

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Eighty-second Session
May 20, 2023**

The Senate Committee on Finance was called to order by Chair Marilyn Dondero Loop at 8:04 a.m. on Saturday, May 20, 2023, in Room 1214 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.

COMMITTEE MEMBERS PRESENT:

Senator Marilyn Dondero Loop, Chair
Senator Dallas Harris
Senator Dina Neal
Senator Rochelle T. Nguyen
Senator Pete Goicoechea
Senator Heidi Seevers Gansert
Senator Robin L. Titus

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro, Vice Chair (Excused)

GUEST LEGISLATORS PRESENT:

Senator Fabian Doñate, Senatorial District No. 10
Senator Dallas Harris, Senatorial District No. 11
Senator Roberta Lange, Senatorial District No. 7
Senator James Ohrenschall, Senatorial District No. 21
Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Wayne Thorley, Senate Fiscal Analyst
Cathy Crocket, Chief Principal Deputy Fiscal Analyst
Paul Breen, Committee Assistant

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Marie Bell, Committee Secretary
Helen Wood, Committee Secretary

OTHERS PRESENT:

John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court
Victoria Gonzalez, Executive Director, Nevada Department of Sentencing Policy
Leisa Moseley Sales
Joelle Gutman Dodson, Government Affairs Liaison, Washoe County Health District
Julia Peek, Deputy Administrator, Division of Public and Behavioral Health, Nevada Department of Health and Human Services
Jeff Mitchell, Deputy Director, Division of Excise and Local Government Services, Nevada Department of Taxation
Kevin Dick, District Health Officer, Washoe County Health District
Nicki Aaker, Director, Carson City Health and Human Services
Julia Ratti, Washoe County Health District
Lea Case, Nevada Public Health Association; Academy for Career Education
Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties
Izack Tenorio, Churchill County
Bradley Mayer, Southern Nevada Health District
Sheila Bray, Community Partnerships Coordinator for Clark County, University of Nevada, Reno
Caleb Cage, Interim Administrator, Central Nevada Health District
Caitlin Gatchalian, Government Relations Director, American Heart Association
Marlene Lockard, Service Employees International Union Local 1107
Denise Ferguson, Administrator, Chief Executive Officer, Mt. Grant General Hospital
Megan Comlossy, Nevada Health Care Workforce and Pipeline Development Work Group
Doralee Martinez, Nevada Disability Peer Action Coalition
Benjamin Challinor, Policy Director, Nevada Alzheimer's Association
Misty Grimmer, Nevada Alzheimer's Association
Amy Peterson, Alzheimer's Association Desert Southwest Chapter
Constance Brooks, Interim Vice President, Government and Community Engagement, University of Nevada, Las Vegas

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Amanda Morgan, Executive Director, Educate Nevada Now; The Rogers Foundation

Matt Morris, Educate Nevada Now

Alexis Motarex, Nevada Associated General Contractors

Rene Cantu, Executive Director, Jobs for Nevada's Graduates, Inc.

Amber Stidham, Las Vegas Global Economic Alliance

Jaime Olivares

Mendy Elliott, Economic Development Authority of Western Nevada

Rebecca Dirks Garcia, Chair, School Organizational Team, Veterans Tribute Career and Technical Academy

Chris Daly, Deputy Executive Director for Government Relations, Nevada State Education Association

David Reid, General Counsel, Receivables Management Association International

Erik Jimenez, Chief Policy Deputy, Office of the State Treasurer

Ashley Garza Kennedy, Clark County Department of Family Services

Rick McCann, Nevada Association of Public Safety Officers; Nevada Law Enforcement Coalition

Matthew Tuma, Deputy Director, Nevada Department of Administration

Kent Ervin, Nevada Faculty Alliance

Carter Bundy, American Federation of State, County and Municipal Employees

Teresa Melendez, Nevada Native Solutions; Tribal Nations

Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State

Carla Roman, Intertribal Nations of Nevada

Yvonne Hawk Verjan, Intertribal Nations of Nevada

Jennifer Lanahan, Reno-Sparks Indian Colony; Las Vegas Paiute Tribe

Kerry Anne Durmick, Nevada State Director, All Voting Is Local Action

Annette Magnus, Executive Director, Battle Born Progress

Jamie Rodriguez, Washoe County Registrar of Voters

CHAIR DONDERO LOOP:

We will open the hearing with Senate Bill (S.B.) 58.

SENATE BILL 58: Revises provisions related to the Judicial Department of the State Government. (BDR 1-436)

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JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):

Senate Bill 58 Proposed Amendment 3690 ([Exhibit C](#)) is a gut-and-replace amendment that deletes the original bill in its entirety. The amendment changes section 1 to add a new section to chapter 1 of the *Nevada Revised Statutes* (NRS) to allow the Nevada Supreme Court, within the limits of available funding, to determine the salary and benefits of its employees pursuant to court rules and policy.

The amendment deletes sections 2, 3, 4, 5 and 6 of the original and adds sections 7 through 12. These sections add the clarifying language within the limits of legislative appropriations for existing sections in chapter 1 and 2 of the NRS that authorized the Supreme Court Administrator to employ certain persons.

WAYNE THORLEY (Senate Fiscal Analyst):

This was a friendly takeover of S.B. 58 by the Assembly Committee on Ways and Means and the Senate Committee on Finance commonly referred to as the Money Committees. As the Judicial Branch budgets were closed by the Money Committees, the funding of all court salaries for non-Judicial Branch elected officials was moved into one budget. An appropriation was approved to fund those salaries with the understanding the Judicial Branch would determine how that funding would be allocated among the positions employed by the Judicial Branch.

Senate Bill 58 would accomplish that. Section 1 adds language very similar to that in the Governor's chapter of NRS to employ persons in the Office of the Governor, Governor's Finance Office (GFO). This adds similar language for the Judicial Branch that allows them to employ people as they see fit. It aligns with the Money Committees' decisions.

You will see next week other language in the Appropriations Act that adds reporting requirements and other restrictions discussed by the Money Committees. It will come later in another bill.

As originally submitted, S.B. 58 eliminated the distribution of court assessments to the Judicial Branch. That is still being accomplished but will come through S.B. 448 submitted by the GFO that would eliminate the distribution of administrative assessments to all State agencies, both in the Executive Branch

and the Judicial Branch. That is why it is no longer in this bill, but the Money Committees approved replacing administrative assessments in the Court's budgets with General Fund appropriations.

SENATE BILL 448: Revises provisions governing the distribution of the proceeds of certain administrative assessments. (BDR 14-1092)

SENATOR SEEVERS GANSERT:

When we had the hearings around the Judicial Branch having autonomy over its employees, there was a discussion about how the pay ranges would be similar to those of the Executive Branch for the different types of positions, if it was someone who was an assistant, a secretary or an attorney in the Judicial Branch versus an attorney in the Executive Branch under the Office of the Attorney General (AG). Would you please speak to that? This seems to be a move to make it relate to all employees unclassified or nonclassified.

MR. THORLEY:

All employees in the Judicial Branch are nonclassified. This would not change that. It would allow the Judicial Branch to set the salaries for those positions as it deems appropriate similar to the authority that the Governor has for his staff.

SENATOR SEEVERS GANSERT:

If you are an attorney in the Judicial Branch or maybe in the AG's office, you could get paid a significantly different amount for the same type of work. We talked a lot about making sure there was some parity for similar positions and different branches of government within the State.

MR. THORLEY:

It will be up to the Judicial Branch to determine how much they pay their attorneys and other positions within the limits of the money that was appropriated by the Legislature.

SENATOR SEEVERS GANSERT:

I thought we had that conversation. The pay rates need to be similar to that of Executive Branch members. I understand this allows the Courts to do whatever they want. However, the intent was to have flexibility, but understand we need to pay within the similar ranges as far as other branches of government.

MR. MCCORMICK:

That is the intent. The way Mr. Thorley indicated this was funded is it is the appropriation; that is the extent of the money available. People have to be paid within that appropriation, which lends itself to similar pay across the State. We have examined this and figured out exactly how we will handle this and that is how it turned out. It is extraordinarily similar across the State.

SENATOR SEEVERS GANSERT:

We had conversations about the threshold which still stands that you can only pay up to 95 percent of what the Governor makes. We had specific conversations about it. You had four or five high-level positions that in the original proposal were for about \$198,000 year. Would they still be bound by the cap that is in statute?

MR. MCCORMICK:

It is my understanding they would still be subject to that cap.

SENATOR NGUYEN:

I was hoping Mr. Thorley or Mr. McCormick might be able to explain how, under this amendment, we have more legislative oversight and what kind of reporting there will be, so we understand when we come back and fund this in the next Legislative Session, we have a better understanding of where that money was distributed.

MR. MCCORMICK:

It is my understanding, as discussed during the budget closing, that was part of it. The reporting language will go in the Appropriations Act. It will direct the Judicial Branch where to report, such as the Legislative Counsel Bureau or Interim Finance Committee.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 58 we open the hearing on S.B. 103.

SENATE BILL 103: Revises provisions governing the Nevada Sentencing Commission within the Department of Sentencing Policy. (BDR 14-308)

VICTORIA GONZALEZ (Executive Director, Nevada Department of Sentencing Policy):

The Nevada Department of Sentencing Policy is tasked with collecting and analyzing data to assist the Legislature, public and stakeholders, and with making data driven recommendations for our Criminal Justice System. Senate Bill 103 came out of the Joint Interim Standing Committee on Judiciary presentation from the Nevada Department of Corrections Fines and Fees Justice Center. The Fines and Fees Justice Center recommended a study be conducted of misdemeanors in our State. Senate Bill 103 creates a misdemeanor study within the Nevada Department of Sentencing Policy and the Sentencing Commission. We are the appropriate place to study data and release those reports.

Our current statute limits the study of sentences to felonies and gross misdemeanors. At a high level, S.B. 103 expands our duties, so we are not limited to just studying gross misdemeanors and felonies. It changes some of the duties, so we do not have to keep coming back here every time there is an idea to study the criminal justice system. The bill broadly allows us to study anything related to the criminal justice system and anything related to sentences for this Legislature and the public to have data driven recommendations.

The proposed amendment to S.B. 103 ([Exhibit D](#)) before you changes the approach. After talking to stakeholders and thinking more about what is important to this State and what is consistent with our values in our Department, we are looking for sustainability.

Studying misdemeanors is no small task. It will require collecting data at the State level, the county level and the city level from 17 counties, and having the appropriate stakeholders in that conversation. Rather than having a study, the amendment creates a subcommittee within the Sentencing Commission. It is not the intent or the vision of the Department or our Sentencing Commission to have a myriad of subcommittees. Because misdemeanors are so large, it makes sense to have a separate public body within our Agency and within the Sentencing Commission dedicated to studying misdemeanors and making sure this State has ongoing access to information, data and analysis about misdemeanors. We are already doing this with felonies and gross misdemeanors. This bill creates a subcommittee to do that. It also adds some changes to the Sentencing Commission for areas where we were lacking, specifically in the rural areas. We added a district attorney and a public defender

from the rural areas. This bill will also make sure we have a voice from the Nevada Department of Public Safety, Nevada State Police Records, Communications and Compliance Division's central repository, as they collect criminal history data and would be relevant to this discussion as well.

The fiscal note is consistent with the data we must collect from 17 counties related to misdemeanors. We are looking for sustainability so you will always have a resource for that data and information from our Agency and from the Sentencing Commission.

SENATOR NGUYEN:

As a former member, when I first saw there were additions to the Sentencing Commission, because it is so large, it concerned me. In looking at the Sentencing Commission and what its role should be, I support the addition of these individuals to allow this sentence subcommittee structure to study these things.

We all know too well that we often do not have that data, especially when it comes to misdemeanors, which is really most people's only interaction with the criminal system, if they have anything at all. The idea you have not been able to study misdemeanors as a part of the Sentencing Commission that looks at sentences and criminal charges is beyond me. I support this, and I appreciate all the work you have done.

MR. MCCORMICK:

As a member of the Sentencing Commission, I support S.B. 103, and I think it is important we take a broader look and start examining misdemeanors.

LEISA MOSELEY SALES:

I was prepared to present or answer any questions related to the bill if the Committee had any. I support S.B. 103. It is important we do this study and review.

CHAIR DONDERO LOOP:

Ms. Gonzalez, we have an amendment that moves from one member to two members and then you mentioned the counties. Is there anything else in [Exhibit D](#) you did not cover?

Ms. GONZALEZ:

Originally, we had a member who is an expert in fines and fees. Putting them on the Subcommittee takes care of covering the counties. We originally had a member from the GFO but realized that might not be necessary because of the relationship we have and how we communicate things. The subcommittee would have the authority to create working groups.

That is the threshold of the stakeholders that should be on the subcommittee. The members of the subcommittee will be appointed by the Chair of the Sentencing Commission. As long as we have those voices, the Chair would have the discretion to appoint anyone else who is deemed appropriate.

CHAIR DONDERO LOOP:

I will close the hearing on S.B. 103 and open the hearing on S.B. 118.

SENATE BILL 118 (1st Reprint): Revises provisions relating to public health.
(BDR 40-334)

SENATOR FABIAN DOÑATE (Senate District 10):

Senate Bill 118 revises provisions relating to public health. The bill came out of the Joint Interim Standing Committee on Health and Human Services as part of the COVID-19 study we did. Public health is challenging and hard to predict. The COVID-19 crisis was the greatest crisis of many of our lifetimes. When we cannot respond adequately because of funding limitations, we fall behind on our response. This bill is a movement towards creating sustainable funding towards public health.

JOELLE GUTMAN DODSON (Government Affairs Liaison, Washoe County Health District):

The Proposed Amendment to S.B. 118 ([Exhibit E](#)) was the original amendment we tried to get into the Senate Committee on Health and Human Services. It came out a little differently than intended. The goal of this amendment is instead of creating another account in the Nevada Department of Health and Human Services, Division of Public and Behavioral Health (DBPH), we would allocate the funds directly to local health authorities or their designee.

This Proposed Amendment deletes section 3, which is the account described. It also deletes section 5, which stipulates what the account does in section 3. We have an explanation in section 4 that the Nevada Department of Taxation shall

apportion on a monthly basis, similar to the commerce tax, the Other Tobacco Product (OTP) tax to our local health authorities or their designees.

For counties that are not represented by a local health authority, the money would be distributed to DPBH because it serves as their public health representative.

CHAIR DONDERO LOOP:

Can you tell me about the fiscal note? Can you tell me about the reduction and taxes?

MS. GUTMAN DODSON:

The DPBH does not have a fiscal note on this bill. The money we would use is a direct allocation from OTP funds. It is 35 percent of the OTP revenue. That money goes to the General Fund. Nothing would be removed from anywhere else.

CHAIR DONDERO LOOP:

Are you saying we would lose \$10 million to the General Fund?

MS. GUTMAN DODSON:

Yes.

CHAIR DONDERO LOOP:

There is no fiscal note, but are you saying we would lose \$10 million?

MS. GUTMAN DODSON:

It is 35 percent or approximately \$12 million, which is about \$4 per capita to each county and/or local health authority.

SENATOR DOÑATE:

Many of the health districts receive federal grants. Often federal grants are specified towards a particular disease or encounter. If a disease appears, for example, COVID-19, we could not use the funds towards tracking another disease like monkeypox.

Having funds that are not categorical that we can use to respond adequately for public health is the infrastructure the health districts need. That was lacking during the pandemic.

Ms. GUTMAN DODSON:

We do not receive any noncategorical funds. This would be the only money we could prioritize and use in case of an emergency or priorities local health authorities have identified.

SENATOR TITUS:

You commented those funds would be allocated to the local health authorities or counties. Are you looking at distributing those funds to the boards of health for counties that do not have a health district? It will not be 17 different counties. You said, based on per capita. Would you break down population so this fund would be \$4 per capita so each combined district and then all in that one district would get \$4 per capita? I need clarification on that breakdown.

Ms. GUTMAN DODSON:

You are right for the local health authorities. The health districts would receive their population distribution. Some health districts represent multiple counties. They would receive all of that. For the counties not represented by health districts, their money would go to DPBH so DPBH could provide their public health services.

JULIA PEEK (Deputy Administrator, Division of Public and Behavioral Health, Nevada Department of Health and Human Services):

We oversee several counties and provide public health services to them. What we think we will do in this case is work with the county boards of health to figure out what their gaps are in services.

We also just completed the *State Health Needs Assessment* that looks at county needs. We will use a process working with the county health officers to see what categorical funds are already addressing services, what the gaps are and how we will work with that.

Noncategorical funding could allow more counties to move forward with the health district, which ideally would be ten years from now. We would have local health authorities in all counties, so public health services can be delivered locally. The challenge in doing that is there are noncategorical infrastructure funds for these counties. The counties must contribute a good amount of money to set up a local health district. This would really be the stepping stone to allow that foundation to occur.

It is my hope these funds, if approved, would allow counties to start moving through the process of regionalizing, so that the State just has an oversight role, not really a hybrid role of providing direct services as well.

SENATOR TITUS:

The justification is we have experienced an unpredicted health emergency. No one questions it was real. These funds will not be set aside in case of another emergency. Is the purpose of these funds to be implemented now, in the gaps we have already recognized in doing these assessments?

MS. PEEK:

I would say both are true. Let us use tobacco cessation as an example. The county identifies tobacco cessation funds should be used toward an outreach campaign for tobacco cessation. We move forward with that campaign. If we then get hit with some other infectious disease issue that occurs in the County, we would be able to reassess and redirect the funds.

Maybe we say we will not do the tobacco cessation campaign, or we will stop a few months of the campaign to get more disease investigators on contract to address the specific issue at hand.

With our current federal categorical grants, we have no latitude. For example, COVID grants from the federal partners were excellent in addressing COVID. However, when monkeypox hit our State, we could not redirect those funds even though it was an infectious disease. The funding was too categorical for that situation.

We want the ability to have more latitude in redirecting funds. We certainly would not sit on the funds and use them only as a public health rainy day fund. The intention is the funding will be spent should we have a specific crisis we need to address in real time. With noncategorical funding, we can say it is not going to tobacco cessation for the next six months. It will be used wherever needed.

SENATOR TITUS:

We needed that clarification and especially with all this free-standing water we have now. We may want to focus on West Nile with the mosquitoes.

JEFF MITCHELL (Deputy Director, Division of Excise and Local Government Services, Nevada Department of Taxation):

We received the proposed amendment this morning and are reviewing it. To distribute funds monthly there will be an impact. I do not know what that impact will be.

For your information, in fiscal year (FY) 2021-2022, according to our annual report, the OTP tax generated roughly \$35 million; 35 percent of that is \$12.25 million.

KEVIN DICK (District Health Officer, Washoe County Health District):

I support S.B. 118. Public health departments in Nevada are in vital need of additional funding and staffing that is noncategorical that can be used to address the health priorities of our communities, not funds that can only be used for a specific service or disease.

The Beaumont Staffing Up Research Study found Nevada needs 80,000 additional staff in the public health departments. From recent work with the National Public Health Foundation and using new staffing calculator tools, we found our health district needs 33 additional staff just to provide foundational public health services, not including what we need for community specific needs.

The assessment showed we needed more epidemiology and disease investigation staff. We could use the funds to retain some of the staff we will lose with the ending of the federal COVID-19 and Nevada Health Equity Grant funding. This would allow us to retain capacity for disease surveillance and assessment, and to work with our disadvantaged and culturally diverse communities. The funds can be used to improve our data systems and use data to better inform decision making and our communities. That can help us deliver programs in areas where we are currently falling short.

Public health funding has historically cycled between panic and neglect. This investment can begin to provide the support public health requires in Nevada and move the state from fiftieth towards forty-fifth in the Nation for public health funding. For a strong economy and future for Nevada, we need to invest in the health and well-being of our population, not just in treating illnesses. I urge you to pass S.B. 118.

NICKI AAKER (Director, Carson City Health and Human Services):

This funding could assist my Agency and the residents within our region. My Agency is highly grant or contract funded. Having noncategorical funding can assist when there is an interruption in funding. Public health emergencies and projects unique to our communities are identified by conducting a community health needs assessment.

We just completed our third community health needs assessment. We did this as a Quad County assessment with Carson City, Douglas, Lyon and Storey Counties in collaboration with Carson Tahoe Health. This needs assessment looks at the needs of approximately 175,000 people.

There is an estimated one in ten households living below 100 percent federal poverty level in the Quad County region. It is estimated approximately one in four adults with employer health plans is considered underinsured and likely struggle to pay for out-of-pocket health care costs. That is where local health departments can come in and be a safety net for those people.

Diabetes services rose to the top in our needs assessment. We are unable to provide those services since we do not have grant funding for it, and we cannot use our other funding. The only chronic disease funding we currently receive is tobacco control and prevention. My Agency receives funding for vaping, but that funding is in jeopardy. With noncategorical funding, we could continue the programs we are currently providing.

Vaping is an epidemic among our youth. As Mr. Dick indicated, we were able during COVID to expand our Epidemiology Division and have it as a standalone Division. This type of funding could also help us retain epidemiology staff.

SENATOR NEAL:

Can you clarify why vaping funding is in jeopardy? Where does it come from?

Ms. AAKER:

Vaping funding comes from the State. It is not a line item in the Governor's budget. It is Youth Vaping Prevention Funds. We need to come back and ask for that funding each Legislative Session. We are not sure we will get it back.

SENATOR NEAL:

Does it come from the OTP distribution?

Ms. AAKER:

It comes from General Fund appropriations.

CHAIR DONDERO LOOP:

Why do you have to come back every two years to ask for this? Is the Governor not approving that?

Ms. PEEK:

We had the opportunity to work with Senator Julia Ratti a few sessions ago to get some vaping tax money. It was provided the last two Sessions as an appropriation. It was not in the Governor's recommended budget, so we have to come back every two years and ask for that funding. It is in jeopardy as Ms. Aaker described.

JULIA RATTI (Washoe County Health District):

Back to the 2019 Session, we ran the bill to add 30 percent to the OTP tax for vaping products. That funding was directed to the General Fund. The public health advocates worked with me to get that funding in place, and we hoped the funding would go to public health. But during that session, the priority was K-12 education. That funding was not directed to public health. It was directed to the General Fund so it could be used for general government services.

In the subsequent Session in 2021, it did not make it into the Governor's budget. I had to work with the public health advocates and you to get that allocation from General Fund dollars.

In 2023 it was, again, not put in the Governor's budget. The public health advocates are trying to get that allocation. It was included in the Vaping Tax Bill, but the vaping tax all went to the General Fund, and it was then funded out of General Fund appropriations.

CHAIR DONDERO LOOP:

Was American Rescue Plan Act (ARPA) funding allocated for this?

Ms. PEEK:

We received a good amount of ARPA funding. I am not sure if we got it specifically for youth vaping and tobacco cessation, but I can look into that and get back to the Committee. Many of the ARPA-funded projects were either set

to conclude in 2024 or at best by 2027. I can check into what level of funding was allocated, but funding would be temporary.

CHAIR DONDERO LOOP:

This seems to be temporary if you need to come back every two years. I thought the reason the Governor did not include it in his budget is because there was ARPA funding available.

LEA CASE (Nevada Public Health Association):

As you have heard from my colleagues and several members of the Nevada Public Health Association, S.B. 118 is a critical piece of funding for Nevada's public health infrastructure. It has that crucial sustained funding we need to move forward with our public health infrastructure in the State.

We are tied with Wisconsin to be fiftieth in the Nation for public health funding at \$72 per person per capita. This additional investment would bring us up to forty-fifth in the Nation. The National average is \$116 per person.

The ability to allow nonadjacent counties to form health districts is critical in our rural areas to tie things together and to work towards sustainable public health infrastructure.

JENNIFER BERTHIAUME (Government Affairs Manager, Nevada Association of Counties):

On behalf of our members who represent all 17 of Nevada's counties, we are in support of S.B. 118, as it provides flexible funding to address local health needs and build vital public health infrastructure.

IZACK TENORIO (Churchill County):

We urge you to support S.B. 118 because it will increase access to health care in our State. Developing a sustainable public health stream will help Nevadans' access to health care needs. This is an issue that is more pressing for rural Nevadans. Proper public health funding will provide a safeguard for our residents and strengthen our society. Churchill County is in full support of S.B. 118. We urge your full support of this bill.

BRADLEY MAYER (Southern Nevada Health District):

We have been working on some form of this issue for three sessions, trying to develop sustainable noncategorical funding. Nevada may be one of the only

states in the Country that does not have direct funding for local public health. Almost all funding comes through the State in the form of grants or other programs.

There are two quick examples of what we have done on the bill to have it attached to the OTP as a sustainable funding source. There was a \$900,000 grant for a program called Healthy Start where in-home visits were made to new mothers from low-income communities to help with some of the health disparities. The grant went away along with the program. There was a teen pregnancy prevention program for \$900,000. That went away a few years ago.

Southern Nevada Health District is concerned about the \$84 million in COVID-19 grants that are ending soon as the public health emergency ended earlier this month. We have been asking for funding as a one-shot for about \$2 million a year. That is \$4 million per biennium that our partners throughout the State have participated in. We must request funds for our programs each year.

Using tobacco products leads to riskier public health outcomes. The risk includes vaping and tobacco use. It makes sense because it is a percentage. As it rises, some of the revenue will rise with it, but as it falls, we take our fair share of the cut as opposed to having the program completely cut.

Instead of building up and tearing down programs around grant funding, we will be able to look towards the needs of our different communities across the State. We would be able to play offense in public health instead of just playing defense all the time. We urge your support of S.B. 118.

SHEILA BRAY (Community Partnerships Coordinator for Clark County, University of Nevada, Reno):

We express our support for S.B. 118. Our School of Public Health works throughout the State to provide public health education to each county and throughout our communities. This will go far to help those communities stand up and be responsive to community needs.

CALEB CAGE (Interim Administrator, Central Nevada Health District):

I urge your support of S.B. 118 for all the reasons of the previous commenters. Section 7 of this bill provides a key policy element we would like to have

considered and approved through a vote. It would allow counties that are not adjacent to form health districts.

The Central Nevada Health District is comprised of Churchill County, Pershing County, Mineral County, the City of Fallon and Eureka County. Eureka County is included through an interlocal agreement while the other counties, because of their adjacency, are allowed to be full members. Removing the requirement for adjacency would allow us to include Eureka County as a full member and allow it to be a member of the Board and to receive all of the benefits of the health district. It would also allow other counties in the State to form health districts in a way that meets their geographic needs and their geographic interest.

We are grateful for S.B. 118 coming forward. We appreciate your consideration, and we urge your support.

CAITLIN GATCHALIAN (Government Relations Director, American Heart Association):
We support S.B. 118.

MARLENE LOCKARD (Service Employees International Union Local 1107):
We support S.B. 118. Additional funds to the local health authorities will improve preparedness response capabilities and effectively address public health crises like COVID-19 and protect the well-being of our communities.

DENISE FERGUSON (Administrator, Chief Executive Officer, Mt. Grant General Hospital):
I am a board member for the Central Nevada Health District. I appreciate the opportunity to speak in support of S.B. 118, as this provides necessary funding for public health needs that will support critical health initiatives. This bill will also provide the necessary infrastructure for communities in rural and frontier Nevada who have previously been unable to be represented.

With the newly created Central Nevada Health District, many of our counties are identified as having some of the unhealthiest residents in Nevada. The need for public health education and resources is significant, and this funding and designation will reach those in dire need.

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MEGAN COMLOSSY (Nevada Health Care Workforce and Pipeline Development Workgroup):

The Nevada Health Care Workforce and Pipeline Development Workgroup, aims to improve, grow and diversify Nevada's public health, behavioral health and primary care workforce. Adequately funding public health systems is essential for the health and safety of both residents and visitors. It also contributes to the health of the State's economy.

Healthy people have lower health care costs. They are more likely to show up for work to be productive and engage in education and skills training. This bill represents an investment in the health of all Nevadans and the systems that catch public health threats before they become crises, rather than waiting until they are public health emergencies and become far more costly.

The Pipeline Development Workgroup recognizes the critical need for investment in public health infrastructure of which workforce is a critical component. We appreciate your support of S.B. 118.

DORALEE MARTINEZ (Nevada Disability Peer Action Coalition):
Please support S.B. 118.

Ms. PEEKS:

You asked if ARPA funding was allocated. We were awarded \$500,000. It was a complete pass-through for local health authorities. It was for general wellness specifically focused on obesity and physical education. It was not focused on vaping. There were no specific ARPA funds for vaping at our Agency.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 118 and open the hearing on S.B. 297.

SENATE BILL 297 (1st Reprint): Provides for the establishment of the Nevada Memory Network. (BDR 40-298)

SENATOR FABIAN DOÑATE (Senatorial District No. 10):

Senate Bill 297 revises provisions relating to the establishment of the Nevada Memory Network. The policy is a partnership between the University of Nevada, Las Vegas (UNLV), School of Medicine and the University of Nevada, Reno (UNR) to establish the Nevada Memory Network. They will work

together to provide primary care for dementia, diagnosing dementia and helping patients in our State.

Section 2 deals with finance. There is an appropriation of \$684,573 for the startup cost to open the partnership.

BENJAMIN CHALLINOR (Policy Director, Nevada Alzheimer's Association):

The \$684,000 includes hiring a director who will start in January 2024. It would also be used to subsidize social workers and medical assistants. Everyone else would be able to bill and get their funding through Medicare costs.

CHAIR DONDERO LOOP:

The \$684,000 is to establish the Nevada Memory Network. What are you establishing?

MR. CHALLINOR:

It would involve creating the hubs. One will be in northern Nevada with the Sanford Center for Aging at UNR and another at UNLV. They will contract out with the Lou Ruvo Center for Brain Health in southern Nevada and up here with the Renown Neurology Institute. They will contract out and hire the necessary director who will be housed at one of the hubs. They will contract out neurologists, neuropsychologists, social workers and medical assistants. They will start January 2024. By the start of FY 2024-2025, the Center will be up and running.

MISTY GRIMMER (Nevada Alzheimer's Association):

We are at a point where we cannot ignore the cost of Alzheimer's to the State. In 2018, the Alzheimer's Association did a comprehensive study that found nationally the cost of treating Alzheimer's was \$2.7 billion. That cost is expected to increase by \$20 billion a year.

Early diagnosis can save \$7.9 trillion over the age frame of Americans who are living with Alzheimer's. There are 16 million Americans who provide an estimated \$18.4 billion of unpaid care in home care.

MS. CASE:

Note that one of the issues we face, especially here in the north, is placement for people who have Alzheimer's and need higher levels of care. Senate Bill 297

would help solve the problem. On behalf of the Nevada Public Health Association, we are in support.

AMY PETERSON (Alzheimer's Association Desert Southwest Chapter):

I live in Boulder City, Nevada. You have heard the numbers, and you have heard the comments. My fairytale life came to a screeching halt when my husband, who was a commercial pilot, had to quit flying due to early symptoms of dementia. The initial signs were forgetfulness, poor judgment and the inability to do familiar tasks. The various doctors we went to never mentioned dementia. Why would anybody suspect an active, healthy 47-year-old man of having a disease that affected seniors?

It took my pleading with the doctors for a referral to the neurologist before we got the answer. He was a 47-year-old with Alzheimer's disease, a disease that progressed rapidly and for which there was and still is no cure. As unprepared as we were for the diagnosis, we had no idea what was to follow. I had to do my own research. I read everything I could about Alzheimer's disease because once we received the diagnosis, the doctors told us to come back in six months.

That was it. I was continually blindsided by the very real and dangerous situations that arose. There was not a connected network of what do I do now in place that could help Nevadans through the Alzheimer's journey. I had to learn how to navigate the health system, make plans for our future, educate our friends and family about Drew's behaviors and his mental decline. I resigned from my teaching position, so I could be the primary caregiver 24/7 to a man who was becoming completely dependent on me for everything.

My husband died two weeks after his 58th birthday. I honor his memory by being a full-time volunteer for the Alzheimer's Association in Las Vegas Desert Southwest Chapter. I facilitate support groups. I present community education, and I advocate for State and federal legislation. I volunteer to help others find resources, consider their future planning and reassure them that they are not alone during this very unsettling journey.

It is too late for my husband, but it is not too late for others. An early diagnosis is pertinent to patients and their caregivers. An early diagnosis has shown to reduce costs, especially for the Medicaid program. Numerous studies show early diagnosis of dementia along with caregiver interventions, such as training, can lead to reduced long-term care costs.

Senate Bill 297 includes an appropriation request of \$684,000 to support the expansion of memory clinics, primary care training and care navigators, essential components of an effective system of care. Funding would be appropriated to UNLV and UNR Schools of Medicine and to community partners. I urge you to vote to pass S.B. 297 and provide better access to an early and accurate dementia diagnosis and provide people-centered care planning to support the patient and the caregiver.

MS. BRAY:

The University of Nevada, Reno would like to express support for S.B. 297. This bill will help us address a critical need facing our older adult population and the caregivers in both care and further research. We look forward to working with our partner UNLV on this.

CONSTANCE BROOKS (Interim Vice President, Government and Community Engagement, University of Nevada, Las Vegas):

We support S.B. 297 and look forward to the partnership.

MS. MARTINEZ:

The Nevada Disability Peer Action Coalition supports S.B. 297.

CHAIR DONDERO LOOP:

Is this a one-time appropriation? How will it be funded moving forward?

SENATOR DOÑATE:

This was an interim bill that came from the Joint Interim Standing Committee on Health and Human Services. It is a collaboration between UNR and UNLV to startup the Nevada Memory Network. They are looking for a one-time appropriation.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 297 and open the hearing on S.B. 144.

SENATE BILL 144 (1st Reprint): Establishes a credit against certain taxes for a taxpayer who donates money to a career and technical program tax credit organization that makes grants to programs of career and technical education. (BDR 34-866)

SENATOR ROBERTA LANGE (Senatorial District No. 7):

Senate Bill 144 establishes a credit against certain taxes for a taxpayer who donates money to a career and technical program tax credit organization that makes grants to programs of career and technical education.

AMANDA MORGAN (Executive Director, Educate Nevada Now; The Rogers Foundation):

Senate Bill 144 is a bipartisan effort that would incentivize business and industry to invest in our traditional public and charter schools. The tax incentive on the modified business tax and insurance premium tax would directly and exclusively benefit career and technical education programs (CTE). The tax incentive would encourage businesses to directly support workforce development, economic diversification and student access to these programs.

Students who concentrate in CTE programs are more likely to graduate, earn more and attend postsecondary education. The programs have been shown to increase engagement in attendance for our most vulnerable student groups. This bill was modeled off similar programs throughout the Country. Nevada has a tax incentive program for private schools but none for public schools. This bill asks for a \$10 million per year allocation.

MATT MORRIS (Educate Nevada Now):

Section 1, subsections 1 through 13 of S.B. 144 establish the CTE Program Tax Credit Organization which will administer the CTE tax credits authorized under the bill. It requires the Nevada Department of Taxation to select the CTE Program Tax Credit Organization, which must be a 501(C)3 tax exempt entity that is incorporated in Nevada with experience administering the type of education-related grants authorized under this bill.

Section 1, subsections 10 through 13 allow for the oversight of the CTE Tax Credit Organization by the Nevada Department of Taxation and require the organization to maintain records and comply with audits. The bill permits the Department to revoke the selection of any noncompliant organization selected to perform that role. This section also gives the Department the discretion to perform audits under an existing statute in NRS 360.

Sections 3 through 10 authorize the Department of Taxation to approve tax credits against the modified business tax or the insurance premium tax for a taxpayer who donates to the CTE Program Tax Credit Organization.

Each section works essentially the same way for NRS 363A.110 and NRS 680B.027, which govern the modified business tax for financial institutions, mining companies and general businesses. There is also the general tax on insurance premiums.

The Department of Taxation has submitted a fiscal note for up to \$10 million per fiscal year for the CTE tax credit. There is a \$348,894 component for two new staff members who would help to oversee this program. There are one-time expenses for technical computer system and information services upgrades. The total fiscal note with the tax credit component is \$2,348,000 or \$2.3 million over the biennium.

CHAIR DONDERO LOOP:

Is the tax credit \$20 million for the biennium?

MR. MORRIS:

That is correct.

CHAIR DONDERO LOOP:

Is the total estimated to implement the bill \$200,000 in FY 2023-2024 and \$175,000 in FY 2024-2025 and \$349,000 in the future biennium?

MR. MORRIS:

That is correct.

LEA CASE (Academy for Career Education):

The Academy for Career Education is a public charter high school in Reno serving about 222 students in building and trades, construction, HVAC and diesel mechanics. All these trades are high paying jobs and are in desperate need of funding. When you train students to do this kind of work, often you need to buy more than 12x4's or extra tools. There are a multitude of things that come up. Friends of Ace Charter High School appreciate this legislation.

CHAIR DONDERO LOOP:

Is Ace a public charter school?

Ms. CASE:

Yes, it is a public charter high school.

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ALEXIS MOTAREX (Nevada Associated General Contractors):
We support S.B. 144.

RENE CANTU (Executive Director, Jobs for Nevada's Graduates, Inc.):
I am here to testify in support of S.B. 144. This bill would invest more money in the CTE program, which not only increases graduation rates, but has a huge return on investment for young people when they start earning money as adults going into careers.

Studies from the Annenberg Institute for School Reform at Brown University show a 30 percent starting earnings premium for young people who have a CTE degree. As someone who works in the field, I can tell you where young people can see it, they can be it. When a young person can see their career, they can become it. That is why CTE is so important for young people who envision themselves in professional careers. It motivates them to want to remain in school because they have a sense of purpose for what school accomplishes for them.

AMBER STIDHAM (Las Vegas Global Economic Alliance):
We support these measures and urge your support as well.

JAIME OLIVARES:
I live in Las Vegas and I support S.B. 144 because our students, our workforce and economy would benefit from this bill.

MENDY ELLIOTT (Economic Development Authority of Western Nevada):
I represent the Economic Development Authority of Western Nevada. We support this legislation and appreciate your support of S.B. 144.

REBECCA DIRKS GARCIA (Chair, School Organizational Team, Veterans Tribute Career and Technical Academy):
I am a mother of three Clark County students. I support S.B. 144 because I know what a difference it will make in kids' lives to have access to these unique programs.

As immediate past president of the Nevada Parent Teacher Association, I also appreciate the need to ensure our businesses have an opportunity to invest in public education and support our kids.

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CHRIS DALY (Deputy Executive Director for Government Relations, Nevada State Education Association):

We oppose S.B. 144. While the Nevada State Education Association supports and is a proponent of career and technical education, we are opposed to the tax holiday scheme proposed in S.B. 144 on principle.

We would recommend a \$10 million annual appropriation for CTE from projected General Fund revenues which include the modified business tax. Similar to opportunity scholarship private school vouchers, the funding mechanism proposed in S.B. 144 acts as an end run in the regular biennial budget process. While career technical education is worthy of additional funding, the mechanism in S.B. 144 is the wrong way to do it.

Granting businesses a dollar for dollar tax break gives corporations the veneer of giving without any actual charity involved. This tax break reduces General Fund revenues, creates more bureaucracy, and limits the say of future elected officials in determining State priorities. The Legislature should support career and technical education but do so by prioritizing these programs within the budget process.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 144 and open the hearing on S.B. 276.

[SENATE BILL 276 \(1st Reprint\)](#): Revises provisions related to collection agencies. (BDR 54-158)

SENATOR LANGE:

Senate Bill 276 revises provisions related to collection agencies.

DAVID REID (General Counsel, Receivables Management Association International):

Receivables Management Association International (RMAI) is a nonprofit trade association which represents debt buyers and affiliated businesses. Our membership requires participation in RMAI's industry leading self-regulatory certification program. This program meets or exceeds most State and federal requirements and is considered the industry's gold standard.

We launched the self-regulatory program ten years ago with strong encouragement from both the Consumer Financial Protection Bureau and the

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Federal Trade Commission. As representatives of the debt-buying industry, RMAI is asking for this regulation. Our members are good actors, and S.B. 276 will help ensure all companies operating in Nevada are held to a high standard.

Nevada licenses collection agencies. Debt-buying companies purchase debt. The industry was created after the collection industry was originally regulated and required to be licensed. This just simply brings debt-buying companies within the definition of a collection agency and provides additional modernization to the act.

CHAIR DONDERO LOOP:

Is the fiscal impact \$280,000 in FY 2023-2024 and \$94,000 in FY 2024-2025 and \$188,000 in the future biennium?

MR. REID:

The program is self-funding through the entities being regulated.

CHAIR DONDERO LOOP:

Senator Lange, I noticed an amendment. Is this something you are considering?

SENATOR LANGE:

Are you talking about the conceptual amendment from the HOA Collections LLC ([Exhibit F](#))?

MR. REID:

The amendment is asking for clarification to a provision regarding maintaining records for four years by adding the words "working from a remote location." That language is already in a section about remote working; I am not sure the provision is needed. As it reads right now, and the way it was intended to read, is that four years applies to remote work.

CHAIR DONDERO LOOP:

Mr. Reid, for clarification, did you know this amendment was here?

MR. REID:

I was not aware of it until this morning.

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CHAIR DONDERO LOOP:

It sounds like we need to work on this bill.

We will close the hearing on S.B. 276 and open the hearing on S.B. 306.

SENATE BILL 306: Revises provisions regarding the Individual Development Account Program. (BDR 38-880)

SENATOR PAT SPEARMAN (Senatorial District No. 1):

In our society we have a number of people who have economic challenges. When I was a young child, we were on welfare. The one thing I remember is there was no way to get off it. You could not have a bank account. You could not have a new car. I talked to several foster parents over the years and their children who have aged out of foster care about some of the economic challenges they had.

Senate Bill 306 was designed, working with the State Treasurer's Office, to develop individual development accounts for these two groups so they have an opportunity to save money and get out of debt, an opportunity to save to purchase a home or to start a small business. For those in foster care and foster care parents, they would have an opportunity to save so when the foster care children age out of the system, they have some type of financial security. That is the genesis of the bill.

ERIK JIMENEZ (Chief Policy Deputy, Office of the State Treasurer):

Senate Bill 306 is a continuation of work that Senator Spearman and I have done since 2019. Senate Bill No. 188 of the 81st Session established the framework for the individual development account program along with the Council on Financial Independence. Simply put, S.B. 306 works to operationalize that bill and provide funding for the fiscal elements.

Section 2 of S.B. 306 asks for \$3,840 for board member compensation and possible travel. Section 3 of S.B. 306 seeks an appropriation of \$1,920,000 in the FY 2022-2023 and \$2,310,000 in FY 2024-2025 to be used to seed individual development accounts for children in the foster care system who are turning 18 so that they can have money to start saving for those defined purposes as already outlined in statute.

During the budget closing for the State Treasurer's Office, you approved a deputy of financial security position who would serve as the administrator for the Individual Development Account Program and would service the Council on Financial Independence. That is why there is a zero fiscal note on the Legislative website.

CHAIR DONDERO LOOP:

Will the State deputy treasurer of financial security absorb this particular funding?

MR. JIMENEZ:

That is correct. There is one final piece that we have been working with Fiscal staff on. There is a bill to be heard on Monday by this Committee, S.B. 499, that would change some statutory language to allow the deputy treasurer of financial security to exist. We will have the budget closing. We would then have S.B. 499 and an additional appropriation.

SENATE BILL 499: Revises provisions governing expenditures from the Endowment Account established in the State General Fund related to the Nevada College Savings Program. (BDR 31-1190)

CHAIR DONDERO LOOP:

There will be a financial cost, but it is coming in another bill?

MR. JIMENEZ:

Yes. That cost will be born from the College Savings Endowment Budget Account 101-1094.

ELECTED OFFICIALS

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Budget Account 101-1094

MR. THORLEY:

In closing the budget for the Office of the State Treasurer, the funding was included in the budget contingent on this bill passing. That bill will be heard on Monday.

SENATOR SEEVERS GANSERT:

In section 4 of S.B. 306, you can put up to \$10,000 in the account per year. In section 3, there is a maximum of \$15,000 per person. I want to make sure we have those numbers correct.

MR. JIMENEZ:

Section 1 increases the maximum amount of matching funds from \$3,000 to \$10,000. As initially contemplated, the Individual Development Account Program could service three defined populations and could be matched from the government, nonprofits or other sources. Those would be foster youth, people under the Medicaid system and tenants of low-income housing. The idea is that they could save a dollar and then be matched up to \$10 as in statute.

Section 3 is making a deposit of \$15,000 into each Individual Development Account. It potentially seeds each foster child who is turning 18 with \$15,000 and then creates a mechanism that would allow them to participate in the matched savings program. We can set them off on a path to being able to save going forward.

SENATOR SEEVERS GANSERT:

So we seed them with \$15,000 each, and then they can have another \$10,000 in match for other dollars that come in. Is that \$15,000 per year?

MR. JIMENEZ:

That is technically correct. For that second \$10,000 they would be required to contribute a piece of that.

SENATOR SPEARMAN:

We structured it this way because those who will be turning 18 between this fiscal year and the next fiscal year will not have enough time to save up. If we do not give them some stability when they age out at midnight, the next day when they turn 18, they have no support. This is designed to catch those who will not have enough time to get the savings.

SENATOR SEEVERS GANSERT:

Once they turn 18, do they just get 100 percent of this cash or have access to it? Are there any limitations on how it can be spent?

MR. JIMENEZ:

There are limitations in several forms. Under NRS 422A, there are financial literacy requirements. Funding from the Individual Development Account would go to a nonprofit fiduciary organization. That organization would be required to do the financial literacy training for anyone with the Individual Development Account.

Foster youth would be required to go through that financial literacy training. Under the similar section in statute, there are restrictions on what the dollars can be used for. They are very similar to some of the other bills we have talked about this Session, including wealth generating kinds of income producing things like higher education, vocational education, buying homes or starting a small business. Then those funds are overseen by the fiduciary organization. The individual would never get the cash without having a defined expense that is outlined in statute.

SENATOR TITUS:

How do they get access to the funds? Do they have to show expenses? Do they have to identify what the expenses are? Do these funds go directly to the individual, to the school or whatever investment they are using it for?

MR. JIMENEZ:

We have not promulgated the regulation. We want to ensure they can apply, or tell the fiduciary organization that he or she would like to spend \$15,000 or \$5,000 on educational expenses. I imagine we will put some sort of mechanics in the regulation that says it has to be transferred from the fiduciary organization to ensure oversight of those funds. That is still a policy that needs to be decided by the Nevada Statewide Council on Financial Independence.

SENATOR TITUS:

Is the fiduciary going to be the one that decides whether or not it is an appropriate use of the funds depending on the regulations that you are yet to determine or set up?

MR. JIMENEZ:

That is correct.

SENATOR SPEARMAN:

We envisioned in 2019 to 2021 that when the fund is set up, the foster child identifies a goal and saves towards that goal. The fund is not an ATM. Once the foster child reaches 18, whatever their goal is, schooling, apprenticeship or apartment to give them solid footing, the money would be dispersed to them.

For those receiving social services, once they reach that goal, that money would be dispersed to them for whatever the goal is. It may be to purchase a home, the down payment to start a small business or to pay off debts that are keeping them from purchasing a home. All disbursements will go through the fiduciary organization.

SENATOR TITUS:

Could a person put money in that fund indefinitely?

MR. JIMENEZ:

That is the intention of this program. That is why the initial contribution is so important. We see this with Achieving a Better Life Experience or ABLE accounts. We have a program called the Transforming Opportunities for Toddlers and Students Grant Program where we did that with \$12 billion. What we have seen is a massive explosion in account growth for those kids and people continuing to save in those accounts.

This account would function a little bit differently in that they would be able to save without losing access to Medicaid or social services, but we also require them to put some skin in the game. For every dollar they put in, we would have a level of match contribution as well.

ASHLEY GARZA KENNEDY (Clark County Department of Family Services):

We support S.B. 306 and appreciate the State's efforts to help our foster children who are turning 18. It is a great step forward to support the financial future of foster children.

MS. MARTINEZ:

I have a granddaughter who is from the foster program. Please support S.B. 306.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 306 and go to S.B. 319.

SENATE BILL 319: Revises provisions relating to public employees.
(BDR 23-953)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

Senate Bill 319 is about collective bargaining. It adds category I, II, and III peace officers under the definition of employee. The fiscal impact related to this bill is from the Nevada Department of Administration Human Resource Management (DHRM), largely associated with what they think will be the cost of additional workload due to the additional number of employees who will be eligible for collectively bargaining.

RICK MCCANN (Nevada Association of Public Safety Officers; Nevada Law Enforcement Officers):

As a matter of practice, there is only one group of unclassified peace officers to which this bill should apply. That is category II gaming control officers and that is what we are focused on. To our knowledge, there are no unclassified category I or category III peace officers to whom this bill would apply.

The DHRM fiscal note placed on S.B. 319 says the bill will increase the workload for human resources and therefore the State will require one personnel analyst III position for the category II gaming control group. These personnel analysts III's all do the same things as far as we are able to see because we have examined several different fiscal notes from DHRM, and they all do the same thing.

The State Labor Relations Unit (LRU) has five allocated full-time employees plus an Executive Branch budget officer who assists in handling collective bargaining matters. While the State's fiscal note on S.B. 319 contemplates needing a new personnel analyst III for this new bargaining position of unclassified gaming control peace officers, the Committee should be aware that those unclassified gaming control peace officers are already part of the Nevada Peace Officer Association. That group negotiated a contract in 2019 or 2020, and they just successfully negotiated another. They have actually completed two contracts with LRU. The unclassified gaming control people are already part of that unit. In other words, the people who would become part of collective bargaining under S.B. 319 will automatically shift into an existing bargaining unit that is now being serviced by the State.

The number of bargaining units that exist in Nevada for State employees is outlined in NRS 288.515. There are 11 of them. Unless the Legislature increases the number of bargaining units, which S.B. 319 does not propose, these unclassified gaming control category II peace officers must be incorporated into the existing category II bargaining unit. There is no new bargaining unit coming out of this bill.

CHAIR DONDERO LOOP:

I understand all the policy pieces, but this is about gaming control officers and them being in control in a collective bargaining unit. Can you give us the fiscal impact of this?

MR. MCCANN:

The State is asking for another full-time position for an existing bargaining unit that will immediately be absorbed into an existing unit that has successfully bargained contracts since about 2019. We do not begrudge the State for needing or wanting more employees. However, we submit that this fiscal note is not necessary. During my conversations with the Nevada Department of Business and Industry Government Employee-Management Relations Board Commissioner Bruce Snyder a couple of days ago, he indicated he agrees with our analysis of this fiscal note and authorized me to say so. We do not think the fiscal note is necessary in this matter.

CHAIR DONDERO LOOP:

Are you telling me the fiscal impact of about \$80,500 in FY 2023-2024, \$100,500 in FY 2024-2025 and \$201,000 in future biennium for personnel associated operating costs is not accurate?

MR. MCCANN:

The figures may be accurate. I am suggesting they do not need another personnel analyst III around which this entire fiscal note is developed.

MATTHEW TUMA (Deputy Director, Department of Administration):

To give you a context of how we staff the LRU, we currently have seven staffers. We have a deputy administrator, a supervisory personnel analyst IV, a personnel analyst III and a personnel tech III. This fiscal note requests the addition of one personnel analyst III position to support these activities.

It is important to understand the LRU ratio of our staffing level. The unit supports the level and number of employees in a collective bargaining unit who have exclusive representation and a collective bargaining agreement in place. That represents about 20 percent of the State's executive workforce. The staff is not sufficient to support all the executive workforce and all the employees who could organize.

This legislation would move about 160 full-time equivalents out of a category where they are not allowed to receive representation because they are unclassified. It would put them into one of the 11 existing bargaining units that already have exclusive representation and collective bargaining agreements that have been approved for the next biennium. It would take employees who currently are not represented and put them into a unit that has a collective bargaining agreement.

We have several managerial concerns that would fuel additional time and resources among the LRU. One is that these are supervisory employees. Typically, there is a separation between line-staff and supervisory employees. In the existing statute, there is a separate unit for supervisory employees that groups everybody together. There is also legislation pending to move and separate out some of those supervisory units.

It is a best practice, as indicated in our written fiscal note, that supervisory units be separated from line staff because there are different issues that affect supervisory positions. Putting supervisory positions into units where they would be grouped with line staff creates concerns from a managerial position. Issues will come up that we will have to deal with during the implementation and execution of the Collective Bargaining Agreement that is already in place and for the next biennium.

An issue that would drive additional workload for our staff is taking unclassified employees who operate in a very different structure than *Nevada Administrative Code* (NAC) 284 where classified employees operate. The existing collective bargaining agreement is crafted around the expectation that all of those employees are in the classified service.

Another issue is the potential increase in grievances that we would have to deal with. That is what is fueling the need of an additional staff member to start on October 1 of the next biennium and continue into the future.

I can add some clarifications on how some of the other legislation under consideration would impact our fiscal note issues because there are several collective bargaining bills being considered. Senate Bill 166 would create new supervisory units for peace officers. If that legislation passes, it will modify our fiscal note because these employees would not go into the existing category I, II and III peace officer units. They would go into newly created units that do not have a collective bargaining unit in place right now.

SENATE BILL 166 (1st Reprint): Revises provisions relating to collective bargaining by public employees. (BDR 23-556)

CHAIR DONDERO LOOP:

There is a fiscal note for this bill. Do you agree with the numbers I read earlier and a total of \$200,000 for the biennium?

MR. TUMA:

Yes, that is the Department of Administration's position if this legislation passes.

If this piece of legislation passes in conjunction with S.B. 166, we will also have a fiscal note attached to that bill for additional staff. The two fiscal notes would not likely need to be combined. We would need the two additional staff identified under S.B. 166 for the implementation. We would not need the additional one identified in S.B. 319.

KENT ERVIN (Nevada Faculty Alliance):

We support State employees being able to bargain collectively with their employer as do local government employees. Our bill, Assembly Bill 224, authorizes collective bargaining for unclassified employees in Nevada System of Higher Education (NSHE), but the definition of NSHE professional employees does not overlap with section 1 of S.B. 319.

ASSEMBLY BILL 224 (1st Reprint): Revises provisions governing collective bargaining. (BDR 23-155)

Regarding the fiscal impact, collective bargaining need not and has not added costs for DHRM since the passage of S.B. No. 135 of the 80th Session. The DHRM created the new LRU after the passage of that bill. However, the number

of budgeted commission positions at DHRM overall has gone down from 73 positions in FY 2018-2019 to 65 positions in FY 2023-2024.

A new per-employee assessment to fund the LRU was added by S.B. No. 409 of the 81st Legislative Session. With the decrease in DHRM personnel assessment in the budget for the next biennium, it more than offsets the new LRU assessment. Evidently the decreased need to support complex State employment processes under NRS 284 and other efficiencies have offset the required staff and cost for the LRU.

In justifying the elimination of three compliance investigator positions from its budget for the next biennium, the DHRM testified in its budget closing document that "the grievance and complaint processes outlined in NAC 284 would be updated to align with the processes and collective bargaining agreements, which the Division indicates are more efficient since they promote resolution of grievances and complaints at the lowest level possible within an agency prior to submitting a formal grievance or complaint." That implies that collective bargaining saved the State and labor relations effort even with the additional staff.

CARTER BUNDY (American Federation of State, County and Municipal Employees): We agree with the analysis by Mr. McCann regarding the fiscal notes. This really should not require an additional person. While we respect the DHRM noting that classified and unclassified have slightly different issues, the issues are not that dissimilar. In the course of negotiating a contract, the idea a full-time equivalent would be required is an overstatement. We are very sympathetic to the fact that often State agencies are understaffed, but this bill itself should not add any significant fiscal impact. We hope you will move this bill without a fiscal note.

SENATOR HARRIS:

This fiscal note is duplicative. That is the best way to explain it. If we pass S.B. 166, there is no need to pass additional funding with S.B. 319.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 319 and open the hearing on S.B. 327.

[SENATE BILL 327 \(1st Reprint\)](#): Revises provisions relating to elections.
(BDR 24-892)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I had many conversations with voting rights activists and members of our tribes about situations where, under the current law, tribes asked for polling places on tribal lands, but the clerks registrars were not able to establish those polling places either during early voting or on Election Day.

There is also an example of a tribe who had to go to court and file suit to get a polling place. Senate Bill 327 changes the default from opting in from a tribe having to request a polling place to the default being that the clerks and registrars shall establish a polling place unless the tribe opts out.

TERESA MELENDEZ (Nevada Native Solutions; Tribal Nations):

I am an Indigenous organizer in the State of Nevada. The work I do is pro bono. I work with Indigenous tribal nations in Nevada to help uplift Indigenous issues and solutions. Many of our tribal issues around power building are influenced by access to voting and access to democracy. Voting is an important issue and is near and dear to my heart. I am grateful to be here today.

There are a total of 28 federally recognized tribes, bands and colonies in Nevada. We are one of the largest Native populated States in the country. Of those 28 tribes, bands and colonies, 25 have residential communities in the State, 18 have early vote or Election Day polling locations, 13 have Election Day polling locations and 12 have early vote polling locations.

The tribes started asking for reservation-based polling locations and in 2016 filed against the Secretary of State. The tribes won, and the first reservation-based polling location was established. Since then, we have been working with the county clerks and the Secretary of State's Office, that work with advocacy organizations to help improve the legislation to make access to voting more accessible for Indigenous people.

The way the bill is currently written, tribes can request a polling location. Eleven of the tribes completed and submitted the Secretary of State's form to the county clerk's office requesting some form of early voting on Election Day polling or a ballot drop off box. Some received all of what they asked for. Some did not receive anything, but they all requested it through the proper channels by the deadline. Work is still needed to improve voting access for Indigenous people.

In this past election cycle, 11 tribes, bands or colonies requested a polling location. That is a great number. I will share some information about who those tribes are, what they asked for and what they received.

The Shoshone Paiute Tribes of the Duck Valley Indian Reservation requested two weeks of early voting, Election Day polling, and a ballot drop off box. After a lawsuit against Elko County Clerk's Office, the tribe received five days of early voting and Election Day polling. Their population is 1,200 people. They are about an hour and a half north of Elko. Their polling location historically has been Elko. They would drive three hours round trip to vote. A three-hour round trip in the winter is a difficult drive. We know the number one factor that leads to voter turnout is ease of voting.

The Elko Band Council requested two weeks of early voting and Election Day polling. They received one week of early voting. Their population is 700 people. The South Fork Band Council, which is under the Te-Moak Tribe, asked for Election Day polling and a ballot drop box. They received nothing.

The Wells Band Council under the Te-Moak Tribe asked for Election Day polling and a ballot drop off box. They received nothing. Their population is 177. Both of those communities are under the Elko County Clerk's Office. The Battle Mountain Band Council asked for two weeks of early voting and Election Day polling. They received nothing. Their population is 516.

The Shoshone Paiute Tribe of the Duck Valley, the Elko Band, the Southfork Band, the Wells Band and the Battle Mountain Band are all in Elko County. Three of those five Tribes received none of the voting access they asked for. The Ely Shoshone Paiute Tribe of the Duck Valley sued for its five days of early voting and Election Day polling.

The Ely Shoshone Tribe asked for Election Day polling and got what they asked for. The Yomba Shoshone Tribe asked for Election Day polling. After being told no by a Nye County Clerk, with support from an advocacy group, the tribe was able to secure Election Day polling.

The Fallon Paiute Shoshone Tribe asked for two days of early voting. They got what they asked for and have developed a great relationship with the County Clerk. The Fort McDermitt Paiute and Shoshone Tribe asked for two weeks of early voting. They got everything they asked for.

The Yerington Paiute Tribe asked for two weeks of early voting and a ballot drop box. They received Election Day polling and a drop box. Their population is 400 people. They got the Election Day polling location with advocacy from outside groups after originally being told they would not even get the Election Day polling location. The Summit Lake Paiute Tribe asked for and received two weeks of early voting.

The intent of the law, as currently written, is not being implemented. There are still ways to get around providing a polling location to a tribe even when the Tribe follows the law. Senate Bill 327, as amended, is needed to improve voting access for Indigenous people.

SENATOR NGUYEN:

I know the fiscal note was thoroughly discussed in the Policy Committee. Does the amendment change any aspects of the fiscal note?

SENATOR OHRENSCHALL:

The amendment from Washoe County is a friendly amendment. I do not want to speak for any clerks, registrars or the Secretary of State, but I do not believe it would change any of the submitted fiscal notes.

SENATOR NGUYEN:

Does the \$1.1 million fiscal note currently on the bill take into consideration every single tribal community that requested this?

GABRIEL DI CHIARA (Chief Deputy Secretary of State, Office of the Secretary of State):

The \$1.1 million is based on all of those potential tribal polling locations that do not have a polling location set up. Once the polling location is established, it is established for good. Of the 39 tribal voting centers, a portion are already set up. This is for FY 2021-2022.

In S.B. 327, tribes can either opt out of the polling place, early voting, Election Day, a ballot drop box or all of the above. The fiscal note represents the maximum potential fiscal impact. However, we expect it would be lower as already some tribes have expressed they are not interested in having, for example, in person voting on location during early voting, which would reduce the cost.

SENATOR TITUS:

Every person who has the right to vote should be able to. One of the reasons it is difficult for my rural counties to have drop off boxes or polling places is lack of staff. Smith Valley, for the first time in history, was not even able to staff this last election cycle. We did not have any of the voting. We had drop boxes for a couple of days with limited hours because of lack of staffing. An alternative to that is mail ballot voting. I do not see it being addressed here. One of the purposes of mail ballots is so everybody has an option to vote by mail. Those services are available everywhere. However, one of the issues frequently on tribal lands is that mail ballots cannot be delivered to a post office box.

MR. DI CHIARA:

I do not believe that is the case. The Secretary of State and I went up to Duck Valley and had conversations with the Tribal Secretary and Tribal Council Members. We asked them if there were issues with the delivery of mail ballots, and they indicated there were not at that time.

SENATOR TITUS:

That is what I need clarification on. It is my understanding they were not able to get their mail. So that was not an issue. Are they getting their mail?

MS. MELENDEZ:

Not all reservations have regular mail delivery. That is one of the issues. In Duck Valley, it is not the U.S. Postal Service that delivers mail. Mail delivery is two or three days a week.

We have post office boxes for people to receive their ballots. We also have a lot of issues with homelessness and multifamily households. There are issues with people not having permanent addresses. Statistically, we know Native people generally vote in person. Also, many people do not have drivers licenses and do not have a way to get to Elko. That is why reservation-based polling and locations where people can use their Tribal identification to register to vote work best for our community.

SENATOR TITUS:

We have already passed a bill through one house regarding allowing folks who are homeless to use the address of wherever they are staying for their information and their businesses. We talked about having folks who do not have

a permanent address can use the Tribal headquarters or some other address to receive that mail. Just keep that thought for the future.

CHAIR DONDERO LOOP:

To clarify, mail ballots can be delivered to post office boxes.

SENATOR GOICOECHEA:

Mr. Di Chiara, how do you deal with Duck Valley being divided by the State line?

MR. DI CHIARA:

All of the residents who live on the Nevada side of the State line are registered to vote in Nevada. There is actually a closer DMV in Idaho. A number of tribal residents have an Idaho drivers license with their Nevada address on it, which we have discussed with the Idaho Secretary of State so everyone is on the same page. There is no issue regarding residency or their ability to vote in Nevada.

SENATOR GOICOECHEA:

I was trying to clarify that fact on the Idaho side. I assume there are Idaho voting laws. Is there a difference?

MS. MELENDEZ:

I know the tribe, after securing a polling location on the Nevada side, is hoping to do the same thing by working with the Idaho Secretary of State for the Idaho side of the reservation. In this regard, Nevada is the shining light and the example.

MR. DI CHIARA:

Senator Titus, in response to your question around the inability to find staff, there is a provision in this bill that would allow the Secretary of State's Office to identify poll workers who are Nevada residents, but may be from other counties who are interested in staffing remote polling locations, not just Tribal polling locations but rural polling locations overall.

For example, if Lander County or Esmeralda County had difficulty finding polling workers, the Secretary of State's office could identify volunteers from Clark County who are interested in working with the county clerks to get them

the necessary training. The Secretary of State would provide funding so that those poll workers could operate in those locations.

Ms. MELENDEZ:

Another thing written in S.B. 327 is when the county clerks meet with the tribal officials for their initial meeting, there are three or four questions they have to determine. One is to determine if the tribe will recruit poll workers for its community. That will also be taken care of in this bill.

SENATOR OHRENSCHALL:

I hope you will consider moving S.B. 327 forward.

CARLA ROMAN (Intertribal Nations of Nevada):

I represent tribal nations of Nevada. We are here to express that our native American people have the right to vote and for our voices to be heard. Placing polls on Native land would afford that ability to exercise that right. It would be great for voting polls to be made available to all Native American people on Native lands to facilitate voting. We urge your full support to S.B. 327.

YVONNE HAWK VERJAN (Intertribal Nations of Nevada):

I support S.B. 327.

JENNIFER LANAHAN (Reno-Sparks Indian Colony; Las Vegas Paiute Tribe):

We support S.B. 327.

Ms. MARTINEZ:

We would like to thank Senator Ohrenschall and his co-presenter for this commonsense bill. It is very inclusive and brings equity to the Native Americans. We urge you to please support and pass it.

KERRY ANNE DURMICK (Nevada State Director, All Voting is Local Action):

We are in strong support of S.B. 327, and we strongly urge you to pass this bill to clarify tribal nations' access to voting and to make it easier for every Nevadan to vote in future elections.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

We support S.B. 327. This is an important investment in our Indigenous communities, and we hope you all will support this bill.

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JAMIE RODRIGUEZ (Washoe County Registrar of Voters):

Ballots can be delivered to post office boxes. However, because it is official mail, post office boxes are treated differently than street addresses. If the name of the individual is not on the post office box, the ballot will be returned. The post office box is not considered that person's official location to receive that type of mail. We ran into this issue significantly in this last election.

We have a great number of communities in Washoe County, including the rurals and Incline Village, that primarily use post office boxes, so that is an issue that we are aware of.

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CHAIR DONDERO LOOP:

I will close the hearing on S.B. 327. Hearing no Public Comment, this meeting is adjourned at 10:38 a.m.

RESPECTFULLY SUBMITTED:

Joko Cailles,
Committee Secretary

APPROVED BY:

Senator Marilyn Dondero Loop, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 58	C	4	John McCormick / Administrative Office of the Courts	Proposed Amendment 3690
S.B. 103	D	7	Victoria Gonzalez / Nevada Department of Corrections	Proposed Amendment
S.B. 118	E	9	Joelle Gutman Dodson / Washoe County Health District	Proposed Amendment
S.B. 276	F	27	David Reid, Receivable Management Association International	Conceptual Amendment