

Sandoval, lawmakers disagree on access to budget data

By Sean Whaley, Nevada News Bureau

CARSON CITY – A dispute has emerged between Gov. Brian Sandoval and the Legislature over what information in the initial state agency request budget should be made available to legislative staff and the public.

At a meeting of the Legislature's Interim Finance Committee last week, state Budget Director Jeff Mohlenkamp was asked about what is considered by legislative staff to be a departure from past practice regarding the budget information provided to legislative fiscal staff and the public.

The 2013-15 budget information conveyed to the Legislature on Oct. 15 does not include "items for special consideration" requested by state agencies. These items are budget requests from agencies that Sandoval will consider including in his final spending plan, but that have not yet been approved for inclusion by Sandoval.

Sandoval's budget won't be made public until mid-January.

Rick Combs, director of the Legislative Counsel Bureau, said this information has been provided to legislative staff historically as specified in state law. It has also been made available to the public.

An example of an item of special consideration is the expansion of the Medicaid program to a new group of Nevadans as provided for in the federal Affordable Care Act. Sandoval has not made a decision on whether to expand Medicaid to this new group of Nevada residents.

Because of this apparently new interpretation by Sandoval, the

Medicaid expansion information has not been provided to the Legislature's fiscal staff and so is not available to the public either.

"The part that is of concern to us there is twofold," Combs told the committee. "Your staff doesn't have access to the information. The other concern is that information that is provided to us on Oct. 15 is supposed to be open for public dissemination at that point.

"Now if you, or a member of the public, asks us for anything that was in an item for special consideration, we don't have it," he said. "Even though we feel the statute requires that that to be available to you or a member of the public that ask for it."

Combs said his staff has asked for the information but has not received a response from Mohlenkamp.

IFC Chairwoman and Assemblywoman Debbie Smith, D-Sparks, asked Mohlenkamp for an explanation.

Mohlenkamp said a decision has not been made yet on whether to provide the information to legislative staff, and that the budget information transmitted to lawmakers has fulfilled the statutory obligation to lawmakers.

"We're still considering whether we will be able to provide access to LCB fiscal," he said. "That decision hasn't been made. I've been in coordination with the governor's office on this and I'm hopeful that we will be able to give a firm and final response in the near future. But right now that decision hasn't been made."

Mohlenkamp said there are all kinds of agency requests beyond Sandoval's flat-budget guidelines that may not end up as part of the budget, and so should not be subject to speculation.

Sen. Ben Kieckhefer, R-Reno, expressed concern, saying that if

Sandoval decides not to propose expanding Medicaid to the new eligible population, then the budget data collected to provide background on this item of special consideration might never be provided to lawmakers or the public.

Kieckhefer said he would have a problem if that information was never made public.

Mohlenkamp said the Sandoval administration has not yet decided whether that information would be made public at some point.