

**MINUTES OF THE MEETING OF THE
SENATE COMMITTEE ON FINANCE
AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEES ON GENERAL GOVERNMENT**

**Eighty-second Session
March 21, 2023**

The joint meeting of the Subcommittees on General Government of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Dina Neal at 8:01 a.m. on Tuesday, March 21, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Dina Neal, Chair
Senator Dallas Harris
Senator Pete Goicoechea

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Sarah Peters, Chair
Assemblyman C.H. Miller, Vice Chair
Assemblywoman Shea Backus
Assemblywoman Tracy Brown-May
Assemblywoman Heidi Kasama
Assemblyman P.K. O'Neill

STAFF MEMBERS PRESENT:

Wayne Thorley, Senate Fiscal Analyst
Brody Leiser, Chief Principal Deputy Fiscal Analyst
Justin Luna, Program Analyst
Yuriy Ikovlev, Program Analyst
Paul Breen, Committee Assistant

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Marie Bell, Committee Secretary
Michelle Friedlander, Committee Secretary

OTHERS PRESENT:

Terry J. Reynolds, Director, Nevada Department of Business and Industry
Stephen Aichroth, Administrator, Housing Division, Nevada Department of
Business and Industry
Karl Armstrong, Administrator, Taxicab Authority, Nevada Department of
Business and Industry
Todd Park, Chief of Enforcement, Nevada Transportation Authority,
Nevada Department of Business and Industry
Jennifer De Rose, Deputy Commissioner, Nevada Transportation Authority,
Nevada Department of Business and Industry
Brett Harris, Labor Commissioner, Office of the Labor Commissioner,
Nevada Department of Business and Industry
Cathy Sheehy, Commissioner, Division of Mortgage Lending,
Nevada Department of Business and Industry
Sarah Adler, National Alliance on Mental Illness

TERRY J. REYNOLDS (Director, Nevada Department of Business and Industry):
Page 2 of our budget presentation ([Exhibit C](#)) lists the mission and vision of the Nevada Department of Business and Industry (B&I). We promote the development and growth of Nevada's businesses and business sectors while protecting the public through fair and consistent regulation. We strive to be the leading point of contact for business information and resources connecting everything related to starting, running and growing a business in Nevada.

Page 4 of [Exhibit C](#) lists the B&I budget accounts we will discuss. They are the Housing Division, the Taxicab Authority, the Nevada Transportation Authority (NTA), the Office of the Labor Commissioner (OLC), and the Mortgage Lending Division (MLD).

STEPHEN AICHROTH (Administrator, Housing Division, Nevada Department of Business and Industry):
Home Means Nevada, budget account (B/A) 101-3840, is a \$500 million initiative to advance affordable housing in Nevada. The Coronavirus State and

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Local Fiscal Recovery Funds (SLFRF) provided by the American Rescue Plan Act of 2021 (ARPA) was divided into four project categories as shown on page 5 of [Exhibit C](#). They are new development, preservation, home ownership and rehabilitation, and land acquisition. We held a competitive application process, garnering 234 submissions and identified 180 applications to move on to the application process.

COMMERCE AND INDUSTRY

BUSINESS AND INDUSTRY

Home Means Nevada Initiative — Budget Page B & I-92 (Volume II)
Budget Account 101-3840

We created a scoring system with eight categories for new development and preservation, three of which were scored by a scoring committee. Novogradac & Company LLP, a national industry leader in affordable housing, was contracted to score four financial aspects. The Division scored the program readiness category.

A total of 25 new development and 13 preservation and rehabilitation projects were selected for awards subject to completion of agreements. The projects were prioritized based on which would best serve transitional, supportive needs and extremely low and very low income populations. We anticipate creating 2,800 new units and preserving over 1,000 units through the award process.

A separate scoring committee for home ownership and rehabilitation allotted over \$28 million to support this category. Over \$20 million in land acquisition awards for future affordable housing developments was also provided. The awardees are listed on pages 13 through 17 of [Exhibit C](#).

Most projects' grant and loan agreements are under review. One project financially closed and has expended \$11 million after crafting all agreements to work in concert with the Low-Income Housing Tax Credit Program. With B&I's assistance, we have identified the need for ongoing funding in the 2023-2025 biennium.

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ASSEMBLYWOMAN BROWN-MAY:

When will our communities see the benefits of these affordable housing units? Do you know when the projects will be complete or when people can start moving in?

MR. AICHROTH:

It varies from project to project and across the categories. New development projects have the longest timeline. I have not visited the site for the one that closed. With the winter we have had, it is possible they have yet to break ground. It generally takes about 18 to 24 months for a new development project to come to fruition. New development projects in southern Nevada take less time because the winter is not as harsh.

Once approved, preservation projects move swiftly. After financial closing, they can take about six months. Once the agreements are done for the other two categories, we anticipate they will be able to acquire the land quickly once funding is provided and be able to assist some needy homeowners.

ASSEMBLYWOMAN BROWN-MAY:

A number of constituents across our communities are concerned about access to affordable housing. One family asked if their daughter could move in with me because they could not afford to have her move back in with them, and she could not afford her own place. Are there concerns about expending the funds by December 31, 2026? How much of the \$500 million SLFRF will be spent by the 2023-2025 biennium?

MR. AICHROTH:

The fully expended deadline is a concern. The timelines I provided are well within those windows. Getting the agreements signed and everything completed for the first project we financially closed was challenging. It is a time consuming process, but we have a road map. We know what agreements we need to have and how to work within the tax credit space. Using the first project that closed mid-January 2023 as a benchmark, we have already expended \$11 million two months after closing. Unless project start dates are delayed, they should be completed well before the 2026 deadline.

Could you restate the second question?

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ASSEMBLYWOMAN BROWN-MAY:

Do you anticipate problems spending the \$500 million during this biennium?

MR. REYNOLDS:

We expect all \$500 million will be fully spent during the 2023-2025 biennium. With the bimonthly reports Mr. Aichroth provides the Interim Finance Committee (IFC) and Legislative Counsel Bureau, we can identify any issues or problems that may arise such as needing to reallocate funds.

The IRS apportions a volume cap to all states. Nevada was authorized to use about \$345 million of those funds for bonds. In fiscal years (FY) 2020-2021 and FY 2021-2022, we carried forward and reserved about \$500 million of that volume cap for housing. Those projects are proceeding as planned. With ARPA funding, we have doubled the number of units in the rehabilitation and new projects categories and the 4 percent and 9 percent tax credit projects.

We are dovetailing the volume cap authorizations to be able to bond and stretch those dollars. We will invest about \$1 billion into housing over the next couple of years with the authorization for housing reserves built using IRS authorized funds. That will allow us to do so much more because we can stretch those dollars and layer our funding. Units that started 1.5 years ago will begin, and with the reserve funds, there will be a steady stream of new projects over the years.

ASSEMBLYWOMAN BROWN-MAY:

Can you provide a map at some point showing where each project is, so we can better address the needs of our communities and constituents?

MR. REYNOLDS:

Yes, we can provide that.

SENATOR GOICOECHEA:

With 3,900 units, we are looking at a little over \$130,000 per unit. Because we are building out over the next three to four years, what happens when costs overrun because of inflation? Can we shore them up with the bonding capabilities mentioned? What happens if a project falls short? The last thing we need in 2025 is someone saying we cannot complete the projects.

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MR. AICHROTH:

We are already seeing that rising costs are prevalent. Affordable housing is built by layering capital. We anticipate support through a combination of the bonding capacity and funds from the Account for Affordable Housing B/A 101-3838. We work with the development community to determine if private funding is available. For bond projects, the IRS requires 50 percent of the financing must come through bonding. We are looking at alternative funding and potentially shifting funds to accommodate cost variations. We expect natural attrition with some of the awarded projects because they may fall short, potentially creating extra funding for other projects.

B&I - Account For Affordable Housing — Budget Page B & I-99 (Volume II)
Budget Account 101-3838

ASSEMBLYWOMAN BACKUS:

Will the funds be expended? If not, can they be deposited into designated construction accounts to show them as obligated, so you do not fall short, ensuring the funds remain available to use for projects that are, for instance, 75 percent complete?

MR. AICHROTH:

Although not tied to any portion of affordable housing, our goal is to hit those expenditure dates. Based on the first project, we are doing it. We want those monies out the door first, and the developers are willing to help us do so. Once funds have been awarded, they can submit requests for initial expense reimbursements. For example, if a project is 25 percent complete, we probably have paid most of that 25 percent.

CHAIR NEAL:

Concerning land acquisition on page 17 of [Exhibit C](#), the list shows 73 acres for \$10 million in North Las Vegas for low-income families. Where is that land?

MR. AICHROTH:

We have a proposal to purchase land in North Las Vegas where there are two shuttered casinos off West Lake Mead Boulevard and Rancho Drive.

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CHAIR NEAL:

Page 13 of [Exhibit C](#) shows 98 affordable senior housing units slated for the Buena Vista Springs III project. This is close to Windsor Park off Carey Avenue and Martin Luther King Jr. Boulevard. Where will the 98-unit expansion be located? The building is already three stories. Are you planning to purchase the parcel of land behind the property?

MR. AICHROTH:

I do not have the project specifics with me but can provide that to you after the meeting.

CHAIR NEAL:

That would be appreciated because it appears conflicting information has been provided. Do you know if there is a contract between Nevada HAND and the private developer that bought the land behind the property in 2020 for \$3 million? I would like to know how Nevada HAND plans to expand the three-story senior housing when it is near a parking lot and a plot of vacant land.

MR. AICHROTH:

This project is a combination of rehabilitation and new development. The larger portion of the Home Means Nevada funds was in the development costs for expansion. I will get the exact proposal for you.

CHAIR NEAL:

We will move to B/A 101-3838, Account for Affordable Housing.

MR. REYNOLDS:

This is an overview of our pass-through funding to local government jurisdictions, housing authorities and nonprofits. It is a mix of federal and grant funding distributed via the Department's Housing Division, then allocated to the local government and nonprofits throughout the State.

MR. AICHROTH:

An overview of Division-led pandemic-related programs is on page 6 of [Exhibit C](#). These are in addition to this account's regular funding sources.

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The \$223 million in Emergency Rental Assistance (ERA) was subdivided into two funding source categories. The first, ERA 1 for \$124 million, expired on December 31, 2022. Our final report to the U.S. Department of the Treasury (USDT) is due on April 28, 2023.

The funding for ERA 2 is about \$98 million. It is ongoing in Clark County on a limited scale, serving the most vulnerable of housing insecure populations. This includes people who are facing evictions and those on a fixed income whose rent has increased and who have been served an eviction notice. Clark County anticipates ERA 2 funds will be fully expended by the end of April 2023.

The Homeowner Assistance Fund shown on page 6 of [Exhibit C](#) was created using \$121 million provided to the State. Monies were passed through to the Nevada Affordable Housing Assistance Corporation (NAHAC) for distribution to eligible families. Over \$12.6 million has been provided and more than 650 families received assistance through the Statewide program as of January 31, 2023. We are seeing an increase in that funding as NAHAC participates in several outreach events. The USDT recently published a two-year pandemic relief report which singled out the State of Nevada and NAHAC for their data-driven approach to recalibrate program offerings based on the most common reasons for application denial. In conjunction with other measures taken, this resulted in a 300 percent increase in households assisted from July to September 2022.

The Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES) Housing Assistance Program (CHAP) on page 6 of [Exhibit C](#) was allocated \$15 million. With the full expenditure of ERA 1 and ERA 2 funds, this will continue to provide additional rental assistance to the most vulnerable in Clark County for up to two months.

The ARPA Housing Program on page 6 of [Exhibit C](#) allots \$11 million for the West Side microbusiness project. This funding specifically supports the construction of 30 affordable units for those making less than 60 percent of the area median income (AMI). It is located near the corner of West Lake Mead Boulevard and Englestad Street, just east of the Culinary Academy and Nevada Partners complex. The vacant land will house

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a microbusiness park including an office and technology center to support a business incubator, space for community gatherings and civic activities, and retail space. Clark County will also finance \$15 million for the project.

The Eviction Diversion Program on page 6 of [Exhibit C](#) received \$10 million. Launched in Clark County on January 23, 2023, it already received more than 100 applications. This partnership involves the Las Vegas Justice Court, Clark County Social Services and Legal Aid of Southern Nevada.

The CARES Emergency Solutions Grants (ESG-CV) Program on page 6 of [Exhibit C](#) received \$7.8 million and is administered directly by the Division. Funding is slightly different from the previous programs. We pass the funds through to nonprofits and local jurisdictions to prevent, prepare and respond to COVID-19 among individuals and families who are homeless and/or receiving homeless assistance. The program ends on September 30, 2023. We have already used 85 percent of the available funding and anticipate all monies will be expended by that date.

The U.S. Department of Housing and Urban Development (HUD) Home Investment Partnership Program (HOME) American Rescue Plan Program (HOME-ARP) received \$6.4 million to reduce homelessness and increase housing stability. It will replace the CV portion of the ESG-CV Program previously mentioned. Our State Plan was due at the end of March, but we submitted it on February 23, 2023. We are waiting for HUD to approve it. Major funding activities proposed in the State Plan include the development of affordable housing, supportive services and tenant-based rental assistance.

As shown on page 6 of [Exhibit C](#), Landlord Assistance was allotted \$5 million as part of A.B. No. 486 of the 81st Session. We have allocated \$400,000 through this program.

ASSEMBLYWOMAN PETERS:

Regarding the mixed-use housing and microbusiness projects that are in coordination with Clark County, what safeguards are in place to ensure the State's investment is used appropriately? Are there any concerns about the timeline for expenditure?

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MR. AICHROTH:

We are in the process of ironing out that agreement with Clark County. It is responsible for sending out the request for proposal for a developer to create the housing component. The funds provided can only service those who need housing and are under 60 percent AML. The remaining balance for this project will be paid directly by Clark County. The safeguards are the agreements we have in place and compliance with the SLFRF in the final rule. We plan to monitor and work closely with Clark County to ensure it continues to do what it is supposed to do with the funding provided.

ASSEMBLYWOMAN PETERS:

Do you anticipate this will be completed by the December 2026 deadline?

MR. AICHROTH:

Yes. We are working diligently with Clark County to finalize those agreements. Once they have picked a development partner and a plan, the funds would be expended upfront, because making sure we meet that deadline is a priority.

ASSEMBLYWOMAN PETERS:

Will we receive quarterly updates for this budget's projects?

MR. AICHROTH:

This is not included in the Home Means Nevada report, but we can add an update specific to this project.

MR. REYNOLDS:

There is a requirement to frequently document major project milestones because of the fund allocation concerns. Moving forward, we will provide regular progress reports and project updates.

ASSEMBLYWOMAN PETERS:

Can you give us an update on the \$25 million approved during the August 2022 IFC meeting to support rental assistance and eviction diversion in Clark County?

MR. AICHROTH:

Page 6 of [Exhibit C](#) shows the \$25 million is accounted for between the \$15 million ARPA CHAP funds and the \$10 million allotted for Clark County's

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ARPA Emergency Eviction Diversion Program. To summarize, based on Clark County's projections, ERA 1 and ERA 2 will be depleted by the end of April 2023. They will then use the \$15 million in ARPA CHAP to support that program through the end of FY 2022-2023. It will then revert to traditional rental assistance programs the State, county or local jurisdictions have operated.

The \$10 million for the newly established ARPA Eviction Diversion Program is the counterpart to that and was just established when Clark County changed the CHAP and Rental Assistance Programs on January 23, 2023. We do not have enough information regarding that change because it has only been about six weeks. We know the County received over 100 applications and is working to help those people.

ASSEMBLYWOMAN PETERS:

Do you know how many people receiving rental assistance will lose or no longer need it, and the difference between the status quo and what we have been serving in Clark County?

MR. AICHROTH:

I do not have that information. Clark County would need to provide its projections to see what it would handle through traditional channels. In terms of who will be helped through traditional sources versus this program, I cannot say, but I can ask Clark County to provide those details.

ASSEMBLYWOMAN PETERS:

I have been working to identify the fallout for different areas that are losing the federal ARPA funds, particularly related to assistance programs, and would appreciate it if you could provide that information.

SENATOR HARRIS:

Quite a bit of money is slated to help keep people in their homes. Can you tell me how much money is allocated to help people who are on the streets get into homes?

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MR. AICHROTH:

Most of the funds are preventative. Emergency rental assistance was to keep people securely housed. Homeowner assistance is to keep those housed who might be at risk of foreclosure. The Rental Assistance and Eviction Diversion Programs are intended to keep people housed.

Helping people advance is through the ESG-CV and the potential HOME-ARP process. These programs have close to \$14 million to help people. We have already spent 85 percent of the ESG's \$7.8 million. The remaining funds need to be expended by September 30, 2023. We anticipate that will occur. That leaves the HOME-ARP \$6.5 million to assist with pandemic-related homelessness prevention and mitigation strategies. We have traditional sources available, but they are minimal at the State level. We receive roughly \$400,000 annually for ESGs which is insufficient to house those that are homeless.

SENATOR HARRIS:

I know the federal government dictates how you can spend these funds. We have hundreds of millions of dollars to help prevent people from losing their homes. But what are we doing to help those who have already lost their homes to get back on their feet? Is there a way we can shift some of the focus to helping people get into stable housing and getting them the services they need to maintain that housing?

MR. REYNOLDS:

We are dealing with two different issues. One is the limited amount of available housing. The other is the potential loss of housing due to long-term unemployment or layoffs. We need to look at and be able to navigate both sides of the spectrum to make sure we have solutions to provide housing. One option may be a form of transitional housing until they can stabilize their lives and get back to where they were. It is a complex issue.

ASSEMBLYWOMAN KASAMA:

What is the balance for the NAHAC program, and when do you think the funds will be fully exhausted?

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MR. AICHROTH:

As of January 2023, 10 percent of the funding has been expended on administrative costs to establish the program. With funds distributed for assistance, we estimated 15 to 20 percent has been spent. The funding is available through September 30, 2026. We will monitor the Program's progress to ensure expenditures will occur during that time.

One of the benefits of the NAHAC Program is its similarity to a program that came out of The Great Recession of 2008 called the Hardest Hit Funds. Those involved are familiar with the USDT process, how to work through it and perform the necessary modifications. It is something that will be evaluated moving forward to see if there are other avenues to get the money out the door within USDT guidelines.

ASSEMBLYWOMAN KASAMA:

Does that make the program more like Section 8 of the Housing Act of 1937 assistance rather than eviction prevention?

MR. AICHROTH:

It is more for foreclosure prevention. It is for homeowners who may have been unemployed or underemployed and not able to make their payments. That means there might be mortgage modifications to their terms just to bring them current.

ASSEMBLYWOMAN KASAMA:

Can you confirm that the \$15 million ARPA CHAP funds will be fully expended by the end of June 2023?

MR. AICHROTH:

Based on Clark County's projections, that is correct.

ASSEMBLYWOMAN KASAMA:

You said \$400,000 of the \$5 million for Landlord Assistance has been allocated. I have heard from some landlords who have tried to get assistance were unsuccessful because it requires the tenant's cooperation to obtain CHAP funding. The point of the Program was to help the landlord directly should the tenant not cooperate. Yet, the people servicing the Program continue to

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direct the landlord back to the CHAP application. Is that the reason so little has been spent? It has been a mad loop, going back and forth between the Program and the CHAP portal, especially when the tenants will not cooperate. Is there a way we can make the process more efficient?

MR. AICHROTH:

That program is administered through the Las Vegas Justice Courts. We can reach out to find out what the roadblocks are.

CHAIR NEAL:

How much of the \$158 million allocated for the CARES Act and Emergency Rental Assistance has been spent?

MR. AICHROTH:

I cannot speak to the \$158 million referenced. The \$223 million of federally provided funds for ERA 1 and ERA 2 programs are nearly depleted. Both programs will be fully expended in about six weeks.

CHAIR NEAL:

Based on your testimony, the Eviction Diversion Program funds have been expended, as have the CARES Act and Emergency Rental Assistance. Is that correct?

MR. AICHROTH:

I will briefly go over the list of items on page 6 of [Exhibit C](#).

The first item, Emergency Rental Assistance, is spent. I will bypass Homeowner Assistance because it does not involve rentals. The ARPA CHAP for \$15 million has not been expended by Clark County, but it will be spent by the end of FY 2022-2023. The ARPA Housing Program for the Westside Project is unrelated. The \$10 million for the ARPA Emergency Eviction Diversion Program has just started, so those funds are still available. Eighty-five percent of the \$7.8 million ESG-CV has been expended, and the remaining will be spent shortly. The \$6.4 million for the HOME Partnership, once approved by HUD, will serve as the ESG backup when that program has been fully expended.

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CHAIR NEAL:

Does each program have to report its caseload to your Division?

MR. AICHROTH:

Reporting is different for each program. The ERA 1 program provides participant household data which is downloaded to USDT. The \$15 million for CHAP does not have to be federally reported because it is not part of either the ERA 1 or ERA 2 program. We expect to receive some information that will be similar to what the other programs have provided because it was designed to mirror and extend those programs. We anticipate some form of reporting from the Eviction Diversion Program and once received, we will provide you with an update on its progress. The ESG-CV is directly reported to the Division. The pending HOME ARPA Partnership of \$6.4 million will also be provided to the Division directly by the nonprofits and local jurisdictions that receive funding.

CHAIR NEAL:

The criteria for eviction diversion are probably stringent. What kind of reporting are you expecting to receive? Should the program be audited to see how the \$15 million is being spent?

MR. AICHROTH:

I would expect to see something similar to the ERA 1 reporting, including income level, amount of assistance provided, number of participants and some demographics. I do not know what is in the agreement to determine what the reporting will look like. I will look into it and get back to you.

CHAIR NEAL:

We will close out B/A 101-3838 and move to B/A 245-4130, the Taxicab Authority.

B&I - Taxicab Authority — Budget Page B & I-158 (Volume II)
Budget Account 245-4130

MR. REYNOLDS:

Before I pass the presentation over to Mr. Karl Armstrong, our taxicab administrator in Las Vegas, I am going to introduce and discuss the first enhancement, a reclassification shown on page 7 of [Exhibit C](#).

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I want to give you some history about the Division beginning with the recession six years ago. Transportation Network Companies (TNC) began operating at the end of 2015, so we have been working with them for some time. Initially, we had approximately 75,000 to 80,000 TNC drivers in Clark County. This caused a precipitous drop in revenue because it was based on the number of rides; we only received a ride fee. As a result, positions became vacant and were not filled. When the Division's deputy administrator and chief of enforcement positions became vacant, it provided an opportunity for consolidation.

Our intent is to cut back on administration costs and redirect those funds to enforcement. Following the loss of enforcement positions and enforcement funding, we are struggling to provide around-the-clock coverage for the cab industry, particularly from about 10 p.m. to 2 a.m. We requested an increase in medallion fees, the first fee increase in a long time. Also, our technology fee helps us maintain a healthy budget.

This led to discussions regarding the reclassification of the chief investigator position. Decision unit E-805 in B/A 245-4130 establishes a deputy administrator specifically for the Division's enforcement side, separate from the deputy administrator overseeing administration. This will be the most efficient way to effectively administer the Agency. We would like future funding for both positions. But in the interim, this works well for us.

E-805 Classified Position Changes — Page B&I-163

KARL ARMSTRONG (Administrator, Taxicab Authority, Nevada Department of Business and Industry):

In addition to the position reclassification, we need to upgrade our analog radio system. In the near future, the Nevada Department of Public Safety, and all the other entities will convert to a digital system. This will require us to replace our current radio system so we can communicate with Las Vegas Metropolitan Police Department and other law enforcement entities. Page 7 of [Exhibit C](#) shows decision unit E-715 in B/A 245-4130 which includes new dispatch equipment estimated at \$85,000.

E-715 Equipment Replacement — Page B&I-162

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Decision unit E-719 in B/A 245-4130 involves acquiring new vehicles. All are owned by the Authority. We have 22 Ford Cruiser sedans purchased about 10 years ago. They are at the end of their useful life. Our goal over the 2023-2025 biennium is to phase in replacement vehicles. We will lease seven police cruisers and integrate them into our fleet. If successful, seven of our fleet vehicles at end-of-life will be retired from service.

E-719 Equipment Replacement — Page B&I-162

ASSEMBLYMAN MILLER:

What are the anticipated efficiencies to the daily operations of the Agency by having a new Deputy Administrator position?

MR. ARMSTRONG:

We want a sworn category II officer in that position to oversee enforcement. This change would help us save money because we would be replacing our chief enforcement investigator position with the deputy administrator position. That person would also be second in command of the Agency and would help manage our dispatch and inspection sections. This would allow me to focus my attention on general planning and administration for the Agency as well as meet with our stakeholders.

MR. REYNOLDS:

The Taxicab Authority's primary responsibilities include patrol and enforcement of taxi regulations. It also handles inspections and dispatch and operates similarly to a police agency. It has a dispatch, responds to calls and conducts regular patrols. This is different from the NTA, which is more directed to enforcement at transportation hubs and looking specifically for issues at conventions or special events.

Elevating the enforcement position will help with licensing and other areas of enforcement. It will help by creating a direct command over a uniform person handling patrol versus an administrator who is more involved with back office responsibilities and Agency operations such as budgeting and personnel issues. This will prove a more efficient way to manage, and from my experience, be a more cohesive way to deal with police agencies.

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ASSEMBLYMAN MILLER:

Can you discuss the Agency's plan to reduce its technology fee and operating reserves in each year of the 2023-2025 biennium?

MR. REYNOLDS:

We know we need to replace our radio and dispatch equipment and upgrade our data system in the next couple of years. We have plans to start doing that, and Mr. Armstrong has been key in identifying and prioritizing those issues. We also have to purchase new vehicles and install radios. All those items will be expensed and reduce reserve funds.

CHAIR NEAL:

We will now discuss B/A 101-3922, the Nevada Transportation Authority.

TODD PARK (Chief of Enforcement, Nevada Transportation Authority,
Nevada Department of Business and Industry):

Today I will discuss decision unit E-229 in B/A 101-3922 shown on page 8 of [Exhibit C](#) which increases my staff by three compliance/enforcement investigators. With the substantial growth in the Las Vegas and Reno areas, it is difficult to provide efficient enforcement with the number of people we have. We currently have two compliance enforcement investigators and one supervisory position in Reno.

B&I - Nevada Transportation Authority — Budget Page B & I-170 (Volume II)
Budget Account 101-3922

E-229 Efficiency & Innovation — Page B&I 173

As Las Vegas continues to grow, we have many new things on the horizon. Between the Las Vegas Raiders, the Vegas Golden Knights, Formula One Racing, the NFL Draft, Super Bowl, and potentially an NBA and MLB team, it complicates transportation enforcement. Overtime pay is usually required for even a single event. When multiple events are occurring simultaneously, covering them all proves difficult.

The three additional enforcement positions will investigate complaints and perform operational inspections. This will free up the investigator IIs to engage

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in more proactive enforcement by going to these events that we are trying to cover with our small staff. The current investigator IIIs will handle some of the more complex investigations. Oftentimes, an investigation will take anywhere from 2 to 4 weeks or longer to complete, which takes the investigator IIs away from their normal duties.

ASSEMBLYWOMAN BACKUS:

If the three new compliance enforcement investigator III positions are approved, what are the anticipated efficiencies in conducting investigations?

MR. PARK:

The proposed investigator III positions will take over the more complex investigations. This will free up the investigator IIs so they can go out and conduct more proactive enforcement. After 40 years in law enforcement, I believe law enforcement agencies are primarily reactive. I would like to be more proactive, and I believe these investigator III positions would allow that. We are seeing a trend in illegal activity; it is more complex and more organized. They are running countersurveillance on my officers. We need to step up our game, and these investigator III positions would help us do that.

ASSEMBLYWOMAN BACKUS:

Once the backlog of complex investigation cases is eliminated, does the Agency's projected workload of complex cases substantiate the need for the continuation of three compliance enforcement investigator III positions? What alternatives could be considered to work through the backlog of complex cases?

MR. PARK:

It is an ongoing issue. Complex cases do not always come to the forefront. It may be a week or two before you realize it will require additional investigator hours. As the enforcement investigators go out and proactively work cases, it will also produce more complex cases that may not be immediately apparent. As they continue to investigate, they will start to assist the investigator IIIs with their cases and help to expedite a resolution.

To clarify, a complex investigation is something that needs more time than a normal investigation, involves a higher level of expertise, requires additional surveillance, involves more witness interviews and other similar tasks. When

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investigator IIs get involved in a complex investigation, it removes them from their normal duties. If the investigator II and investigator III can combine their efforts, I believe the backlog of cases will go down drastically. Complex cases will always require more investigation and proactive enforcement will create more complex cases.

MR. REYNOLDS:

We focus on TNCs, but we also regulate household movers and storage, shuttles, buses, limos, tow cars and nonmedical transport. We have many different issues. In the last 1.5 years, there was a big issue in the moving industry concerning licensed versus unlicensed movers. Many people were subject to fraud because unlicensed businesses took their money to supposedly move their goods and did not perform. That is an example of the type of cases we are working on, which is extremely important.

ASSEMBLYWOMAN BACKUS:

Regarding the two new administrative assistant positions requested under decision unit E-230 in B/A 101-3922, can you discuss the challenges experienced in the Las Vegas office with reviewing and analyzing applications promptly and the anticipated benefits to daily operations if a new administrative assistant is approved?

E-230 Efficiency & Innovation — Page B&I 173

JENNIFER DE ROSE (Deputy Commissioner, Nevada Transportation Authority, Nevada Department of Business and Industry):

The Las Vegas office has three fiscal analysts. One is the application manager and two are financial analysts. All three are certified public accountant positions. They are working on the approximate 85 cases on our docket. Those are new applications for the entire industry we deal with. We have three administrative positions in the Las Vegas office and one in northern Nevada. We are asking for an administrative assistant IV to provide higher level administrative clerical work for our financial analysts.

On top of the backlog, the three analysts are providing daily guidance to our industry. While looking at the applications, they are distracted by phone calls, people coming in to ask questions or drop off new applications, and electronic

filing and scanning. This takes them away from their required tasks because we do not have the administrative staff to assist them.

The requested administrative assistant III position is for the Reno office and will assist our new Chair with daily clerical needs as well as supervise our administrative assistant II. This person will also provide the necessary clerical coverage at the front desk when the administrative assistant takes leave or breaks. This will allow enforcement agents and compliance audit staff to focus on their assigned duties, rather than clerical coverage.

ASSEMBLYWOMAN KASAMA:

You mentioned an increase in illegal activity and discussed incidents related to the moving industry. What illegal activity is occurring in relation to the number of large events in Las Vegas?

MR. REYNOLDS:

Organized groups are providing rides without being licensed or properly insured. People are masquerading as a TNC by putting fake stickers on their cars. They then go out during conventions or events and accept cash for rides. When these vehicles are stopped, they often have drugs and weapons in the car. We are not referring to concealed carry permit weapons, but rather regular weapons stored in consoles.

This is worrisome. We are concerned about the safety of the traveling public and our officers. We need to make sure people are getting into a licensed insured vehicle operating under State regulations designed to provide safe public transportation. We recognize the increased need for public transportation and our inability to meet those needs. This will create a vacuum where we have illegal rides coming in and taking up that space.

ASSEMBLYWOMAN KASAMA:

Are complaints coming from the passengers in these unlicensed vehicles, or are they submitted by licensed transportation providers that notice the infractions and report them?

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MR. REYNOLDS:

The answer is both. I have heard it from the industry because it is concerned with the negative image created by illegal drivers. There is also a public concern because they want to make sure the person picking them up is a licensed, registered driver.

MR. PARK:

We have a lot of complaints coming out of Harry Reid International Airport because the people working in that area are quite aggressive, approaching people asking for rides. We have witnessed some fights between taxi drivers, TNC drivers and drivers of illegal unlicensed cabs.

We also get many complaints following events. We have heard about drivers standing on cement barricades offering rides to anybody needing one. That does not bode well for the traveling public's safety. They do not know who is giving them a ride. This is also an issue in terms of insurance. If the driver were to get in an accident, their insurance would not pay for the passenger's injuries.

In conducting their work, my employees encounter illegal tow trucks, illegal household goods movers and illegal passenger transportation providers. When this occurs in the middle of an investigation, they will take photographs and save them for a future investigation when time allows. My staff has several leads of their own to follow up on. This does not include the people from the industry or passengers who contact us to report the illegal activity occurring they see.

CHAIR NEAL:

We will move to B/A 101-3900, the OLC.

B&I - Labor Commissioner — Budget Page B & I-184 (Volume II)
Budget Account 101-3900

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BRETT HARRIS (Labor Commissioner, Office of the Labor Commissioner,
Nevada Department of Business and Industry):
We have two key budget requests listed on page 9 of our presentation.

When the Nevada State Apprenticeship Council (NSAC) was transferred to the Office of the Labor Commissioner in 2021, there was a subgrant from the Nevada Department of Employment, Training and Rehabilitation (DETR) to fund NSAC through FY 2022-2023. Decision unit E-500 in B/A 101-3900 requests General Fund appropriations to continue funding NSAC.

E-500 Adjustments to Transfers — Page B&I 186

A one-shot appropriation requests funds for software to help us transition from manually administering to electronically processing and managing license applications for professional employer organizations and agencies.

FY 2023 One-Shot: This request funds cloud-based software-as-a-service solution for the online submission, processing, and management of professional employer organization license applications.
Department of Business and Industry-Labor Commission
(BUDGET OVERVIEW-40)

CHAIR NEAL:

Did the Agency seek other federal or State apprenticeship grants to fund the NSAC for the 2023-2025 biennium?

MR. REYNOLDS:

We are actively working with the DETR Governor's Office of Workforce Innovation (GOWINN) and the NSAC director to seek out grants we can use to enhance Apprenticeship Programs including tuition assistance, new Apprenticeship Programs startups and fully developing the Apprenticeship Programs. The NSAC and its director were initially funded by B&I before transferring to GOWINN.

The Nevada Apprenticeship Programs are reviewed by the U.S. Department of Labor (DOL). Upon grant funding, we faced challenges working with the DOL in handling the accounting and administering the grants for the programs. Those

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grants are typically for establishing programs with school districts, colleges and employers, and to adequately develop Apprenticeship Programs. We have been able to establish more Apprenticeship Programs in the last six months than they did in the last four years. We are shifting focus to a program approach in providing more apprenticeships where they are needed in the State. The grants are not to be used for the Executive Director's salary.

CHAIR NEAL:

Do you expect to continue to use the GOWINN dollars moving forward, or are you looking to get the Apprenticeship Programs established before moving them to another funding source?

MR. REYNOLDS:

Grant funds through DOL are available almost every year to set up Apprenticeship Programs. I have a list of the areas being considered by the Labor Commissioner and can provide it.

It is important to realize that we need Program activity. We need to develop apprenticeships. We need more people engaged in being an apprentice. Most of these apprenticeships are paid, and they earn a fairly good starting wage. However, there are expenses related to education and running the Programs. If we can offset that, we can get more people into the Programs.

CHAIR NEAL:

Do we have an extensive report on how the Apprenticeship Programs are working? Do we know which industries are participating and how successful the Programs are within each sector?

MR. HARRIS:

When the Apprenticeship Programs transferred to OLC, there were 59 registered Apprenticeship Programs and 5,589 apprentices in 60 different occupations. During its first year under the OLC, from July 2021 to July 2022, it increased to 61 registered Apprenticeship Programs in 62 occupations with 5,935 apprentices. For FY 2022-2023 to date, we have 62 registered Apprenticeship Programs with 6,438 registered apprentices in 65 occupations.

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We are working to expand beyond the trade industries. We recently added three new IT occupations, and we have five potential new Programs in various industries queued up and working with the director to become Nevada Registered Apprenticeship Programs.

CHAIR NEAL:

Please provide an update on the Agency's efforts to expand the number of registered Apprenticeship Programs in the State, and how having the Nevada Registered Apprenticeship Programs under the Labor Commissioner has assisted in those efforts. There were also plans to expand the Apprenticeship Programs to touch seniors and some high school students that were leaving school. Is that still a plan?

MR. REYNOLDS:

We have been working with the Nevada Department of Education to establish preapprenticeship programs in high schools. Sparks High School has set up a program that we are looking to expand into Washoe County and Clark County to get students interested in the trades. I have been working with Robert Brenner and his team to help create interest in the trades. They educate students on the training required, the potential earnings and success they can achieve through these Programs.

High school is the optimal time to generate interest. From there, it can move into community colleges or specialty programs. It is crucial to gain their attention before graduating high school because they are regularly pressed to go to college. College may be ideal for many people, but not for all. The trades need people, and the income earned can be much higher initially and over time. It is worthwhile to promote these programs and have them start at the junior or senior level in high school.

CHAIR NEAL:

Do you envision growth in the long term?

MS. HARRIS:

As long as the Programs meet the required qualifications, we would like to expand the available Programs as much as possible. Our new apprenticeship director has done a great job of communicating and reaching out to the IT and

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healthcare fields. Many industries are interested in launching Apprenticeship Programs but do not know how. We have been working with them to form Programs that qualify.

CHAIR NEAL:

We need to be mindful of how we appropriate General Fund monies. If this is going to continue to roll over in the future, will it be sustainable? It was set up as a grant program, even though it did not work with DETR. We need to figure out how to continue to be grant funded versus using General Fund monies.

Ms. HARRIS:

A federal grant to help establish programs is available. We intend to apply when the application process opens in April 2023.

MR. REYNOLDS:

The OLC and the B&I Director's Office are actively seeking and applying for grant funding to assist with program expenses. We are also working closely with DOL, which is aware of the program shift and is providing input on how it wants to see apprenticeships and programming elevated within the State.

CHAIR NEAL:

We will close out B/A 101-3900 and move to B/A 101-3910, the Division of Mortgage Lending.

CATHY SHEEHY (Commissioner, Division of Mortgage Lending, Nevada Department of Business and Industry):

The budget enhancements are listed on page 10 of [Exhibit C](#). Decision unit E-225 in B/A 101-3910 is for a new compliance audit investigator II position to support the increase of the licensees we have received in the last few years.

B&I - Division of Mortgage Lending — Budget Page B & I-221 (Volume II)
Budget Account 101-3910

E-225 Efficiency & Innovation — Page B&I 223

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Decision unit E-226 in B/A 101-3910 requests a new IT professional position to develop and implement an IT cybersecurity examination program, then incorporate it into our existing examination program.

E-226 Efficiency & Innovation — Page B&I 224

ASSEMBLYWOMAN PETERS:

Can you discuss the circumstances in which investigations related to a mortgage lending licensee are initiated, and how long it takes the Agency to conclude and resolve an investigation once initiated?

Ms. SHEEHY:

Complaints come through several different channels. Consumers submit them online via our website and occasionally, in person. There are incidents where the industry will notify us of a complaint or possible unlicensed activity.

The time to resolve a complaint varies regardless of the channel by which it was submitted. Some may be as simple as answering questions or providing clarification and can take as little as a day to close out. Others may not be in our jurisdiction and need to be referred to another agency.

Some complaints require additional time and can turn into full investigations. This would require contacting the complainant, contacting the individual or entity the complaint is regarding, conducting interviews, requesting additional information and issuing subpoenas for records. On average, a complaint investigation could take a couple of months. Sometimes, these investigations involve other cases that might be litigated in civil court. If that occurs, we have to pause the investigation until the litigation has been resolved before we can make a determination.

ASSEMBLYWOMAN PETERS:

Is one new compliance audit investigator position sufficient to manage the Agency's complaint investigation workload and eliminate its backlog?

Ms. SHEEHY:

The position will help. We have four investigator III positions. This new position will be an investigator II. This will allow us to bring in the person and cross-train

them. When we have vacancies at the higher level, we plan to be able to promote from within to fill the secondary level position.

Although the licensing numbers have increased considerably over the last few years, we are expecting some rightsizing to occur. This is where the number of licenses, entities and individuals in nondepository mortgage lending will shrink slightly as a result of the unprecedented growth during the pandemic. At this time, one new position will be enough. We can continue to monitor the volume and review the number of complaints and investigations we have to determine if we need additional positions.

MR. REYNOLDS:

The number of applications submitted between 2017 and 2019 was stable at around 13,000. In FY 2021-2022, that number grew to about 21,000. Do we think we can sustain that? I believe there will be some contraction, but it will not revert to 13,000.

There will be a fallout, but we will still see roughly 15,000 to 16,000 applicants. We received 7,800 new applications in FY 2020-2021 and 6,000 in FY 2021-2022. The number decreased, but the industry will continue to grow, even if it is at a slower pace.

ASSEMBLYMAN MILLER:

Please discuss the cybersecurity risks on mortgage companies in the State necessitating the need to establish a cybersecurity program, including why the Division of Mortgage Lending is the appropriate entity to provide evaluation services for mortgage company financial systems.

MR. REYNOLDS:

I was talking to our financial people and learned the Financial Institutions Division (FID) is experiencing the same issues. It is hard to have a standalone person within one division. To make it easier and more efficient, the Mortgage Lending Division (MLD) can share that person with FID by using cost allocations.

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MS. SHEEHY:

The IT professional position is important. Cybersecurity is a concern across all industries, not only in Nevada but across the U.S. Nondepository mortgage lending companies have a lot of sensitive consumer data stored on their systems. We need this position to set up and create a mortgage IT examination program so we can examine these mortgage companies, their books and records, to ensure they are doing what they can to mitigate the threat of cybersecurity issues and attacks.

MR. REYNOLDS:

The FBI conducts periodic checks to determine if we are safely securing our data and are working to make sure we are following secure protocols. We want to take it a step further by making sure we are verifying the companies are doing what they should to protect vital information on their end. This is also required by the Nationwide Multi-State Licensing System and Registry for mortgage lending. Ensuring records are handled properly and companies protect personal information on mortgage applications is both a national and local issue.

ASSEMBLYMAN MILLER:

Do you anticipate any statutory or regulatory changes will be necessary?

MS. SHEEHY:

We would be hard-pressed to determine that now. We will not be able to determine the scope until we implement the IT examination program and combine it with the other components. I assume there could be a new statute or regulation necessary to support the program.

ASSEMBLYMAN MILLER:

Do you expect to charge the mortgage lending companies for this examination process?

MR. REYNOLDS:

No, we do not. We are looking to incorporate it with the licensing fees. We have considerable reserves that will cover the cost for both MLD and FID.

ASSEMBLYMAN MILLER:

Do you intend to share the new IT professional?

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MR. REYNOLDS:

We want to hire someone that can work for us at MLD and with FID to handle financial institutions such as banks and credit unions. They deal with the same issues related to protecting consumer information.

ASSEMBLYMAN MILLER:

How long do you expect this will take to implement? Will this person let us know how many additional people are needed to continue the program?

MS. SHEEHY:

Following the recruitment process, the employee will need at least 6 to 12 months to put the program together. They may not have to start from scratch. There are other programs at the national level we can mirror. However, we want to make sure that it is not a full scope examination out of the gate. The industry will need time to comply, similar to when the other federal laws are enacted. It takes time for the industry to comply and get up to speed on the scope and examination process. We want to make sure we give the industry enough time to adapt to the changes.

ASSEMBLYMAN MILLER:

According to my notes, you have about 1,469 licensees. You are expecting to perform 10 to 15 examinations a year, which could include multiple licensees. Is one IT professional enough, especially if you plan to split their duties between two agencies? Do you anticipate being overloaded and needing to ask for another IT person?

MR. REYNOLDS:

Those are difficult questions to answer because we are establishing a new program and cannot say what it will look like in the future. Do I think that we are going to need additional people in this area? Yes. I know the State experiences thousands of cybersecurity intrusions daily. This is something that all of our agencies are facing, whether it is a depository or nondepository institution, an insurance company or a medical office.

I do not want to start by hiring a bunch of people. We first need to get the program up and running and understand what is involved.

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ASSEMBLYWOMAN KASAMA:

The criminals in the cyber world are smarter than we are. It is horrendous what is going on in our real estate industry. Fraudsters target us more than most because of the big dollar amounts. We should do all we can to work on this.

SENATOR HARRIS:

Has the Agency considered further lowering fees in the upcoming 2023-2025 biennium? If not, what is the Agency's plan to lower its reserves in the upcoming 2023-2025 biennium?

MR. REYNOLDS:

We are cognizant that we need to do that.

MS. SHEEHY:

Yes. The Division has done two rounds of fee reductions. The most recent was implemented in July 2022. Based on that, we will continue to monitor the volume of the licenses we issue to see if we can reduce fees further.

We requested two budget decision units during the interim, one in the Director's Office and one in our Las Vegas office related to licensing. We are here today for two new positions and for the current IT database replacement project that will spend some of those reserves.

CHAIR NEAL:

We will open it up for public comment.

SARAH ADLER (National Alliance on Mental Illness):

Thank you for your interest and questions related to the Home Means Nevada and pandemic assistance budgets. I would like to briefly tie your questions and my remarks to a coming attraction, Senate Bill (S.B.) 68, which to date has only been heard by Senator Neal.

SENATE BILL 68: Establishes programs to provide certain assistance relating to housing. (BDR 25-303)

You gained an understanding of rental assistance, eviction diversion, and homelessness prevention and learned about millions already utilized or on the

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path to utilization. Senator Harris asked about the use of funds to house the unhoused. Many Nevadans who are homeless need more affordable rent. Many homeless Nevadans need supportive housing to help them deal with their mental illness or addiction.

On a positive note, 16 percent of the Home Means Nevada units are identified as supportive. The concerning news is that supportive housing requires ongoing funding for rental assistance and supportive services, beyond the one-shot that creates the physical building.

Together, the Clark Regional Behavioral Health Policy Board and National Alliance on Mental Illness are introducing S.B. 68 proposing the creation of a revenue stream to support a critical needs fund that contains two buckets: housing stability and supportive housing. With ongoing funding, we meet all of the critical needs identified for Nevadans.

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CHAIR NEAL:

With no further public comment, we will adjourn the Joint Subcommittees on General Government at 10:00 a.m.

RESPECTFULLY SUBMITTED:

Michelle Friedlander,
Committee Secretary

APPROVED BY:

Senator Dina Neal, Chair

DATE: _____

Assemblywoman Sarah Peters, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	2	Terry Reynolds, Department of Business and Industry	Department of Business and Industry Budget Presentation