12 percent reduction in General Fund appropriations? Was there a need for a 5 percent increase among Judicial Branch budgets?

MS. DAY:

In addition to the standard operating items included in all Judicial Branch budgets, the amounts shown in the table on page 7 of [Exhibit B](#) also include one-time costs associated with information technology projects included in decision units. There are many one-time costs which could be included in this 5 percent budget increase. These costs would be in addition to the ongoing appropriations received by the Judicial Branch.

CHAIR BROOKS:

The Judicial Branch has cut its operating expenses by 12 percent, but its budgets still experienced one-time costs resulting in an overall 5 percent increase. Is this correct?

MS. DAY:

Correct. With the reduction of administrative assessments within Judicial Branch budgets, there are corresponding increases in General Fund appropriations necessary to fund these budgets.

ASSEMBLYWOMAN CARLTON:

Did the Supreme Court take furloughs?

MS. DAY:

Yes.

ASSEMBLYWOMAN CARLTON MOVED TO NOT APPROVE DECISION UNIT E-245 IN B/A 101-1483, B/A 101-1486 AND B/A 101-1487 AS RECOMMENDED BY THE JUDICIAL BRANCH SINCE IT HAS BEEN DETERMINED TO NO LONGER BE NECESSARY AND ALLOW THE JUDICIAL BRANCH TO MAINTAIN AN OPERATING RESERVE LEVEL OF

AT LEAST 120 DAYS IN B/A 101-1483, B/A 101-1486, B/A 101-1487  
AND B/A 101-1495 FOR THE 2021-2023 BIENNIUM.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMEN  
BENITEZ-THOMPSON AND JAUREGUI WERE EXCUSED FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. DAY:

The second major closing issue regarding Judicial Branch budgets deals with the Supreme Court's Multi-County Integrated Justice Information System (MCIJIS). Adjustments to the MCIJIS are being requested through decision units E-351 and E-352 within B/A 101-1494 and E-228 and E-229 within B/A 101-1486 as detailed on pages 11 and 12 of [Exhibit B](#).

Supreme Court — Budget Page JUDICIAL-11 (Volume I)  
Budget Account 101-1494

E-351 Promoting Healthy, Vibrant Communities — Page JUDICIAL-16  
E-352 Promoting Healthy, Vibrant Communities — Page JUDICIAL-16  
E-228 Efficiency & Innovation — Page JUDICIAL-52  
E-229 Efficiency & Innovation — Page JUDICIAL-52

Decision unit E-351 within B/A 101-1494 requests a General Fund appropriation of \$192,120 in FY 2021-2022 to upgrade the MCIJIS interface with the Department of Public Safety's (DPS) Nevada Criminal Justice Information System (NCJIS) to allow the Supreme Court to continue electronically exchanging information such as warrants, dispositions, and Department of Motor Vehicles (DMV) convictions.

Decision unit E-228 within B/A 101-1486 requests a reduction of \$23,168 to reserve levels in FY 2022-2023 for a load balancer which will be used to enhance the MCIJIS' broker software since there is a single point of failure with

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the current environment and the case management system for the trial courts JWorks project due to the increasing number of courts using the system.

Do the Committees wish to approve total funding of \$281,079 in FY 2021-2022 and \$83,618 in FY 2022-2023 for changes to MCIJIS as recommended by the Judicial Branch? If so, Fiscal staff suggests back language in the General Appropriations Act to allow the Judicial Branch to balance forward General Fund appropriations in B/A 101-1494 for decision units E-351 and E-352 remaining at the end of FY 2021-2022 to FY 2022-2023 to ensure the completion of the projects.

SENATOR SEEVERS GANSERT:

The DPS, Records, Communications and Compliance Division, Central Repository for Nevada Records of Criminal History sends and receives information via fax machine. Would enhancing MCIJIS allow for the electronic transfer of criminal records relating to domestic violence, felonies and mental health adjudication?

Ms. DAY:

The request in decision unit E-351 is related to NCJIS and will allow warrants, dispositions and DMV convictions to be transmitted electronically. Additionally, decision unit E-352 allows for the electronic transmittal of temporary protective orders. I do not know what other effects could be realized through the enhancement of MCIJIS.

RICK STEFANI (Chief Information Officer, Administrative Office of the Courts, Nevada Supreme Court):

Through decision units E-351 and E-352 in B/A 101-1494, the Supreme Court is requesting to upgrade the interfaces of MCIJIS to better allow for the electronic transfer of criminal records between the Supreme Court and the Repository. The DPS is upgrading NCJIS which is necessary to continue the electronic transfer of data. This is all part of the DPS' NCJIS modernization plan.

SENATOR SEEVERS GANSERT:

Many components of NCJIS are outdated, and I appreciate the investment in its modernization.

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ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN B/A 101-1494 TOTAL FUNDING OF \$281,079 IN FY 2021-2022 AND \$83,618 IN FY 2022-2023 FOR CHANGES TO MCIJIS AS RECOMMENDED BY THE JUDICIAL BRANCH AND APPROVE BACK LANGUAGE IN THE GENERAL APPROPRIATIONS ACT TO ALLOW THE JUDICIAL BRANCH TO BALANCE FORWARD GENERAL FUND APPROPRIATIONS IN B/A 101-1494 FOR DECISION UNITS E-351 AND E-352 REMAINING AT THE END OF FY 2021-2022 TO FY 2022-2023 TO ENSURE THE COMPLETION OF THE PROJECTS AS SHOWN ON PAGE 11 OF [EXHIBIT B](#).

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. DAY:

The third major closing issue regarding Judicial Branch budgets is the request for a remote desktop server through decision unit E-365 within B/A 101-1494, B/A 101-1489, B/A 101-2889, B/A 101-1483, B/A 101-1484, B/A 101-1486, B/A 101-1487 and B/A 101-1495 as described on pages 12 and 13 of [Exhibit B](#).

E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-16

Court of Appeals — Budget Page JUDICIAL-20 (Volume I)  
Budget Account 101-1489

E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-22

Law Library — Budget Page JUDICIAL-30 (Volume I)  
Budget Account 101-2889

E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-32

E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-40

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Judicial Programs and Services Division — Budget Page JUDICIAL-43 (Volume I)  
Budget Account 101-1484

E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-46  
E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-53  
E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-58  
E-365 Promoting Healthy, Vibrant Communities — Page JUDICIAL-63

The other closing items in the Judicial Branch budgets include the request to replace computer equipment contained in decision unit E-710 for B/A 101-1494, B/A 101-1489, B/A 101-2889, B/A 101-1483, B/A 101-1484, B/A 101-1486, B/A 101-1487 and B/A 101-1495; and the request to upgrade the Microsoft Windows Server software contained in decision unit E-715 for B/A 101-1494, B/A 101-1483, B/A 101-1484 and B/A 101-1486 as discussed on pages 13 and 14 of [Exhibit B](#).

E-710 Equipment Replacement — Page JUDICIAL-17  
E-710 Equipment Replacement — Page JUDICIAL-23  
E-710 Equipment Replacement — Page JUDICIAL-32  
E-710 Equipment Replacement — Page JUDICIAL-41  
E-710 Equipment Replacement — Page JUDICIAL-46  
E-710 Equipment Replacement — Page JUDICIAL-54  
E-710 Equipment Replacement — Page JUDICIAL-59  
E-710 Equipment Replacement — Page JUDICIAL-64  
E-715 Equipment Replacement — Page JUDICIAL-17  
E-715 Equipment Replacement — Page JUDICIAL-41  
E-715 Equipment Replacement — Page JUDICIAL-47  
E-715 Equipment Replacement — Page JUDICIAL-54

One-shot appropriations and authorizations requested in the Executive Budget for the Judicial Branch are described on page 14 of [Exhibit B](#). During the February 17, 2021, budget hearing, the Supreme Court stated it should know by May 2021 if the \$1.3 million General Fund one-shot appropriation in FY 2020-2021 for the Statewide case management system in the trial courts would be needed.

FY 2021 One-Shot: This request funds initial implementation of a Statewide case management system in the trial courts. (BUDGET OVERVIEW-25)

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Do the Committees wish to approve General Fund appropriations of \$67,644 and reserve reductions of \$24,671 in FY 2021-2022 for a remote desktop server solution as recommended by the Judicial Branch? Fiscal staff recommends the other closing items related to decision units E-710 and E-715 provided for B/A 101-1494, B/A 101-1489, B/A 101-2889, B/A 101-1483, B/A 101-1484, B/A 101-1486, B/A 101-1487 and B/A 101-1495 be approved as recommended by the Judicial Branch and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN B/A 101-1494, B/A 101-1489, B/A 101-2889, B/A 101-1483, B/A 101-1484, B/A 101-1486, B/A 101-1487 AND B/A 101-1495 GENERAL FUND APPROPRIATIONS OF \$67,644 AND RESERVE REDUCTIONS OF \$24,671 IN FY 2021-2022 FOR A REMOTE DESKTOP SERVER SOLUTION AS RECOMMENDED BY THE JUDICIAL BRANCH AND APPROVE THE OTHER CLOSING ITEMS LISTED ON PAGE 13 OF [EXHIBIT B](#) AS RECOMMENDED BY THE JUDICIAL BRANCH WITH THE AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. DAY:

Fiscal staff's closing recommendations for B/A 101-1494 are discussed on pages 15 through 18 of [Exhibit B](#). The Supreme Court and the Court of Appeals, which was created in 2014, anticipate having a backlog of cases to work through during the 2021-2023 biennium.

There is one major closing issue within B/A 101-1494 involving the restructuring of the Las Vegas Municipal Court Marshal's Office requested through decision units E-225, E-226, E-248, E-350 and a Judicial Branch budget

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amendment for the Las Vegas Marshal's Office ([Exhibit C](#)). This issue is discussed on pages 16 and 17 of [Exhibit B](#).

E-225 Efficiency & Innovation — Page JUDICIAL-13  
E-226 Efficiency & Innovation — Page JUDICIAL-13  
E-248 Efficiency & Innovation — Page JUDICIAL-15  
E-350 Promoting Healthy, Vibrant Communities — Page JUDICIAL-15

The Judicial Branch submitted a budget amendment to Fiscal staff on February 3, 2021, related to the Marshal's Office located in Las Vegas. The budget amendment includes a net decrease in General Fund appropriations of \$12,603 over the 2021-2023 biennium compared to the original budget submission.

During the hearing on February 17, 2021, Chief Justice Hardesty indicated the information technology items recommended for revision or elimination could be purchased in the 2019-2021 biennium with funds the Supreme Court was allowed to balance forward from FY 2019-2020 to FY 2020-2021 during the Thirty-first Special Session. Chief Justice Hardesty also stated the chief marshal serves as a functioning marshal with line duties in addition to chief duties and the recommended adjustments to the marshal position would provide the Supreme Court with four full-time officers each in Carson City and Las Vegas. These officers will be certified by the Peace Officers' Standards and Training Commission. In response to questions by Committee members, the Supreme Court indicated the chief marshal position was filled in the Supreme Court Carson City office effective March 1, 2021. The previous chief marshal in this location retired.

Do the Committees wish to approve for B/A 101-1494 the restructure of the Las Vegas Marshal's Office per the Judicial Branch's recommendation including the budget amendment, for total General Fund appropriations of \$24,297 in FY 2021-2022 and \$27,952 in FY 2022-2023, which includes a decrease in security contract costs as well as the recommended revision or elimination of several information technology requests?

There are seven other closing items requested through decision units E-227; E-228; E-229; E-240; E-351 and E-352; E-365; and E-710 and E-715 within



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B/A 101-1494 which appear reasonable to Fiscal staff. These items are detailed on pages 17 and 18 of [Exhibit B](#).

E-227 Efficiency & Innovation — Page JUDICIAL-13  
E-228 Efficiency & Innovation — Page JUDICIAL-14  
E-229 Efficiency & Innovation — Page JUDICIAL-14  
E-240 Efficiency & Innovation — Page JUDICIAL-14

Fiscal staff recommends other closing items 1 through 4 for B/A 101-1494 be approved as recommended by the Judicial Branch, other closing items 5 through 7 be approved consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE FOR B/A 101-1494 THE RESTRUCTURE OF THE LAS VEGAS MARSHAL'S OFFICE PER THE JUDICIAL BRANCH'S RECOMMENDATION INCLUDING THE BUDGET AMENDMENT FOR TOTAL GENERAL FUND APPROPRIATIONS OF \$24,297 IN FY 2021-2022 AND \$27,952 IN FY 2022-2023, WHICH INCLUDES A DECREASE IN SECURITY CONTRACT COSTS AS WELL AS THE RECOMMENDED REVISION OR ELIMINATION OF SEVERAL INFORMATION TECHNOLOGY REQUESTS; APPROVE OTHER CLOSING ITEMS 1 THROUGH 4 ON PAGE 17 OF [EXHIBIT B](#) AS RECOMMENDED BY THE JUDICIAL BRANCH; APPROVE OTHER CLOSING ITEMS 5 THROUGH 7 CONSISTENT WITH THE COMMITTEES' APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

\* \* \* \* \*

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Ms. DAY:

Fiscal staff's closing recommendations for B/A 101-1489 are discussed on pages 19 through 22 of [Exhibit B](#).

There are two major closing issues within B/A 101-1489. The first major closing issue pertains to the reclassification of three judicial chambers administrator positions being requested through decision unit E-238.

E-238 Efficiency & Innovation — Page JUDICIAL-22

Additional General Fund appropriations of \$160,855 over the 2021-2023 biennium would be required to budget the reclassified positions at the maximum allowable unclassified salary. This would be consistent with other unclassified staff attorney positions in the Judicial Branch. The original salary request for the three judicial chambers administrator positions was set at less than the maximum allowable unclassified salary. The other unclassified positions in the Judicial Branch are set at the maximum allowable salary.

Do the Committees wish to approve for B/A 101-1489 the reclassification of three judicial chambers administrator positions to staff attorneys? If so, do the Committees wish to add General Fund appropriations of \$90,114 in FY 2021-2022 and \$70,741 in FY 2022-2023 to allow for the positions to be budgeted at the maximum allowable salary for unclassified staff attorney positions of \$107,676 each, which is consistent with other unclassified staff attorney positions Statewide?

ASSEMBLYWOMAN CARLTON:

I am apprehensive the reclassification of the positions is anticipated to result in two layoffs, but I understand the need to reclassify the three judicial chambers administrator positions to unclassified staff attorneys. However, I think having a non-attorney position can sometimes bring attorneys back to reality. Will other positions or vacancies be available in other areas the two staff who may be laid off can move into?

JAMES HARDESTY (Chief Justice, Nevada Supreme Court):

The Court of Appeals does have vacancies the staff who may be laid off would be eligible to move into, but they may not be at the same salary level. The salaries of the judicial chambers administrator positions may not be

commensurate with some of the empty positions. One of the individuals who may be laid off is currently pursuing a law degree and may not desire to move into an empty position. We are attempting to make positions within the same salary range available.

ASSEMBLYWOMAN CARLTON:

Why do the judicial chambers administrator positions need to be reclassified as staff attorneys and not administrators? Administrators are needed to help manage courtrooms, so the expertise of a staff attorney can be used elsewhere.

CHIEF JUSTICE HARDESTY:

The role of the judicial chambers administrator position is a combination of paralegal and secretarial work. The judges who sit on the Court of Appeals do not require the same needs or services as Supreme Court justices. The Court of Appeals hears cases regarding error corrections or cases in which briefing has already been completed. We are trying to apply the highest level of lawyer review to error correction cases to increase production within the Court of Appeals. Easily 80 percent of the cases filed with the Supreme Court are error correction cases. Many of these are pushed down to the Court of Appeals, resulting in a recurring case type handled by the Court of Appeals. Having additional lawyers reviewing this work and preparing decisions and memorandums for judges to decide on would make the Court of Appeals far more productive.

Over the last six years, the Supreme Court has learned combining a paralegal secretarial position and a judicial chambers administrator into one position is not very productive. The duties of a judicial chambers administrator are vastly different than those of a staff attorney. The administration of the chambers within the Court of Appeals is very minimal as its operations are largely managed by Supreme Court staff. This avoids duplication of administrative costs experienced by both appellate courts. The only role of the Court of Appeals is to hear and decide on cases.

ASSEMBLYWOMAN CARLTON:

I am glad the administrative work of the Court of Appeals will still be handled despite the reclassification of the judicial chambers administrator positions.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE FOR B/A 101-1489 THE RECLASSIFICATION OF THREE JUDICIAL CHAMBERS ADMINISTRATOR POSITIONS TO STAFF ATTORNEYS AND ADD GENERAL FUND APPROPRIATIONS OF \$90,114 IN FY 2021-2022 AND \$70,741 IN FY 2022-2023 TO ALLOW FOR THE POSITIONS TO BE BUDGETED AT THE MAXIMUM ALLOWABLE SALARY FOR UNCLASSIFIED STAFF ATTORNEY POSITIONS OF \$107,676 EACH, WHICH IS CONSISTENT WITH OTHER UNCLASSIFIED STAFF ATTORNEY POSITIONS STATEWIDE.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Ms. DAY:

The second major closing issue within B/A 101-1489 pertains to the reclassification of a supervisory staff attorney being requested through decision unit E-239. This issue is discussed on pages 21 and 22 of [Exhibit B](#).

E-239 Efficiency & Innovation — Page JUDICIAL-22

Other closing items 1 and 2 within B/A 101-1489 are detailed on page 22 of [Exhibit B](#).

Do the Committees wish to approve in B/A 101-1489 General Fund appropriations of \$14,094 in each year of the 2021-2023 biennium for the reclassification of an unclassified supervisory staff attorney to a nonclassified supervisory staff attorney II position? Fiscal staff recommends other closing items 1 and 2 be approved consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN B/A 101-1489 GENERAL FUND APPROPRIATIONS OF \$14,094 IN EACH

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YEAR OF THE 2021-2023 BIENNIUM FOR THE RECLASSIFICATION OF AN UNCLASSIFIED SUPERVISORY STAFF ATTORNEY TO A NONCLASSIFIED SUPERVISORY STAFF ATTORNEY II POSITION, APPROVE OTHER CLOSING ITEMS 1 AND 2 ON PAGE 22 OF [EXHIBIT B](#) CONSISTENT WITH THE COMMITTEES' APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

\* \* \* \* \*

Ms. DAY:

Fiscal staff's closing recommendations for B/A 101-2889 are discussed on pages 23 and 24 of [Exhibit B](#).

There are no major closing issues within B/A 101-2889. Other closing item 1 pertains to a position reclassification being requested through decision unit E-225 and appears reasonable to Fiscal staff. Other closing items 2 and 3 within B/A 101-2889 are discussed on page 24 of [Exhibit B](#).

E-225 Efficiency & Innovation — Page JUDICIAL-32

Fiscal staff recommends other closing item 1 be approved as recommended by the Judicial Branch and other closing items 2 and 3 be approved consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE FOR B/A 101-2889 OTHER CLOSING ITEM 1 AS RECOMMENDED BY THE JUDICIAL BRANCH, APPROVE OTHER CLOSING ITEMS 2 AND 3 ON PAGE 24 OF [EXHIBIT B](#) CONSISTENT WITH THE COMMITTEES'

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APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN ROBERTS WAS EXCUSED FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

\* \* \* \* \*

Ms. DAY:

Fiscal staff's closing recommendations for B/A 101-1483 are discussed on pages 25 and 26 of [Exhibit B](#).

There are no major closing issues within B/A 101-1483 and other closing items 1 through 8 appear reasonable to Fiscal staff. Other closing items 9 through 11 are detailed on page 26 of [Exhibit B](#).

Fiscal staff recommends other closing items 1 through 8 be approved as recommended by the Judicial Branch, other closing items 9 through 11 be approved consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE FOR B/A 101-1483 OTHER CLOSING ITEMS 1 THROUGH 8 AS RECOMMENDED BY THE JUDICIAL BRANCH, APPROVE OTHER CLOSING ITEMS 9 THROUGH 11 ON PAGE 26 OF [EXHIBIT B](#) CONSISTENT WITH THE COMMITTEES' APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

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ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

\* \* \* \* \*

Ms. DAY:

Fiscal staff's closing recommendations for B/A 101-1486 are described on pages 27 and 28 of [Exhibit B](#).

There are no major closing issues within B/A 101-1486 and other closing items 1 through 4 appear reasonable to Fiscal staff. Other closing items 5 through 8 are discussed on page 28 of [Exhibit B](#).

Fiscal staff recommends other closing items 1 through 4 be approved as recommended by the Judicial Branch, other closing items 5 through 8 be approved consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE FOR B/A 101-1486 OTHER CLOSING ITEMS 1 THROUGH 4 ON PAGE 28 OF [EXHIBIT B](#) AS RECOMMENDED BY THE JUDICIAL BRANCH, APPROVE OTHER CLOSING ITEMS 5 THROUGH 8 CONSISTENT WITH THE COMMITTEES' APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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BUDGET CLOSED.

\* \* \* \* \*

CHAIR BROOKS:

Fiscal staff is responsible for developing the closing recommendations for B/A 101-1490, B/A 101-1496, B/A 101-1484, B/A 101-1487, B/A 101-1495, B/A 101-1493 and B/A 101-1491. The Committees have not previously reviewed these budgets.

State Judicial Elected Officials — Budget Page JUDICIAL-25 (Volume I)  
Budget Account 101-1490

Senior Justice & Senior Judge Program — Budget Page JUDICIAL-28 (Volume I)  
Budget Account 101-1496

Judicial Support, Governance and Special Events — Budget Page JUDICIAL-66  
(Volume I)  
Budget Account 101-1493

Judicial Retirement System State Share — Budget Page JUDICIAL-68 (Volume I)  
Budget Account 101-1491

Ms. DAY:

Budget account 101-1490 is described on pages 29 and 30 of [Exhibit B](#) and funds the salaries and fringe benefit costs of the justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts of Nevada.

ASSEMBLYWOMAN MILLER:

Does B/A 101-1490 contain requests to increase salaries and benefits beyond what is set in statute?

Ms. DAY:

Pursuant to NRS 213.015, NRS 2A.080 and NRS 3.030, in certain circumstances, justices and judges are entitled to an additional salary of 2 percent of his or her annual salary for each year of service which is not to exceed 22 percent. Budget account 101-1490 does not include any salary increases in addition to what is set in statute.



Budget account 101-1496 is detailed on pages 31 and 32 of [Exhibit B](#).

During the Judicial Branch's budget hearing on February 17, 2021, Chief Justice Hardesty stated 26 new judges were recently elected who must attend mandatory training at the National Judicial College. Attending this training produces a vacancy which must be filled by senior justices and judges. The Supreme Court hopes to deploy some senior judges to reduce the significant backlog that has been accumulating in the district courts.

There are no major closing issues or closing items within B/A 101-1496.

Budget account 101-1484 is described on pages 33 and 34 of [Exhibit B](#).

The Administrative Office of the Courts, Judicial Programs and Services Division manages programs and projects to assist trial courts in providing access to justice throughout the Nevada judiciary.

Other closing items 1 through 3 within B/A 101-1484 appear reasonable to Fiscal staff. Other closing items 4 and 5 are discussed on page 34 of [Exhibit B](#).

Budget account 101-1487 is described on pages 35 and 36 of [Exhibit B](#).

The Administrative Office of the Courts, Judicial Education program provides for the continuing education of Supreme Court justices, Court of Appeals judges, district court judges, justices of the peace and municipal court judges.

There are no major closing issues or closing items within B/A 101-1487.

ASSEMBLYWOMAN MILLER:

Is the continuing education provided through B/A 101-1487 required as part of the professional responsibilities of justices, judges and justices of the peace, or is the State requiring this education? If the State requires this education, is it also completely covering the costs of continuing education, or are the professionals paying for it out-of-pocket?

CHIEF JUSTICE HARDESTY:

The judicial education being paid for through B/A 101-1487 is largely part of the judicial education curriculum established by the Judicial Council of the State of

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Nevada. This curriculum is mandatory for all judges to participate in. To maintain their law licenses, all judges are required to participate in continuing judicial education. The continuing education is funded by B/A 101-1487 for judges and court staff.

Ms. DAY:

Budget account 101-1495 is described on pages 37 and 38 of [Exhibit B](#).

According to the Supreme Court's *2020 Annual Report*, specialty court programs served 5,866 participants in FY 2019-2020.

There are no major closing issues within B/A 101-1495. One other closing item and decision units E-365 and E-710 are described on page 38 of [Exhibit B](#).

Budget account 101-1493 is described on pages 39 and 40 of [Exhibit B](#).

There are no major closing issues or other closing items within B/A 101-1493.

Budget account 101-1491 is detailed on pages 41 and 42 of [Exhibit B](#) and is an actuarial reserve system for judges administered in a separate trust fund by the Public Employees' Retirement System (PERS). This budget funds the unfunded liability portion of the Judicial Retirement System.

There are no major closing issues within B/A 101-1491. The other closing item regarding an updated actuarial report is described on page 42 of [Exhibit B](#).

ASSEMBLYMAN ROBERTS:

Based on the information provided to the Supreme Court by PERS, has the State's share of the unfunded liability portion been updated due to actuarial increases?

Ms. DAY:

Yes. This is based on an updated actuarial study done by PERS.

SENATOR SEEVERS GANSERT:

Based on actuarial analysis, are judges' contributions to PERS modified in the same way other State employees' contributions are? It seems like flat contribution amounts are being updated versus adjustments to the rates of

contribution. Do members of the Judicial Branch and elected officials contribute to the Judicial Retirement System, or is their contribution completely funded by the State? Has their contribution been increased due to the assessment done by PERS?

Ms. DAY:

The amounts included in B/A 101-1491 involve the State's share of the unfunded liability portion of the Judicial Retirement System. Each biennium, these amounts are set for the following two fiscal years. I am not sure if elected officials contribute to the Judicial Retirement System or if their contributions are 100 percent funded by the State.

SENATOR KIECKHEFER:

The Judicial Retirement System and PERS, the latter being the retirement system for the Legislature, police and fire departments, always go through the same actuarial analysis.

SENATOR SEEVERS GANSERT:

I know the Judicial Retirement System is different from PERS. I do not know if elected officials have the same contribution rates as other State employees, despite having a different retirement system. I also do not know if the contributions of elected officials change as a result of the updated actuarial valuation from PERS.

CHIEF JUSTICE HARDESTY:

I am not familiar with the details of the actuarial report or how the report would result in reductions of the State share amount of contributions. In 2015, the Legislature changed the contribution of district court judges to the Judicial Retirement System from a fully State-funded contribution to a shared contribution. The State's share of the contribution declined as a result. All district court judges who have been elected since 2015 are responsible for paying half of their contribution to the Judicial Retirement System. The State pays the other half of the contribution.

Ms. DAY:

The summary of Judicial Branch budgets for which Fiscal staff is responsible for developing closing recommendations is shown on page 43 of [Exhibit B](#).

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Fiscal staff recommends approving B/A 101-1490, B/A 101-1496, B/A 101-1493 and B/A 101-1491 with a technical adjustment to the base budget in B/A 101-1491 to reduce General Fund appropriations by \$87,295 in each fiscal year of the 2021-2023 biennium to align funding with the updated State share amount provided by PERS as included in the Executive Budget; and recommends approving B/A 101-1484, B/A 101-1487 and B/A 101-1495 as included in the Executive Budget consistent with the Committees' approval of Judicial Branch overview items and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE B/A 101-1490, B/A 101-1496, B/A 101-1493, AND B/A 101-1491 WITH A TECHNICAL ADJUSTMENT TO THE BASE BUDGET IN B/A 101-1491 TO REDUCE GENERAL FUND APPROPRIATIONS BY \$87,295 IN EACH FISCAL YEAR OF THE 2021-2023 BIENNIUM TO ALIGN FUNDING WITH THE UPDATED STATE SHARE AMOUNT PROVIDED BY PERS AS INCLUDED IN THE EXECUTIVE BUDGET; AND APPROVE B/A 101-1484, B/A 101-1487 AND B/A 101-1495 AS INCLUDED IN THE EXECUTIVE BUDGET CONSISTENT WITH THE COMMITTEES' APPROVAL OF JUDICIAL BRANCH OVERVIEW ITEMS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN TOLLES WAS EXCUSED FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGETS CLOSED.

\* \* \* \* \*

CHAIR BROOKS:

The Committees will now hear closing recommendations for B/A 101-1003.

## ELECTED OFFICIALS

Office of Science, Innovation and Technology — Budget Page ELECTED-45  
(Volume I)  
Budget Account 101-1003

CHRISTIAN THAUER (Program Analyst):

Fiscal staff's closing recommendations for B/A 101-1003 are provided on pages 45 through 49 of [Exhibit B](#).

In response to the Covid-19 pandemic and required budgetary reductions, the Governor's Office, Office of Science, Innovation and Technology (OSIT) reverted a total of \$1.5 million or 35.5 percent of its legislatively approved budget in FY 2019-2020 to the General Fund.

There are two major closing issues within B/A 101-1003, the first pertains to the restoration of funding for OSIT's Broadband State Match Program being requested through decision unit E-278. This issue is described on pages 46 and 47 of [Exhibit B](#). The Broadband State Match Program leverages State funds to draw down additional Universal Service Administrative Company (USAC), Universal Service Fund, Schools and Libraries Program federal funding used to improve internet connectivity in schools and libraries. The funding from USAC's Schools and Libraries Program is commonly referred to as federal E-Rate funding.

### E-278 Elevating Education — Page ELECTED-48

Do the Committees wish to approve the restoration of funding for the Broadband State Match Program to the 2019 legislatively approved level by adding \$947,940 in General Fund appropriations to B/A 101-1003 in each year of the 2021-2023 biennium?

ASSEMBLYWOMAN TOLLES:

The Broadband State Match Program has been integral in supporting internet connectivity issues during the Covid-19 pandemic, and I support the restoration of its funding. How much in federal matching funds will the State receive as a result of this investment?

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MR. THAUER:

Federal E-rate funding is used to reimburse local entities, such as schools, for their broadband developments. On average, Nevada public school districts and libraries receive a 70 percent reimbursement rate. The Broadband State Match Program allows the State and entities who apply for federal reimbursement to draw down another 10 percent in federal aid to be used for broadband development. This is done on a dollar-to-dollar basis. Restoring \$1 million to B/A 101-1003 in each year of the 2021-2023 biennium would result in \$1 million of E-rate funding each year.

ASSEMBLYWOMAN TOLLES:

This is a beneficial match rate.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE THE RESTORATION OF FUNDING FOR THE BROADBAND STATE MATCH PROGRAM TO THE 2019 LEGISLATIVELY APPROVED LEVEL BY ADDING \$947,940 IN GENERAL FUNDS TO B/A 101-1003 IN EACH YEAR OF THE 2021-2023 BIENNIUM.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MR. THAUER:

The second major closing issue within B/A 101-1003 pertains to the restoration of funding for OSIT's Science, Technology, Engineering and Math (STEM) Workforce Development Grant Program being requested through decision unit E-275. This issue is detailed on pages 47 and 48 of [Exhibit B](#).

E-275 Elevating Education — Page ELECTED-47

Other closing items 1 through 3 within B/A 101-1003 pertain to additional OSIT program restorations as described on page 48 of [Exhibit B](#). Other closing item 1 in decision unit E-276 requests the restoration of funding for programs

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funded by OSIT's Broadband Infrastructure Development Grant. Other closing item 2 is requested through decision unit E-277. Other closing item 3 in decision unit E-279 requests the restoration of funding for OSIT's Nevada STEM Advisory Council.

E-276 Elevating Education — Page ELECTED-47  
E-277 Elevating Education — Page ELECTED-48  
E-279 Elevating Education — Page ELECTED-48

Other closing item 4 requested through decision unit E-805 and other closing item 5 requested through decision unit E-815 within B/A 101-1003 pertain to position reclassifications as described on page 48 of [Exhibit B](#).

E-805 Classified Position Changes — Page ELECTED-49  
E-815 Unclassified Position Changes — Page ELECTED-49

Do the Committees wish to approve the restoration of funding for the STEM Workforce Development Grant Program to the levels approved by the 2019 Legislature by adding \$451,603 in General Fund appropriations to B/A 101-1003 in each year of the 2021-2023 biennium? Fiscal staff recommends other closing items 1 through 4 be approved as recommended by the Governor, other closing item 5 be approved as recommended by the Governor contingent on passage and approval of enabling legislation and requests authority for Fiscal staff to make technical adjustments as necessary.

SENATOR DENIS MOVED TO APPROVE IN B/A 101-1003 THE RESTORATION OF FUNDING FOR THE STEM WORKFORCE DEVELOPMENT GRANT PROGRAM TO THE LEVELS APPROVED BY THE 2019 LEGISLATURE BY ADDING \$451,603 IN GENERAL FUND APPROPRIATIONS TO B/A 101-1003 IN EACH YEAR OF THE 2021-2023 BIENNIUM, APPROVE OTHER CLOSING ITEMS 1 THROUGH 4 AS SHOWN ON PAGE 48 OF [EXHIBIT B](#) AS RECOMMENDED BY THE GOVERNOR, APPROVE OTHER CLOSING ITEM 5 AS RECOMMENDED BY THE GOVERNOR CONTINGENT ON PASSAGE AND APPROVAL OF ENABLING LEGISLATION AND AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

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ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.  
ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

\* \* \* \* \*

CHAIR BROOKS:  
The Committees will now hear closing recommendations for B/A 101-1004.

HEALTH AND HUMAN SERVICES

EMPLOYMENT, TRAINING & REHAB

DETR - Office of Workforce Innovation — Budget Page DETR-47 (Volume II)  
Budget Account 101-1004

MR. THAUER:  
Fiscal staff's closing recommendations for B/A 101-1004 are provided on pages 51 through 54 of [Exhibit B](#).

There is one major closing issue within B/A 101-1004 which involves the transfer of the Governor's Office, Office of Workforce Innovation (OWINN) to the Department of Employment, Training and Rehabilitation (DETR) being requested through decision E-240. This issue is discussed on pages 52 and 53 of [Exhibit B](#).

E-240 Efficiency & Innovation — Page DETR-49

The recommended transfer of OWINN to DETR would reverse the actions taken through Governor Brian Sandoval's Executive Order 2016-08 in 2016 and the actions taken by the Legislature through the passage of Senate Bill (S.B.) No. 516 of the 79th Session.

*Nevada Revised Statutes* 223.800 establishes OWINN in the Governor's Office. In order to execute the recommended transfer of OWINN to



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DETR, Assembly Bill (A.B.) 459 has been introduced on behalf of the Governor's Office, Office of Finance (GFO) for a statutory adjustment.

[Assembly Bill 459](#): Revises provisions relating to workforce development.  
(BDR 18-1068)

There are seven other closing items within B/A 101-1004 which are described on pages 53 and 54 of [Exhibit B](#). Other closing item 1 requests the replacement of computer equipment through decision unit E-710.

E-710 Equipment Replacement — Page DETR-50

Other closing item 2 requested through decision unit E-905 within B/A 101-1004 asks for the transfer of a business process analyst position from OWINN to B/A 101-3270.

E-905 Transfer From BA 1004 To BA 3270 — Page DETR-51

DETR - Nevada P20 Workforce Reporting — Budget Page DETR-54 (Volume II)  
Budget Account 101-3270

E-905 Transfer From BA 1004 To BA 3270 — Page DETR-57

Other closing item 3 requested through decision units E-510 and E-910 within B/A 101-1004 asks for the transfer of a management analyst position from B/A 101-3270 to B/A 101-1004.

E-510 Adjustment To E910 Transfer — Page DETR-49

E-910 Transfer From BA 3270 To BA 1004 — Page DETR-51

E-910 Transfer From BA 3270 To BA 1004 — Page DETR-58

The transfer of positions requested through decision units E-510 and E-910 is meant to align the functions of these positions with budgetary funds.

Other closing item 4 requested through decision unit E-815 within B/A 101-1004 is described on page 53 of [Exhibit B](#).

E-815 Unclassified Position Changes — Page DETR-51

Other closing item 5 within B/A 101-1004 is described on pages 53 and 54 of [Exhibit B](#). At its April 1, 2021, meeting, the IFC approved OWINN's acceptance of the U.S. Department of Labor's H-1B Rural Healthcare Grant Program award totaling \$2.5 million over a funding period of four years and the addition of \$625,000 of these \$2.5 million in H-1B Rural Healthcare Grant funds to B/A 101-1004 in FY 2020-2021. On March 9, 2021, the GFO transmitted Budget Amendment No. A214791004 ([Exhibit D](#)) to recommend the addition of \$725,000 of newly received grant funds from the U.S. Department of Labor in each year of the 2021-2023 biennium to B/A 101-1004.

The Office of Workforce Innovation plans to help unemployed, underemployed, low-skilled incumbent workers, veterans, military spouses and under-represented populations in rural Nevada to transition to middle-to-high-skilled H-1B healthcare occupations through various types of workforce development programs. These projects will be implemented by OWINN in coordination with Nevadaworks, the Nevada Hospital Association and community colleges.

Other closing item 6 requested through decision unit E-805 within B/A 101-1004 is described on page 54 of [Exhibit B](#). This recommendation was amended through Budget Amendment No. A214791004. Fiscal staff recommends a technical adjustment to the amendment which concerns the retirement benefits associated with the position.

#### E-805 Classified Position Changes — Page DETR-50

Other closing item 7 within B/A 101-1004 is described on page 54 of [Exhibit B](#). Do the Committees wish to approve the transfer of OWINN to DETR contingent on passage and approval of enabling legislation? Fiscal staff requests authority to make technical adjustments as necessary and recommends other closing items 1 through 3 be approved as recommended by the Governor; other closing item 4 be approved as recommended by the Governor contingent on passage and approval of enabling legislation; other closing item 5 be approved as recommended by Budget Amendment No. A214791004; other closing item 6 be approved as recommended by Budget Amendment No. A214791004 with the noted technical adjustments contingent on passage and approval of enabling legislation; and other closing item 7 be approved as recommended by Budget Amendment No. A214791004 with the noted technical adjustments.

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ASSEMBLYWOMAN CARLTON:

Even though OWINN may function better under a different department, I am glad OWINN is transferring back to DETR. This is the first step in resolving issues OWINN is experiencing. Regarding closing item 6 within B/A 101-1004 and A.B. 459, which is scheduled to be heard by the Assembly Committee on Ways and Means later this evening, OWINN's State apprenticeship director position could be moved into another area. There are many moving pieces surrounding the important transfer of OWINN into DETR.

CHAIR BROOKS:

I agree OWINN should be transferred to DETR.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN B/A 101-1004 AS DISCUSSED ON PAGES 52 TO 54 OF [EXHIBIT B](#) THE TRANSFER OF OWINN TO DETR CONTINGENT ON PASSAGE AND APPROVAL OF ENABLING LEGISLATION WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY; APPROVE OTHER CLOSING ITEMS 1 THROUGH 3 AS RECOMMENDED BY THE GOVERNOR; APPROVE OTHER CLOSING ITEM 4 AS RECOMMENDED BY THE GOVERNOR CONTINGENT ON PASSAGE AND APPROVAL OF ENABLING LEGISLATION; APPROVE OTHER CLOSING ITEM 5 AS RECOMMENDED BY BUDGET AMENDMENT NO. A214791004; APPROVE OTHER CLOSING ITEM 6 AS RECOMMENDED BY BUDGET AMENDMENT NO. A214791004 WITH THE NOTED TECHNICAL ADJUSTMENTS CONTINGENT ON PASSAGE AND APPROVAL OF ENABLING LEGISLATION; AND APPROVE OTHER CLOSING ITEM 7 AS RECOMMENDED BY BUDGET AMENDMENT NO. A214791004 WITH THE NOTED TECHNICAL ADJUSTMENTS AND WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLYWOMAN TOLLES:

I supported S.B. No. 516 of the 79th Session along with the Department of Business and Industry, the Department of Education and the Nevada System of Higher Education. Having OWINN under the Governor's Office has helped

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OWINN receive outside funding and coordinate efforts. I do not support moving OWINN back to DETR after it was moved from DETR to the Governor's Office.

ASSEMBLYWOMAN CARLTON:

It is unusual to make a comment after a motion has been made. The supporting of legislation from the past does not necessarily mean there is support now. The Department of Business and Industry has brought forward numerous issues it has been experiencing while OWINN has been housed in the Governor's Office.

ASSEMBLYMAN ROBERTS:

With all of the challenges DETR is currently facing, adding more responsibilities does not seem appropriate. I do not support moving OWINN back into DETR. This decision should be made in a couple years after DETR uses the funding allocated to it during the Thirty-second Special Session and the Eighty-first Legislative Session.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMEN HAFEN, LEAVITT AND ROBERTS VOTED NO; ASSEMBLYWOMEN TITUS AND TOLLES VOTED NO.)

SENATE: THE MOTION CARRIED. (SENATORS GOICOECHEA, HAMMOND, KIECKHEFER AND SEEVERS GANSERT VOTED NO.)

BUDGET CLOSED.

\* \* \* \* \*

CHAIR BROOKS:

The Committees will now hear closing recommendations for B/A 101-3270.

MR. THAUER:

Budget account 101-3270 is described on pages 55 and 56 of [Exhibit B](#).

There is one major closing issue within B/A 101-3270 concerning the transfer of B/A 101-3270 to DETR. This transfer is requested through decision unit E-241 as discussed on page 56 of [Exhibit B](#). The Governor recommends transferring B/A 101-3270 together with OWINN, which oversees the

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Nevada P-20 Workforce Reporting System, from the Governor's Office to DETR.

E-241 Efficiency & Innovation — Page DETR-56

## FINANCE AND ADMINISTRATION

### ADMINISTRATION

Administration - Administrative Services — Budget Page ADMIN-15 (Volume I)  
Budget Account 716-1371

E-241 Efficiency & Innovation — Page ADMIN-18

Administration - HRM - Agency HR Services — Budget Page ADMIN-98  
(Volume I)  
Budget Account 717-1360

E-241 Efficiency & Innovation — Page ADMIN-100

There are four other closing items within B/A 101-3270 as described on page 56 of [Exhibit B](#). Other closing item 1 requests the replacement of computer equipment through decision unit E-710. Other closing item 2 deals with the reclassification of a management analyst II position being requested through decision unit E-806. Other closing items 3 and 4 pertain to position transfers being requested through decision units E-505, E-905 and E-910.

E-710 Equipment Replacement — Page DETR-56  
E-806 Classified Position Changes — Page DETR-57  
E-505 Adjustments To E905 Transfer — Page DETR-56

Contingent upon the Committees' prior recommendation to approve the transfer of OWINN to DETR, do the Committees wish to recommend the transfer of the B/A 101-3270 to DETR? Fiscal staff recommends other closing items 1 through 4 be approved as recommended by the Governor and requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE IN  
B/A 101-3270 THE TRANSFER OF OWINN AND B/A 101-3270 TO DETR,

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APPROVE OTHER CLOSING ITEMS 1 THROUGH 4 ON PAGE 56 OF [EXHIBIT B](#) AS RECOMMENDED BY THE GOVERNOR AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMEN HAFEN, LEAVITT AND ROBERTS VOTED NO; ASSEMBLYWOMEN TITUS AND TOLLES VOTED NO.)

SENATE: THE MOTION CARRIED. (SENATORS GOICOECHEA, HAMMOND, KIECKHEFER AND SEEVERS GANSERT VOTED NO.)

BUDGET CLOSED.

\* \* \* \* \*

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CHAIR BROOKS:

By closing B/A 101-1004, these Committees approved the transfer of an additional \$725,000 in grant funding during each year of the 2021-2023 biennium to rural hospitals. This is being done in the middle of a pandemic and deserves recognition.

Seeing no public comment, this meeting is adjourned at 10:48 a.m.

RESPECTFULLY SUBMITTED:

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Tom Weber,  
Committee Secretary

APPROVED BY:

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Senator Chris Brooks, Chair

DATE: \_\_\_\_\_

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Assemblywoman Maggie Carlton, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	3	Stephanie Day / Legislative Counsel Bureau	Closing List #4
	B	45	Christian Thauer / Legislative Counsel Bureau	Closing List #4
	C	1	Stephanie Day / Legislative Counsel Bureau	Judicial Branch Budget Amendment LV Court Marshal
	D	1	Christian Thauer / Legislative Counsel Bureau	DETR-OWINN Budget Amendment No. A214791004