

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND THE
SENATE COMMITTEE ON FINANCE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/NATURAL
RESOURCES/TRANSPORTATION**

**Seventy-Third Session
May 10, 2005**

The Assembly Committee on Ways and Means and the Senate Committee on Finance, Joint Subcommittee on Public Safety/Natural Resources/Transportation was called to order at 8:17 a.m., on Tuesday, May 10, 2005. Chairwoman Kathy A. McClain presided in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Ms. Kathy A. McClain, Chairwoman
Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Joseph M. Hogan
Mrs. Ellen Koivisto
Ms. Valerie Weber

SENATE COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman
Senator Bob Beers
Senator Dina Titus

COMMITTEE MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Mark Stevens, Assembly Fiscal Analyst
Gary Ghiggeri, Senate Fiscal Analyst
Mindy Braun, Education Program Analyst
Leslie Johnstone, Program Analyst
Anne Bowen, Committee Secretary
Carol Thomsen, Committee Secretary

MILITARY (101-3650)

BUDGET PAGE MILITARY-1

Mindy Braun, Education Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, introduced herself and presented an overview of Budget Account 101-3650. Ms. Braun stated there were several major closing issues in Budget Account 3650.

The first major closing issue concerned Facilities Maintenance. The Executive Budget included two decision units related to building

maintenance, Decision Unit M-425 and Decision Unit E-730. In total 72 projects were recommended for completion during the FY2005-07 biennium. The projects were classified in two categories.

- Class I projects were those considered critical in nature and should be completed within two years.
- Class II projects were those that were necessary but not yet critical and should be completed in two to four years.

Ms. Braun informed the Subcommittee they had been provided with a packet of information that showed the Class I and Class II projects, as well as the corresponding options.

Decision Unit M-425, as amended through Budget Amendments 69 and 70, recommended \$721,700 in FY2005-06 and \$801,200 in FY2006-07 for the maintenance of facilities that had been deferred. Ms. Braun asked the Subcommittee to note that the amount recommended for FY2005-06 had been reduced by \$120,000 in the state General Fund for the costs of two projects that had been deleted through budget amendments. In total, 49 maintenance projects were recommended for completion through M-425 during the FY2005-07 biennium. State General Fund for the projects was recommended at \$450,725 over the biennium, with \$1.1 million in federal funds.

Ms. Braun said Decision Unit E-730 recommended \$128,190 in FY2005-06, and \$274,990 in FY2006-07 for 23 non-deferred maintenance projects, such as roof repairs, Americans with Disabilities Act (ADA) compliance requirements, and painting. Of the total amounts, \$58,940 in FY2005-06 and \$132,240 in FY2006-07 were recommended to come from the General Fund. According to the agency, Decision Unit E-730 contained the maintenance needs that were most critical for completion during the FY2005-07 biennium.

Based upon staff's review and working with the agency, four options had been developed for the Subcommittee's consideration:

A. Fully fund Decision Units E-730 and M-425 as amended by the Budget Division.

B. Fully fund Decision Unit E-730 and all Class I projects and half of the 100 percent state-funded Class II projects in Decision Unit M-425. In total, 65 projects would be funded and there would be a savings to the State General Fund of \$88,300 in the second year of the biennium.

C. Fully fund Decision Unit E-730 and all Class I projects in Decision Unit M-425. In total, 58 projects would be funded and there would be a savings to the State General Fund of \$177,300 in the second year of the biennium.

E. Fully fund Decision Unit E-730 and only the 100 percent federally funded projects in Decision Unit M-425. In total, 41 projects would be funded and there would be a savings of \$273,425 in the first year of the biennium and \$177,300 in the second year of the biennium.

Ms. Braun stated that staff recommended Option C because it would fully fund all Class I projects, which, according to the State Public Works Board, were those most critical in nature. It would also fund all the 100 percent federally funded Class II projects which would provide the agency with the ability to complete some of the projects during the upcoming biennium. Ms. Braun said Option C would save \$177,300 in FY2006-07 in addition to the \$120,000 in General Fund savings from the budget amendments.

Chairwoman McClain suggested reviewing the entire Military budget account and then voting on the entire budget.

Assemblyman Denis noted that there was a total of 72 projects and asked if that was correct. Ms. Braun replied that it was.

Assemblyman Denis noted that there were a total of 72 projects that required funding; if Option C were chosen it would fund only 58 projects, leaving 24 projects that would not be funded. Ms. Braun explained that those 24 projects would be Class II projects that were state funded. All the Class II projects that were 100 percent federally funded would be accomplished under Option C.

Mr. Denis asked if those projects were not funded during the present session would they be placed on the agenda for the next biennium. Ms. Braun replied that was correct.

Assemblyman Hogan stated that he had assumed that while each project was examined the final amount approved would permit the agency some flexibility. For example, if a lower priority roof repair became urgent, would the Department be able to have that repair accomplished.

Gary Ghiggeri, Senate Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, stated that would be the Subcommittee's decision as to whether they wanted to approve a lump sum amount. A listing of projects had been provided to the Subcommittee that equaled a total, but the Department could appear before the Interim Finance Committee with a project that had become urgent.

Chairwoman McClain said that in her opinion distinguishing between the Class I and Class II projects was the important thing.

Mr. Denis noted that it was also specific within those classifications because there were Class II projects that were 100 percent federally funded.

Ms. Braun continued with her presentation and said the next issue concerned new security staff. The federal government was requiring the Office of the Military to provide 24-hour security coverage at the State Armory, the Carson City Armory, and the Clark County Armory. In order to meet that requirement, Decision Unit E-325 requested authority to accept federal funds in the amount of \$2.4 million in 2006, and \$2.7 million in 2007 for 57 new State security employees. Ms. Braun noted that those costs would be 100 percent federally reimbursed. The question was whether the Subcommittee wished to approve Decision Unit E-325, and, if so, the Subcommittee should approve the decision unit noting that when the program was eliminated by the federal government the new positions and related expenses would also be eliminated. In addition, if Decision Unit E-325 was approved, staff requested authority to make adjustments to the cost of equipment based upon the most recent pricing available from State Purchasing.

Ms. Braun stated the next decision unit concerned the new State Emergency Operations Center, which had been delayed until April 2007. Upon completion of the project the Division of Emergency Management, the Nevada Division of Forestry, the Homeland Security Office, Office of the Military's Plans, Operations and Military Support Office, and the Nevada Highway Patrol Dispatch Unit would all relocate to the property located adjacent to the new state Area Command Complex for the Nevada National Guard in Carson City. The Governor recommended the agency act as landlord for the property and be granted authority to receive rent from all parties, totaling \$212,543 in FY2005-06 and \$427,691 in FY2006-07. Ms. Braun said those funds would be utilized to pay the salaries and benefits of three full-time staff new positions, including a maintenance repair worker, a custodial worker, and a Heating, Ventilating, and Air Conditioning (HVAC) Specialist I. Ms. Braun informed the Subcommittee that this would result in two full-time HVAC Specialists in Carson City, as well as corresponding equipment needs of all the positions.

Ms. Braun said that in response to questions from the Subcommittee concerning the need for an additional HVAC Specialist at the site in Carson City when the agency already had a specialist for Carson City, the agency indicated that the current HVAC Specialist position in Carson City was required to service the Carson City Readiness Center and the four newly remodeled rural armories, which now had HVAC systems, and to provide services quarterly to the Las Vegas Armory. The agency believed that because of all those duties, additional work would be too much for the current HVAC position in Carson City.

Ms. Braun stated that in addition to the HVAC Specialist recommended in Decision Unit E-325, the agency requested the Subcommittee to consider approving General Funds for a new and additional HVAC Specialist I position in the Las Vegas area, providing the Agency with four HVAC Specialists. The agency had indicated that there were savings to the General Fund that would offset the cost of the new position. Ms. Braun indicated that in justifying the request the agency had noted that services to the HVAC system in Las Vegas had been inadequate and had caused serious deficiencies.

Although staff concurred that there appeared to be a need for a HVAC Specialist in the Las Vegas area, the need to increase HVAC specialists from the current two to four was not clear, particularly when the Carson City position would no longer be required to travel to Las Vegas, according to Ms. Braun.

Based upon that information, the following options were provided for Subcommittee consideration:

- A. Approve Decision Unit E-525 as recommended by the Governor, and do not consider the agency's request for an additional HVAC position in Las Vegas. This option would provide the agency with a total of three HVAC Specialists, two in Carson City and one in Reno.
- B. Approve Decision Unit E-525 as recommended by the Governor and approve additional General Funds for an additional HVAC Specialist for Las Vegas at an additional cost of \$38,488 in FY2005-06 and \$51,267 in FY2006-07. That would provide the agency with a total of four HVAC Specialists, two in Carson City, one in Reno, and one in Las Vegas.

C. Do not approve the HVAC Specialist I recommended in Decision Unit E-525, saving the General Fund approximately \$3,637 in 2006 and \$8,203 in 2007. Instead, approve additional General Funds in the approximate amount of \$38,448 in 2006 and \$51,267 in 2007 for a HVAC Specialist in the Las Vegas area.

Ms. Braun stated staff recommended Option C, which did not support the approval of the second HVAC Specialist in the Carson City area.

Chairwoman McClain requested a motion.

SENATOR RHOADS MOVED TO FULLY FUND DECISION UNIT E-730 AND ALL CLASS I PROJECTS IN DECISION UNIT M-425, OPTION C, WITHIN BUDGET ACCOUNT 101-3650.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

SENATOR RHOADS MOVED TO APPROVE DECISION UNIT E-325 IN BUDGET ACCOUNT 101-3650, WHICH PROVIDES FOR 57 FULL-TIME STATE SECURITY EMPLOYEES TO BE 100 PERCENT FEDERALLY REIMBURSED. SHOULD THE PROGRAM BE ELIMINATED BY THE FEDERAL GOVERNMENT, THE NEW POSITIONS AND RELATED EXPENSES WILL ALSO BE ELIMINATED.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

SENATOR TITUS MOVED TO APPROVE OPTION C OF DECISION UNIT E-525 IN BUDGET ACCOUNT 101-3650, WHICH PROVIDES FOR A HVAC SPECIALIST FOR THE LAS VEGAS AREA.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

Ms. Braun informed the Subcommittee that Decision Unit E-526 concerned the new Clark County Armory, and requested General Funds in the amount of \$194,209 in FY2006-07 to fund the salaries and benefits of 5 new positions for the new Las Vegas Readiness Center with related operating and equipment

needs. The positions were expected to begin service in February 2007. Ms. Braun said that due to the uncertainty of when the new Las Vegas Readiness Center would be completed, the Subcommittee should note that the agency indicated that if the Legislature did not want to obligate State General Funds at this time the agency was in support of appearing before the IFC to request an allocation from the Contingency Fund, or before the 2007 Legislature to request a supplemental appropriation if the project was completed before the end of the biennium.

According to Ms. Braun, it should be noted that during the previous budget hearing, the agency did request that the Subcommittee consider authorizing the Governor-recommended 1.0 Facilities Supervisor to begin in October of 2006 instead of February or April of 2007. The Subcommittee requested staff to work with the agency on the request. Ms. Braun said that according to the agency, the Facilities Supervisor was needed in 2006 instead of 2007 because the current supervision by a maintenance worker in the Las Vegas Armory was inadequate. Prior to the 2003 Legislative Session the agency had a Facilities Supervisor for the Las Vegas area; however, the position had been left vacant for six months and the Governor had recommended the position be eliminated in the 2003 Session. Ms. Braun indicated that it appeared to staff that a Facilities Supervisor would be justified when the new Armory was completed, because up to four additional maintenance and custodial staff would be hired at that time. It was not clear why there was a need to hire the Facilities Supervisor early, as no changes in staffing had occurred from when the agency had supported the original elimination.

Ms. Braun stated that staff would recommend Option B, however, the following options were offered for consideration:

- A. Approve Decision Unit E-526 as recommended by the Governor.
- B. Do not approve Decision Unit E-526 at this time, and provide a Letter of Intent requesting that if the facility was completed prior to the end of the biennium, the agency could approach the IFC to request an allocation from the Contingency Fund or the 2007 Legislature to request a supplemental appropriation.
- C. Approve Decision Unit E-526 as recommended by the Governor, except approve the Facilities Supervisor's position to begin in FY2005-06.
- D. Approve the Facilities Supervisor's position to begin in FY2005-06 and provide a Letter of Intent requesting that if the facility is completed prior to the end of the FY2005-07 biennium, the agency approach the IFC to request an allocation from the Contingency Fund or the 2007 Legislature to request a supplemental appropriation for the remaining positions and operating costs.

Major General Giles Vanderhoof, Adjutant General of Nevada, identified himself for the record and stated that he would appreciate an opportunity for Miles L. Celio, Administrative Services Officer, to testify in support of Option C of Decision Unit E-526.

Miles L. Celio, Administrative Services Officer, Office of the Military, testified in support of Option C, Decision Unit E-526.

Mr. Celio stated that the Armory in Las Vegas was struggling with the lack of supervision available at that installation. He said the Office of the Military had worked with the federal government to fund some additional positions in the northern part of Nevada. That funding would provide more federal dollars, thereby freeing some General Fund money on four positions in the north, which the agency hoped to apply to positions in Las Vegas. One of those positions was the Facilities Supervisor position and the other was the HVAC Specialist position that had been previously discussed.

Mr. Celio said what had been accomplished with the process was to acquire additional federal funds to fund currently funded positions in northern Nevada and thereby save the General Fund \$13,000 in each biennium. Mr. Celio said that the Las Vegas Armory was suffering from the lack of a Facilities Supervisor and a HVAC Specialist.

Chairwoman McClain asked if the Las Vegas Armory had one maintenance worker and Mr. Celio replied that was correct.

Chairwoman McClain asked why one maintenance worker was not enough given the current circumstances. Mr. Celio replied that the Las Vegas Armory had a 600-man armory near Nellis Air Force Base, as well as a Henderson Armory, and the one maintenance worker was assigned to go back and forth between both facilities. Mr. Celio explained that the agency had spent \$500,000 of federal money to refurbish the HVAC system in the 600-man armory and it was too much for one maintenance worker to handle.

Chairwoman McClain commented that a HVAC Specialist to be assigned to Las Vegas had just been approved by the Subcommittee. She further requested information regarding the need for a Facilities Supervisor in FY2005-06 and said it sounded like a personnel issue rather than the need for another supervisor, and wondered why they were requesting a supervisor when the new building was not yet open.

General Vanderhoof commented that a new Facilities Supervisor and HVAC Specialist were needed immediately. Because of the lack of qualified HVAC workers, the system in Las Vegas had degraded to the point that classrooms in Las Vegas had had temperatures of over 100 degrees for approximately 3 years. General Vanderhoof said he had been able to acquire \$500,000 from the federal government to upgrade the HVAC system. That system would end up degrading as well if sufficient technicians were not available to maintain it.

General Vanderhoof said that while he believed the Subcommittee could understand the problem in Las Vegas, in northern Nevada the rural armories were being covered in addition to three major buildings in Carson City with only two maintenance workers.

Senator Titus noted that the Office of the Military had agreed to eliminate the Facilities Supervisor position in the last budget. She asked why that position had been vacant for six months and wondered how hard it could be to find a maintenance supervisor in Las Vegas.

Mr. Celio replied that the Facilities Supervisor position had been left vacant because of the 3 percent cut required by the Governor's Office in the 2003

budget. The agency had attempted to save funds and had the one maintenance person in the Las Vegas Armory act as the supervisor of three custodial workers, but it had not been successful.

SENATOR TITUS MOVED TO APPROVE OPTION D OF DECISION UNIT E-526 IN BUDGET ACCOUNT 101-3650.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

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Ms. Braun explained the elimination of the 50/50 State-federal split of utilities. During the 2003 Legislative Session the Office of the Military had received an agreement from the United States Planning and Financial Office (USPFO) to increase the federal share of funds provided for the support of maintenance and utilities at the Army National Guard armories from 0 to 50 percent. According to the agency, the federal government might not be able to continue the agreement to pay 50 percent of the utilities for the Army armories during the FY2005-07 biennium and into the future.

Ms. Braun stated no documentation had been formally received by the agency from the USPFO concerning the change in funding. In addition, the agency had recently indicated that while it appeared promising that the 50/50 split agreement would continue, the adjusted base budget recommended additional General Funds in the amount of \$120,000 in each fiscal year of the biennium to cover expenses in the event that the agreement was cancelled. Ms. Braun said the agency noted that in lieu of the 2005 Legislature approving the \$120,000 in each year it was in support of appearing before the IFC in FY2006 to request an allocation from the Contingency Fund or to the 2007 Legislature to request a supplemental appropriation in the event the agreement was cancelled.

Based upon that information, Ms. Braun stated that staff would recommend Option B; however, the following options were offered for Subcommittee consideration:

- A. Approve \$120,000 funding as recommended by the Governor in each fiscal year for the potential shortfall in utilities.
- B. Reduce the Governor's recommended funding of \$120,000 in each fiscal year for utility costs and instead request the agency, through a Letter of Intent, to request an allocation from the Contingency Fund, or supplemental appropriation.

Senator Titus stated she would make a motion to approve Option B, but commented that she was somewhat worried that so many people were being referred to the IFC for the Contingency Funds. She also wanted to vent her frustration at the repeated cutting of federal funds. In the past when the federal government had cut social programs they had maintained support of the military, but now they were not even supporting the military, according to Senator Titus.

General Vanderhoof commented that the federal government had been paying the state's share of many programs in the past two years that had never been paid by the federal government. The air conditioning refurbishment in the Las Vegas Armory had been paid for by the federal government in an unprecedented move.

Senator Titus said that while she appreciated the General's defense of the federal government, they should be paying for the military. She maintained it was not the states that declared war, or the states that sent troops, so it was the federal government's responsibility to contribute to those programs.

General Vanderhoof pointed out that in the past two years the Army and Air Guard had received over \$270 million in federal funds as opposed to \$5 million in state funds.

SENATOR TITUS MOVED TO APPROVE OPTION B AND REDUCE THE GOVERNOR'S RECOMMENDED FUNDING OF \$120,000 IN EACH FISCAL YEAR FOR UTILITY COSTS AND THE AGENCY THROUGH A LETTER OF INTENT SHOULD REQUEST AN ALLOCATION FROM THE CONTINGENCY FUND OR REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE 2007 LEGISLATURE IN THE EVENT OF A SHORTFALL IN UTILITIES AS A RESULT OF THE FEDERAL GOVERNMENT ELIMINATING THE AGREEMENT TO PAY 50 PERCENT OF UTILITIES FOR ARMY ARMORIES.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

Ms. Braun stated there were three technical adjustments in Budget Account 101-3650 to be considered by the Subcommittee.

SENATOR RHOADS MOVED TO APPROVE TECHNICAL ADJUSTMENTS PER STAFF RECOMMENDATION.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

General Vanderhoof asked for permission to make one comment, and said regarding the HVAC Specialist for the Las Vegas area, that he could not stress how much it would cost the State if the HVAC system could not be adequately maintained. The next \$500,000 it took to fix the system would not be available from the federal government and General Vanderhoof reiterated that it was ultimately a State responsibility. It was a very important item to the Office of the Military, according to General Vanderhoof, and he requested that the Subcommittee reconsider and approve Option A.

Chairwoman McClain commented that the Subcommittee was united on Option C and pointed out that there would be a HVAC Specialist in Las Vegas, where there had been none, and there would be one in Carson City and one in Reno.

DEPARTMENT OF CORRECTIONS
ELY STATE PRISON (101-3751)
BUDGET PAGE CORRECTIONS-35

Leslie Johnstone, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), advised the Subcommittee that there were some common items in the facility budgets. Each facility had been updated with technical adjustments to reflect the housing plan that had been approved by the Subcommittee on April 28, 2005. That was reflected by changes to the room and board and inmate-driven expenses.

Ms. Johnstone stated there were no major closing issues in the Ely State Prison budget. There were equipment replacement items noted under Decision Unit E-710. Ms. Johnstone said staff was in the process of determining whether the staff/inmate identification system could be deleted if the Department's offender tracking information system was approved. Ms. Johnstone said she had been informed by the Department that the two systems were not a duplication of function, and they would still request the replacement of the staff/inmate identification system at Ely State Prison.

DEPARTMENT OF CORRECTIONS
HIGH DESERT STATE PRISON (101-3762)
BUDGET PAGE CORRECTIONS-41

Ms. Johnstone explained that there were three major closing issues in Budget Account 101-3762.

Ms. Johnstone said there was a budget amendment from the Governor's Office to add 18 permanent staff to provide custody services in housing unit 8 at High Desert State Prison. This was an error in The Executive Budget where the Wyoming and Washington inmates had been housed in housing unit 8, the staff had been deleted because of the termination of those contracts, but the permanent staff had not been replaced. Budget amendment number 9 corrected the problem. Ms. Johnstone stated staff recommended approval of that amendment.

The second item was consideration of two new positions for the gun rail post contained in Decision Unit E-250. The gun rail post overlooked the culinary and intake building that overlooked the yard from the west at High Desert State Prison. The area also included the segregation housing unit with approximately 166 inmates. Ms. Johnstone said the question before the Subcommittee was whether to approve the addition of two new employees to staff the post on the culinary gun rail as recommended by the Governor.

Item number three actually contained two items, according to Ms. Johnstone. Decision Unit E-251 recommended the addition of 19 new positions, two of which would be dedicated to the intake unit. High Desert State Prison served as the male intake center for southern Nevada and those new positions were intended to address a backlog in processing inmate placements. One caseworker position and one administrative assistant were recommended. Ms. Johnstone said the question was whether the Subcommittee wished to

approve two new positions for the intake unit at High Desert State Prison as recommended by the Governor.

The second component of Decision Unit E-251 was the implementation of unit management, which would involve the addition of 17 additional positions; 2 lieutenants, 3 sergeants, and 12 correctional officers that would result in 1 additional post to be created in each housing unit on the day shift. Currently there were two posts on the day shift in each housing unit at the institution. Ms. Johnstone said staff was concerned that approval of Decision Unit E-251 would establish a precedent to also add positions at other Nevada Department of Corrections' facilities with similar housing designs. The question before the Subcommittee was whether they wished to approve 17 new positions at the High Desert State Prison to implement unit management as recommended by the Governor.

Chairwoman McClain indicated she would accept a motion regarding Budget Account 101-3751.

ASSEMBLYMAN DENIS MOVED TO APPROVE BUDGET ACCOUNT
101-3751 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman
Gansert, and Assemblywoman Weber were not present for the
vote.)

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Chairwoman McClain indicated she would accept a motion regarding Budget Account 101-3762.

SENATOR RHOADS MOVED TO APPROVE BUDGET AMENDMENT
NUMBER 9 TO ADD 18 POSITIONS TO STAFF HOUSING UNITS;
APPROVE DECISION UNIT E-250; AND APPROVE DECISION UNIT
E-251 IN BUDGET ACCOUNT 101-3762.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman
Gansert, and Assemblywoman Weber were not present for the
vote.)

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Chairwoman McClain called for discussion regarding the "unit management concept" being recommended for the High Desert State Prison in The Executive Budget. She stated that the question before the Subcommittee was whether to change policy and set a new precedent for the way prisons were staffed as opposed to the "post staffing concept."

Assemblyman Hogan commented that High Desert State Prison was a large institution with approximately 2,300 inmates and the professional advice had been to implement the unit management concept because it was safer and more secure. He said he was inclined to believe this was one area where the professional advice should be taken in order to avoid any problems.

Senator Titus stated that she was inclined to agree with Mr. Hogan, but she also worried that this would set a precedent and every other prison in the state would want to move to the unit management concept. While she acknowledged that could possibly be a wise move, she wondered if the Subcommittee should make that determination.

Senator Rhoads stated that he was against approval of the unit management concept for the High Desert State Prison because it would set a precedent.

Assemblywoman Koivisto stated she was in agreement with Senator Rhoads.

Assemblyman Denis said he believed it still came back to the question of whether the State needed to move in the direction of the unit management concept.

Mrs. Koivisto commented that the unit management concept would involve a very large amount of money.

Fritz Schlottman, Offender Management Administrator, Department of Corrections, stated the request for the unit management concept was based on the physical layout of the High Desert State Prison. Because it was such a massive institution it presented challenges that did not occur at other smaller institutions. The Department did not anticipate requesting more secured positions at smaller institutions, according to Mr. Schlottman. High Desert State Prison was a case of designing a prison on a piece of paper and arriving at staffing levels based on that design. When the facility was actually opened and in use, challenges appeared that had not been considered previously.

Chairwoman McClain said she was also concerned about the cost in the future, and asked if the juvenile population was going to be moved from the High Desert State Prison.

James G. Cox, Assistant Director of Operations, Department of Corrections, stated that moving the juvenile population from High Desert State Prison was being considered. He noted the Wyoming inmates had been moved from the prison recently. The current prison population was 2,450, which was higher than when the Wyoming inmates had been at High Desert State Prison.

Mr. Cox said the layout and the physical plant of the High Desert State Prison was like no other, and he had been working in prisons for 25 years. It was a very difficult facility to maintain with an inmate population that was becoming more aggressive and problematic, and Mr. Cox said he did not see this happening at any other institution.

Mr. Denis wondered if there was any way to modify High Desert State Prison to make it more usable rather than add staff.

Mr. Cox replied that the facility had been divided with a fence and restrictions on inmate movement had been initiated to alleviate the problem, but the numbers spoke for themselves. He stated he had done everything he could operationally to reduce the likelihood of an incident such as the one that happened in 2004.

Mr. Cox said unit management was nothing more than zoning an area of responsibility for staff. The different locations and staffing levels at High Desert State Prison required the unit management concept.

Chairwoman McClain asked if there were eight housing units at High Desert State Prison and Mr. Cox replied that was correct.

Chairwoman McClain commented that there were 8 housing units and the prison was requesting 2 lieutenants, 3 sergeants, and 12 correctional officers and asked if that would be adding one officer to the day shift in each housing unit. Mr. Cox replied that was correct.

Chairwoman McClain asked why there was a need for lieutenants and sergeants. Mr. Cox stated the concept was that the lieutenant was responsible for a "quad," and at the High Desert State Prison there were over 300 inmates in a quad, which made the lieutenant responsible for the movement of inmates and staff and the safety and security of inmates and staff.

Mr. Denis asked if there were any other physical solutions to the plant at the High Desert State Prison. Mr. Cox replied that the layout of the facility caused a significant amount of problems that could not be changed or repaired.

Mr. Denis said he was convinced that the staffing needed to be increased at the prison.

Scott MacKenzie, Executive Director, State of Nevada Employees Association (SNEA), stated that what the Association was hearing from members who worked at the High Desert State Prison was that the response time to aid an officer in trouble was much longer than was safe. Safety and security was SNEA's main concern and some of the officers at the High Desert State Prison were very concerned.

Chairwoman McClain determined that the unit management concept would have to go to the full committee for review.

DEPARTMENT OF CORRECTIONS
NORTHERN NEVADA CORRECTIONAL CENTER (101-3717)
BUDGET PAGE CORRECTIONS-49

Ms. Johnstone stated there were no major closing issues in Budget Account 3717.

Ms. Johnstone said budget amendment number 55, which was in several budget accounts, removed taser equipment from Budget Account 3717 and would be discussed further in the Correctional Programs budget.

ASSEMBLYMAN DENIS MOVED TO APPROVE BUDGET
ACCOUNT 101-3717 AS RECOMMENDED BY STAFF.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

DEPARTMENT OF CORRECTIONS
NEVADA STATE PRISON (101-3718)
BUDGET PAGE CORRECTIONS-55

Ms. Johnstone stated there were no major closing issues in Budget Account 101-3718 and there was the removal of some equipment as the result of budget amendment number 55.

SENATOR RHOADS MOVED TO APPROVE BUDGET ACCOUNT 101-3718 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers, Assemblywoman Gansert, and Assemblywoman Weber were not present for the vote.)

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DEPARTMENT OF CORRECTIONS
SOUTHERN DESERT CORRECTIONAL CENTER (101-3738)
BUDGET PAGE CORRECTIONS-62

Ms. Johnstone informed the Subcommittee that there were two major closing issues in Budget Account 3738.

The first issue was a request and recommendation by the Governor for three new correctional officer positions in the segregation unit at Southern Desert Correctional Center as requested in Decision Unit E-251. Ms. Johnstone said segregation housing was the designation used to house inmates who posed a higher security risk than the general population. The three requested positions would staff two posts in the segregation unit on a seven-day-per-week basis.

Ms. Johnstone commented by way of background that staff had perused the most recent capacity analysis which the Department had compiled identifying how each housing unit would be utilized and that analysis reflected housing unit number 8 as a segregation housing unit. That was unchanged from the Department's capacity analysis compiled in August 2003. Staffing for unit 8 was increased during the 2003 Legislative Session from 7 posts to 8 posts, and the staffing level had not changed since that time.

Ms. Johnstone said the question before the Subcommittee was whether they wished to approve the addition of three correctional officer positions for segregation unit number 8 at Southern Desert Correctional Center as recommended in The Executive Budget.

Ms. Johnstone stated the second major closing issue was the restoration of a maintenance position requested in Decision Unit E-250. The position was a Maintenance Worker IV that had been eliminated during the 2003 Legislative Session. Since deletion of the position, the facility had operated with 10 skilled craft positions, one of which was a Maintenance Repair Specialist I classification. Ms. Johnstone said the Department of Corrections had indicated that restoration of the position would allow for ongoing minor repairs and maintenance to be performed that were not occurring at the present time.

Ms. Johnstone said the question before the Subcommittee was whether they wished to approve the restoration of one maintenance worker position as recommended by the Governor's Office.

Ms. Johnstone commented that there were other closing items that were common throughout. Decision Unit E-710 recommended funding for equipment replacement. Decision Unit E-900 recommended the transfer of one Senior Correctional Officer position to the Director's Office Budget Account 101-3710 to align with reporting responsibilities.

Chairwoman McClain requested clarification from the Department regarding adding employees to the segregation unit.

Mr. Cox explained that the additional staff requested for Southern Desert Correctional Center for the segregation unit allowed the Department to run it as a segregation unit and also allowed them to provide recreation, showers, and feeding to the inmates while providing safety and security to the staff. Mr. Cox said it took more supervision to move a disciplinary segregation inmate from one area of the facility to another. Mr. Cox noted that normally those inmates would be moved to the Southern Desert Correctional Center but those beds were already filled, so they were being kept at the High Desert Correctional Center for a longer period of time.

Mr. Schlottman commented that one of the most important aspects of running a correctional system was the ability to provide meaningful punishment for rules infractions and disciplinary segregation beds were required. It was basically the only option the prison had, according to Mr. Schlottman. If inmates were placed on a waiting list to serve the disciplinary time, that sanction was no longer meaningful.

Chairwoman McClain said she understood the concept and asked how the segregation unit at High Desert Correctional Center was staffed.

Mr. Cox said that what had been requested in the budget was the same as had been requested for disciplinary segregation units across the prison system. The area was needed in order to be able to manage the inmate population.

Lorraine Bagwell, Administrative Services Officer IV (ASO), Department of Corrections, commented that there had been a disciplinary segregation unit at Southern Desert Correctional Center and when High Desert Correctional Center had been built, it had been moved. The request in Decision Unit E-251 would restore the normal segregation unit to the Southern Desert Correctional Center.

SENATOR RHOADS MOVED TO APPROVE BUDGET
ACCOUNT 101-3738 AS RECOMMENDED BY STAFF WITH
TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers and Assemblywoman
Gansert were not present for the vote.)

DEPARTMENT OF CORRECTIONS
LOVELOCK CORRECTIONAL CENTER (101-3759)
BUDGET PAGE CORRECTIONS-70

Ms. Johnstone stated there was one major closing issue in Budget Account 101-3759, which was the request for an additional position for the Structured Living Program (SLP); one new correctional officer. The position was being requested to act as a drill instructor for the SLP. Staff noted that the Department had already made some staffing changes administratively to provide a drill instructor for the program, which would leave other legislatively-approved posts vacant when the reassignment was made.

Ms. Johnstone said the question before the Subcommittee was whether to approve the addition of one Correctional Officer position as recommended by the Governor.

Chairwoman McClain called for discussion regarding Budget Account 3759.

Mr. Hogan commented that a drill sergeant was apparently an integral part of the SLP.

Chairwoman McClain pointed out that The Executive Budget had been based upon an average inmate population of 1,574 in FY2005-06, and 1,363 in FY2006-07, but the updated population projections were up to 1,669 in FY2005-06 and 1,502 in FY2006-07.

ASSEMBLYWOMAN KOIVISTO MOVED TO APPROVE BUDGET
ACCOUNT 101-3759 AS RECOMMENDED BY STAFF.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers and Assemblywoman
Gansert were not present for the vote.)

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DEPARTMENT OF CORRECTIONS
WARM SPRINGS CORRECTIONAL CENTER (101-3716)
BUDGET PAGE CORRECTIONS-81

Ms. Johnstone stated that Budget Account 3716 contained no major closing issues. Staff noted that budget amendment number 55 was included in the technical adjustments.

SENATOR RHOADS MOVED TO APPROVE BUDGET
ACCOUNT 101-3716 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers and Assemblywoman
Gansert were not present for the vote.)

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DEPARTMENT OF CORRECTIONS
CASA GRANDE TRANSITIONAL HOUSING (101-3760)
BUDGET PAGE CORRECTIONS-93

Ms. Johnstone stated that the operating plan for the Casa Grande Transitional Housing facility had been approved by the Interim Finance Committee (IFC) in June 2004. At that time the facility had been targeted to open July 2005. The opening was delayed until October 2005 and at the current time was scheduled to open in December 2005.

Ms. Johnstone stated many technical adjustments had been made in Budget Account 3760 to accommodate the opening date. Additionally, many technical adjustments had been made to accommodate the housing plan that was approved by the Subcommittee on April 28, 2005, whereby the Department would transition the population into that facility at approximately 50 inmates every 2 weeks beginning in December 2005.

Ms. Johnstone said the first fiscal year of the biennium would show an average monthly population of 160 inmates at the Casa Grande Transitional Housing facility. Adjustments had been made to the contract programming costs, the lease payment on the building, building maintenance costs, and the other contracts included in the budget. Computer price updates had also been included in the technical adjustments.

Ms. Johnstone pointed out to the Subcommittee that Decision Unit E-720 recommended funding for new equipment totaling \$145,232 that was not included in the project financing, which was approximately \$491,549. That \$145,232 in General Fund dollars in Budget Account 3760 would provide for videoconferencing equipment, 2 passenger vans, air paks, smaller cost items, medical equipment, furniture, and culinary equipment.

SENATOR RHOADS MOVED TO APPROVE BUDGET
ACCOUNT 101-3760 BASED UPON THE HOUSING PLAN.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Beers and Assemblywoman
Gansert were not present for the vote.)

Chairwoman McClain recessed the meeting at 9:25 a.m. and reconvened the meeting at 9:43 a.m.

DEPARTMENT OF CORRECTIONS
SOUTHERN NEVADA WOMEN'S CORRECTIONAL CENTER (101-3761)
BUDGET PAGE CORRECTIONS-87

Ms. Johnstone explained that a major closing issue in Budget Account 3761 was Decision Unit E-250 which requested eight new Correctional Officer positions. The Department had submitted a request which indicated that the original staff recommendation approved by the Interim Finance Committee (IFC) was inadequate to provide proper security at the Southern Nevada Women's Correctional Center.

The Central Control post was responsible for monitoring all activities within the facility, including keys, radios, and equipment assigned to the Control Center. Currently, two officers were assigned to the day shift and one officer on the swing shift and graveyard shift. The Executive Budget recommended increasing the swing shift by one officer.

Ms. Johnstone said there were currently no officers assigned to the Gatehouse post. The Department recommended creation of the post which would be responsible for monitoring all movement in and out of the facility, including searches of staff and visitors. This post would exist on the day shift only, according to Ms. Johnstone.

The Sally Port would have one officer assigned to that post and that officer would be responsible for control of the foot and vehicle traffic passing through the facility, and for inspections and/or searches of vehicles. It would also be staffed for one shift only during the day.

Ms. Johnstone said the Governor recommended 3.2 FTE positions be created for the Mental Health Unit. No officers were currently assigned to the Mental Health Unit post. The Department recommended creation of the new post which would be responsible for controlling the movement of all residents assigned to the Mental Health Unit and conducting daily cell inspections and area searches.

Ms. Johnstone summarized that the question before the Subcommittee was whether they wished to approve all eight or a portion of the positions as recommended in The Executive Budget.

Ms. Johnstone brought to the attention of the Subcommittee, under other closing items, the lease-purchase payment for the Southern Nevada Women's Correction Center facility. There was an adjustment to the base budget to add \$2.3 million General Fund dollars each year of the biennium. The expense was not incurred in Budget Account 3761 during the current biennium due to savings realized from refinancing. Due to savings realized from refinancing, General Funds recommended in FY2005-06 for the \$2.3 million could be eliminated. In FY2006-07, the recommended amount of \$2.3 million would be reduced by \$2 million, leaving a balance of \$315,832 in General Fund expense.

Senator Rhoads asked why the Southern Nevada Women's Correctional Center needed another officer in Central Control on the swing shift when the only other prison facility with two officers on swing shift was Ely State Prison, a maximum security facility.

Mr. Cox replied that the position in question monitored cameras, issued equipment, answered telephones, and observed the disciplinary segregation unit. It was a multi-task job, according to Mr. Cox.

Senator Rhoads asked if the same job was any different at other prisons. Mr. Cox replied that it was because the swing shift required a different level of observation and communication, and Central Control at the women's facility had attributes that other facilities did not have.

Chairwoman McClain said she would accept a motion to approve the eight requested positions as recommended by the Governor, approve staff recommendations on closing issues, and she further asked the Subcommittee to support the amount of \$500,000 included in the Appropriations Bill for direct

services to the EVOLVE program for women in transition at the Southern Nevada Women's Correctional Center.

Chairwoman McClain explained that the Educational and Vocational Opportunities Leading to Valuable Experience (EVOLVE) reentry program aided women in transitioning from prison to a normal life. She said it was an excellent program that received funding for staff from the City of Las Vegas. The \$500,000 being requested would be strictly for direct services, according to Chairwoman McClain.

Senator Beers commented for the record that he would be supporting the Governor's recommendations.

ASSEMBLYWOMAN KOIVISTO MOVED TO APPROVE EIGHT NEW POSITIONS AS RECOMMENDED BY THE GOVERNOR, APPROVE OTHER ITEMS AS RECOMMENDED BY STAFF, AND APPROVE \$500,000 IN ADDITIONAL GENERAL FUNDS FOR THE EVOLVE INMATE REENTRY PROGRAM IN LAS VEGAS FOR DIRECT SERVICES FOR WOMEN IN TRANSITION.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED WITH SENATOR BEERS VOTING NO.
(Assemblywoman Gansert was not present for the vote.)

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DEPARTMENT OF CORRECTIONS
SOUTHERN NEVADA CORRECTIONAL CENTER (101-3715)
BUDGET PAGE CORRECTIONS-77

Ms. Johnstone explained that the major closing issues for Budget Account 101-3715 had to do with facility staffing and start up expenses. The Southern Nevada Correctional Center (SNCC) was scheduled to reopen in August 2006.

The Executive Budget recommended a staffing complement of 193.4 FTE for the facility. Ms. Johnstone stated this represented a 34 percent increase over what was in place in 1999 when the Southern Nevada Correctional Center was last open. The most significant difference was recommended in the housing units with three posts during the day for general population units, as opposed to one post that previously existed. The night shifts, both swing and graveyard, would have two posts instead of one.

Ms. Johnstone explained that an alternative to the Governor's recommendation was developed by the Legislative Counsel Bureau's Fiscal Analysis Division, and was presented for the Subcommittee's consideration. While there were no other Department of Corrections' facilities with the same design as SNCC, staff developed an alternative staffing proposal that would provide two posts in the general population housing units during the day and evening shifts, and one post at night, representing a decrease of one post during the day and one at night compared to the Governor's recommendation. Food services staffing would remain the same as that existing in 1999 and at the same level currently in place at Southern Nevada Women's Correctional Center. The clerical support function would be at the same level that existed in the Southern Nevada Women's Correctional Center as well.

Ms. Johnstone stated that based upon discussions held with the Department of Corrections, it had been brought to her attention that at Southern Nevada Women's Correctional Center the staffing was augmented by one position funded out of the Central Administrative Budget. In considering the alternative recommendation the Subcommittee might want to consider an additional clerical position beyond what was included in the staff proposal, according to Ms. Johnstone. Even with an additional clerical position staff estimated the personnel savings would be approximately \$1.6 million in the second year of the biennium compared with The Executive Budget and would reflect a reduction of 28 positions.

The second area for consideration was the new Warden position for SNCC. Ms. Johnstone stated that there was currently a Warden position in Budget Account 3710, the Director's Office budget, responsible for camps located at Tonopah and Pioche, and that Warden had also been working on the SNCC remodel and developing procedures for that facility. The Department of Corrections had indicated it would like to retain the Warden position in the Director's Office budget and pursue a reclassification for a second Assistant Director for the Operations position. That reclassification was not included in The Executive Budget.

Ms. Johnstone said the question for the Subcommittee was whether to eliminate the new Warden position from this budget and transfer the existing Warden position from the Director's Office budget to the SNCC budget. Ms. Johnstone noted that there was an administrative assistant position that went with the Warden position in the Director's Office budget and it would make organizational sense to transfer it with the Warden position if the transfer was approved.

Ms. Johnstone said start up expenses for the SNCC were included in Decision Unit M-202, totaling \$1.7 million. The decision unit included culinary equipment, vehicles, security radios, videoconferencing equipment, bedding, office supplies, and office furniture.

Ms. Johnstone stated that staff wanted to bring the subject of vehicles recommended for the SNCC to the attention of the Subcommittee. The Subcommittee had been supplied with a table that listed utility vehicles and road vehicles that had been recommended in The Executive Budget and recommended changes proposed by staff. There were a total of eight utility vehicles recommended for the SNCC, and the pricing was different between the vehicle designated to be assigned to the Facility Supervisor and those designated for general use. Staff recommended that the lower price be applied to all eight utility vehicles.

The forklift designated for general use at the SNCC was estimated to cost \$41,879, however, in the Southern Desert Correctional Center budget a forklift replacement cost \$30,847. Staff recommended that the forklift for SNCC be priced at \$30,847 resulting in a savings of approximately \$11,000.

Ms. Johnstone said the budget contained a request for an electric forklift designated for the warehouse and staff suggested that vehicle be deleted since there was a forklift as well as a lift truck included in the budget.

The budget included a request for two half-ton pickup trucks. Staff recommended that one of those trucks be deleted from the budget because

currently there were two vehicles assigned to the facility, one of which was a pickup.

Staff recommended that one of the two sedans requested be deleted. The other sedan was considered replacement of the sedan currently assigned to the facility Warden.

Ms. Johnstone noted that staff had also considered the Southern Nevada Women's Correctional Center, and while that facility had a much different layout than SNCC, when it had been converted to state operations in October 2004, the facility had been allocated two vans, one pickup, and one sedan.

The question before the Subcommittee, according to Ms. Johnstone, was whether they wanted to approve Decision Unit M-202 as recommended or include any of the changes as suggested by staff.

Ms. Johnstone said other closing items included budget amendment number 55 which also eliminated taser equipment in Budget Account 3715.

Senator Rhoads inquired as to why staff at SNCC had increased by 34 percent over 1999 staffing since it had been reopened.

Jackie Crawford, Director, Department of Corrections, identified herself for the record and stated there had been discussion about the request for an increase in staff at SNCC.

Ms. Crawford said she wanted to address inmate classification which came in several components. Lovelock Correctional Center had been designated as a sexual offender facility because it had been decided it was an ideal place for those individuals. High Desert State Prison had been classified as a high-medium facility and the more disruptive, hard-core inmates were incarcerated there. Southern Desert Correctional Center was for inmates who were transitioning out and preparing to enter programs. Ms. Crawford said the Department knew there was not enough funding to place the same programs in each facility.

Southern Nevada Correctional Center was a young offender facility. Ms. Crawford said a number of states had initially done as Nevada had and designated a wing for young offenders in one of their institutions. Ms. Crawford said the Department had outgrown that designated wing, as they had begun with approximately 96 inmates and now had 500 to 600 young offenders that could be placed at SNCC.

Ms. Crawford stated the Department had researched the subject very carefully and she believed they had been very conservative in their proposal. Young offenders needed more programs and more staffing, according to Ms. Crawford, because young offenders did not normally understand the consequences of their actions.

Ms. Crawford said the number one priority in the Department of Corrections was for the safety of the staff and inmates and they had requested the amount of staff who would address the needs of those units.

Chairwoman McClain asked if there was a middle ground between 193 new FTE and 165 FTE.

Ms. Crawford said she would defer that question to Mr. Cox.

Mr. Cox responded that the Department had examined several facets of the operation in an attempt to implement different types of security in running the SNCC. The inmate population of young offenders at SNCC was more prone to violence and disruptive behavior.

Mr. Cox stated he had investigated security enhancement alternatives and had considered a system that would allow the staff to monitor an inmate's whereabouts at all times. That type of system would allow the Department to reduce the staffing complement that had been requested. Mr. Cox said the system was similar to a Global Positioning System (GPS). An inmate would be fitted with a device similar to a watchband and staff would be supplied with a warning and alarm system. Mr. Cox said he felt comfortable that if the prison had that type of system they would be able to reduce staffing, as it would allow reduction in the amount of supervision within the unit as well as moving from place to place. The alarm system would provide information as to where both inmates and staff were located, within five feet, every two seconds. Mr. Cox said if there was an incident staff could tell who was present, what was occurring, and they could respond correctly. The system would aid in utilizing staff better in different locations.

Chairwoman McClain asked how much staff could be saved if the prison implemented the tracking system.

Ms. Crawford said she would like to refer the question to Lorraine Bagwell because she had already spoken with staff regarding a tracking system. Ms. Crawford continued and said that a tracking system was not the perfect solution because they were, after all, discussing a prison and the prison population kept growing. Custody, care, and control was what the Department of Corrections was all about, according to Ms. Crawford.

Lorraine Bagwell, Administrative Services Officer IV (ASO), Department of Corrections, stated that the Department had considered the option presented by the Fiscal staff and if the Subcommittee would also accept the additional clerical position, the transfer of the Warden's secretary position from Budget Account 3710, and the one-time cost of the tracking system, the Department could manage with that option.

Ms. Johnstone restated for the record that that option would reflect a reduction of 28 positions for the proposal. Two positions would be transferred from Budget Account 3710, the Warden and the administrative assistant, plus one additional administrative assistant resulting in a net reduction of 29 positions from The Executive Budget.

Mr. Hogan asked what the new tracking system would cost.

Ms. Bagwell stated the cost of the tracking system was \$800,700, and the maintenance cost thereafter was \$37,500 per year.

Chairwoman McClain said she wanted to make sure the proposal was clear and asked if it recommended 167 FTE. Ms. Bagwell replied that was correct.

Chairwoman McClain said she wanted to discuss the tracking system and asked if there were different vendors who could provide the system and how much the Department knew about the system.

Ms. Bagwell responded that the tracking system could be purchased from different vendors. The Department had a particular vendor examine the physical plant at SNCC to determine what would be necessary for installation. That vendor had provided a price quote that detailed the specifics of what would be provided.

Chairwoman McClain inquired as to whether the estimated date of opening of SNCC was August 2006. Ms. Bagwell replied that was correct.

Chairwoman McClain noted that the SNCC would be opening in FY2006-07 and suggested placing \$800,000 in an account under the control of the IFC and when the Department had all the details and specifics about the tracking system they could go to the IFC and request the funds.

Mr. Denis asked if that plan would give the Department of Corrections time to have the system installed and get problems worked out before the prison was opened.

Ms. Bagwell replied that as long as the funds were available in the first year for the planning document to be given to the Subcommittee and then the dollars would be allocated.

Ms. Johnstone commented, regarding the FTE count, that the Governor's budget contained a 49.4 FTE increase. That increase could be reduced by two for the Warden and secretary positions that would be transferred from the Director's Office budget. The count would be increased by one for the administrative aide position bringing the net reduction from the Governor's recommended budget to 29. The total FTE with the staff alternative budget would be 164, rather than 193 as in The Executive Budget, according to Ms. Johnstone.

Ms. Bagwell stated that her calculations agreed with Ms. Johnstone's.

Chairwoman McClain summarized that the net number of positions agreed upon for the SNCC was 164, with start-up expenses as laid out by staff.

Senator Beers pointed out that SNCC was still receiving 14 percent more staffing than when the facility had been opened 6 years before.

Assemblywoman Weber said she wanted to make sure that if the Governor's recommended budget was being reduced by 28 positions and the tracking system was going to be installed, the Department was comfortable with those changes.

Ms. Crawford explained that the system was being used in four other states with youthful offenders. She said she believed it was an opportunity to explore some alternatives and if the Department had not been comfortable with the concept they would not have proposed it.

SENATOR RHOADS MOVED TO APPROVE BUDGET
ACCOUNT 101-3715 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Gansert was not present for the vote.)

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DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE (101-3710)
BUDGET PAGE CORRECTIONS-1

Ms. Johnstone stated Budget Account 3710 had three major closing issues. The first issue was the staffing included in Budget Account 3710 for the Southern Nevada Correctional Center (SNCC) reopening.

The second closing issue was deferred maintenance projects that were consolidated in Budget Account 3710 for department-wide projects.

Ms. Johnstone said the third major closing issue was information system staffing.

The SNCC staffing included six new positions at a cost of approximately \$800,000 in the second year of the biennium. Some technical adjustments had been made to reduce the cost by approximately \$52,000 to a total of approximately \$745,000 with updated employee physical contract costs and computer prices. Ms. Johnstone said 17 computers and printers that had been recommended for the vocational education program had been eliminated in the technical adjustments. The equipment for vocational education would be addressed as part of the Distributive School Account budget, according to Ms. Johnstone. The number of bed and mattress purchases had been increased in Budget Account 3710 to correct for the emergency capacity at the facility.

Ms. Johnstone said the six new positions consisted of one Budget Analyst, one Accounting Assistant, one Criminal Investigator, one Correctional Caseworker Specialist for the Offender Management Unit, one Administrative Assistant, and one Training Officer.

Budget Account 3710 addressed department-wide issues and as new facilities were brought "online" different areas of support within the Director's Office required augmentation to continue support for the facility operations.

Ms. Johnstone said the equipment budget in Budget Account 3710 provided for office furnishings, a new sedan for the Criminal Investigator, and computer equipment for the facility. The total was approximately \$200,000 and had been revised to \$168,000 with technical adjustments.

New hire costs for recruitment and physicals had been revised from \$122,000 to approximately \$94,000 based upon the contract expenses for physicals to be conducted. Ms. Johnstone stated that it had been recommended in the technical adjustments that a good portion of those expenses be moved from the second year of the biennium to the first year of the biennium because the opening date for SNCC was August 2006, and much of the new hire expense would be incurred in the first year of the biennium. The hire dates for officers to staff the SNCC had been targeted for June 2006. Ms. Johnstone said as

previously indicated, beds and mattresses at the SNCC, with technical adjustments, would cost approximately \$63,000.

Staff indicated that based upon information received to date, they were still unclear regarding the justification for the Criminal Investigator position. The Department of Corrections had indicated that one Criminal Investigator position had been added in the budget account with each new facility that was opened, but it had been difficult for staff to quantify the need for the position.

Ms. Johnstone stated the question before the Subcommittee was whether to approve the six new positions, furnishings, and related new hire expenses for the SNCC included in Budget Account 3710.

Ms. Johnstone said the next budget issue was deferred maintenance projects. The Subcommittee had been provided with a listing of the recommended deferred maintenance projects which were very widespread and involved nearly every facility of the Department of Corrections. Budget amendment number 52 and budget amendment number 55 had been received from the State Budget Office that affected the deferred maintenance projects.

Budget amendment number 52 reallocated General Fund dollars to address a capital project need at SNCC to renovate sewage treatment ponds. Ms. Johnstone said \$500,000 had been reallocated to the State Public Works Board capital project from deferred maintenance projects that had been included in The Executive Budget to address the need for renovating two of those ponds. Prior year capital improvement project funding would address the other two ponds in need of refurbishment.

Budget amendment number 55 impacted the Nevada State Prison deferred maintenance project in Decision Unit M-425, and reduced it by \$9,000, according to Ms. Johnstone.

Ms. Johnstone said the recommended total of \$2.9 million in the first year of the biennium, and \$1.1 million in the second year of the biennium had been reduced to \$2.4 million in the first year, with no change to the second year, as a result of the budget amendments.

Ms. Johnstone said the question before the Subcommittee was whether to approve all, or a portion, of the deferred maintenance projects and include the amendments from The Executive Budget office.

Ms. Johnstone stated that the third issue before the Subcommittee was concerned with the information system staffing. The General Government Subcommittee had approved a project for the replacement of the Department's information system used to track all offender management functions. Along with the project that was included in the Information Technology Budget Account 1325, Budget Account 3710 contained a recommendation to add six new permanent support positions. The start date for the project had been scheduled for August 2005, with completion estimated for late spring of 2007. Ms. Johnstone said one suggestion by staff was that all the positions be scheduled and budgeted to begin in October 2005, so they were in place when the project was initiated.

Ms. Johnstone noted that the Department originally submitted a request for 12 positions in their budget and that was reduced to 6 in The Executive Budget and the start dates were not realigned with that reduction. The positions were

staggered in The Executive Budget to begin between October 2005 and July 2006 and staff would suggest all start dates be changed to October 2005.

Under other closing items, Ms. Johnstone noted Decision Unit E-811, which recommended that several classified positions be changed to unclassified. The Executive Budget office had indicated that the Inspector General position would have otherwise been included in Decision Unit E-809, which included a two-grade salary adjustment for sworn positions. Staff sought approval to include the Inspector General position, if it was approved, in Decision Unit E-809 if the recommendation contained in Decision Unit E-811 was not approved.

Staff sought approval to make a technical adjustment for a position reclassification that was approved by the Interim Finance Committee for an Administrative Assistant III to be changed to a Program Officer I.

Ms. Johnstone indicated staff would seek authority to make any technical adjustments in Budget Account 3710 for the Highway Patrol radio dispatch costs and the 800 MHz radio costs that would be affected by the closures of the Highway Patrol budget and the Department of Transportation budget.

Chairwoman McClain stated she had no problem with most of the budget but inquired about the requested Criminal Investigator position and requested information from the Department of Corrections.

Ms. Crawford replied that the Inspector General's role was a very difficult and diversified one. The Department of Corrections conducted a tremendous amount of intelligence investigation and worked with the Federal Bureau of Investigation (FBI), Las Vegas Metro, and the Nevada Highway Patrol, according to Ms. Crawford. She said what had been found through the telephone system, and inmates' correspondence required extensive investigation which was then referred to the Nevada Attorney General's Office for possible prosecution. Ms. Crawford said each Criminal Investigator was assigned to a particular institution or function.

Ms. Crawford said one of the reasons Nevada's prisons were relatively safe was because of the Inspector General function and she hoped the Subcommittee would continue to support it.

Chairwoman McClain asked how many criminal investigators were employed by the Department of Corrections.

Mr. Schlottman replied that typically the Department had one criminal investigator at each facility.

Chairwoman McClain asked where the new criminal investigator position would be assigned. Mr. Schlottman replied the position would be assigned to SNCC.

Senator Beers asked why six new positions were being added to the Director's Office when only 3 positions had been added when the Southern Nevada Women's Correctional Center had been opened.

Ms. Bagwell responded that as additional facilities had been added, the workload for the Accounting Unit had increased. The additional work from the takeover of the Southern Nevada Women's Correctional Center had been absorbed by the Director's Office, but the office was unable to absorb the

additional work generated by SNCC and Casa Grande. Ms. Bagwell said the additional staff had been requested to support those institutions.

Senator Beers said it seemed like a big jump in personnel and questioned the two accounting positions. Ms. Bagwell responded that the Department had those two positions prior to the 3 percent budget cutbacks made in 2003. The Department had attempted to "make do" with less staff in spite of additional facilities. The Department had to have proper controls and separation of duties, according to Ms. Bagwell.

Senator Beers questioned the administrative assistant position for Personnel. Ms. Bagwell replied that was a result of the number of positions being added; as positions were added records had to be maintained on every position. Senator Beers said it sounded like a temporary duty. Ms. Bagwell stated the function was ongoing; hiring, work performance standards, and filing timesheets every two weeks.

Senator Titus noted that she had heard the statement two or three times during the hearing that "we are filling positions that we cut before." She said she believed that was an important point when considering the addition of many positions, as there was a difference between actual new positions and those that an agency had been doing without in an attempt to cut back.

ASSEMBLYWOMAN KOIVISTO MOVED TO APPROVE THE FUNDING FOR SIX NEW POSITIONS, EQUIPMENT, NEW HIRE COSTS, AND NEW BEDS AS RECOMMENDED BY STAFF. ADDITIONALLY, APPROVE DEFERRED MAINTENANCE PROJECTS AS MODIFIED BY BUDGET AMENDMENT NUMBER 52, AND APPROVE STAFFING FOR INFORMATION SYSTEMS AS RECOMMENDED BY STAFF AS WELL AS APPROVAL OF OTHER CLOSING ITEMS AS RECOMMENDED BY STAFF.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Gansert was not present for the vote.)

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DEPARTMENT OF CORRECTIONS
CORRECTIONAL PROGRAMS (101-3711)
BUDGET PAGE CORRECTIONS-26

Ms. Johnstone stated there were three major closing issues in the Correctional Programs budget, the reduction in federal Residential Substance Abuse Treatment (RSAT) funding, termination of federal Going Home Prepared funding, and Southern Nevada Correctional Center (SNCC) staffing.

Ms. Johnstone said the RSAT funding currently supported the Offenders Acting in Sobriety to Insure Sobriety (OASIS) substance abuse program at Southern Desert Correctional Center (SDCC), and the Willing Inmates in Nevada Gaining Sobriety (WINGS) substance abuse program at Northern Nevada Correctional Center (NNCC). OASIS was operated by the NDOC staff and the WINGS program was operated by a private vendor.

The Subcommittee had been provided with information summarizing, in total, the two programs, what federal RSAT funds were available at the time The Executive Budget had been submitted and what funds were currently available. Ms. Johnstone said that in the current year funding from RSAT being provided to the Department was approximately \$1 million with a 25 percent match being provided by the Inmate Welfare Fund. The Executive Budget assumed \$630,000 the first year and \$651,000 in the second year of the biennium, along with a 25 percent match to the RSAT funding from the Inmate Welfare Fund. In The Executive Budget the funding was to be dedicated to the WINGS Program only, with the OASIS Program being "backfilled" with General Fund dollars.

Based upon final information from the Bureau of Justice Assistance for RSAT funding that would be available in the first year of the biennium, budget amendment number 55 specified the RSAT funding in the first year of the biennium would be approximately \$464,000. There would be a continuation of the match from the Inmate Welfare Fund at an increased level, and the inclusion of General Fund dollars at approximately \$458,000 for the WINGS Program.

Ms. Johnstone noted that in the first year of the biennium the General Fund dollars included in The Executive Budget totaled \$524,392, but had been reduced to \$458,559 for the WINGS Program. In the second year of the biennium there was an increase in General Fund dollars from \$552,390 to \$642,273. General Fund dollars over the biennium would increase \$24,000 in order to support the WINGS Program, according to Ms. Johnstone.

Staff brought to the Subcommittee's attention that if the budget amendment was approved the ongoing cost would be more heavily supported by General Fund expense, representing an increase of approximately \$90,000 from The Executive Budget on an ongoing basis, not in the current biennium.

Also included in budget amendment number 55 were reductions in General Funds in other areas of the NDOC budget in order to reallocate those dollars to the WINGS Program over the biennium, according to Ms. Johnstone.

Ms. Johnstone said the decision for the Subcommittee was whether to approve funding for the WINGS and OASIS Programs as proposed by the Governor. The General Fund cost for the WINGS Program would be \$24,050 for the biennium. The General Fund cost for the OASIS Program would be \$1.1 million for the biennium. There would be a commitment to fund those programs with General Funds in the future and would result in the cost being a base budget item in future years. Ms. Johnstone reminded the Subcommittee that currently neither of the programs had General Fund costs allocated to them.

Ms. Johnstone stated that if the Subcommittee decided not to approve funding for the OASIS Program, they would need to decide what correctional officer backfill would be required at the SDCC.

The second major issue in Budget Account 3711 was termination of the federal Going Home Prepared Program. There had been a three-year federal grant addressing reintegration of violent offenders upon release back into society. The Going Home Prepared grant included the cost of two Social Worker positions in the Division of Parole and Probation and one Clinical Social Worker position in the Southern Nevada Adult Mental Health budget. The Executive Budget only recommended that the NDOC portion of the program be supported with General Fund appropriations, which was approximately \$363,000 in the

second year of the biennium. The funding from the grant would be in place for the first year of the biennium.

Ms. Johnstone said the question for the Subcommittee would be whether to approve General Funds for the Going Home Prepared Program as recommended by the Governor. The General Fund costs would be \$363,605 in FY2006-07. If the Subcommittee approved the Governor's recommendation, did it want to provide funding for the two Parole and Probation Social Workers at a General Fund cost of approximately \$136,000 in FY2006-07.

The third major issue in Budget Account 3711 was the reopening of the Southern Nevada Correctional Center (SNCC). Ms. Johnstone said technical adjustments had been included in Decision Unit M-202 to include rural area differential pay expenses of \$794,804 in the budget account. Decision Unit M-202 included 13 new positions and start-up costs of approximately \$68,000 for equipment.

Ms. Johnstone said the Subcommittee had been provided with a list of the 13 new positions and a brief description of their duties as included in The Executive Budget. Staff noted that the recommended program staffing complement exceeded that approved for any other NDOC facility. In particular, it exceeded that approved for the Southern Nevada Women's Correctional Center, for approximately the same population size.

Ms. Johnstone said the question before the Subcommittee was whether to approve 11 new positions for the SNCC, as had been approved for the Southern Nevada Women's Correctional Center, or whether the Subcommittee wanted to approved 13 new positions for the SNCC as recommended in The Executive Budget.

Chairwoman McClain suggested the Subcommittee consider Decision Unit M-202 first while it was still fresh in everyone's mind.

Senator Beers stated that as he understood it, if General Fund funding was returned to historical levels of \$3 million per year, there would still be an overall effort in the budget larger than the FY2004 actual spending; almost a doubling of General Fund funding over the biennium. If General Fund funding was left approximately the same, it would be comparable to the FY2004 program, according to Senator Beers.

Ms. Johnstone indicated it was important to note that FY2004 had not included the General Fund costs for the Southern Nevada Women's Correctional Center because it had not opened until October 2004, nor had the Southern Nevada Correctional Center.

Senator Beers asked what the overall percentage of increase in inmates had been in FY2004.

Ms. Johnstone replied that the increase had been approximately 10 percent, or 1,200 inmates.

Senator Beers asked if in order to accommodate the 10 percent increase in inmates, spending had been increased 47 percent. Ms. Johnstone replied that the work program for the current year reflected nine months of operation for the Southern Nevada Women's Correctional Center. She added that Senator Beers was correct; proportionately a larger increase had been made for the Southern

Nevada Women's Correctional Center. Ms. Johnstone said that at the time it had been the largest increase for programming and it was the largest programming staff for any of the NDOC facilities, but SNCC would be larger as well.

Ms. Weber said that it appeared that the Clinical Social Worker position in the Going Home Prepared Program would not be funded for the next biennium, and she asked if that was correct. Ms. Johnstone replied that it was.

SENATOR TITUS MOVED TO APPROVE DECISION UNIT M-202 AS
RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED WITH SENATOR BEERS VOTING NO.
(Assemblywoman Gansert was not present for the vote.)

* * * * *

Chairwoman McClain commented that federal funds for the WINGS and OASIS Programs were running out and the State did not like to "backfill" federal programs.

Ms. Weber commented that it put the State in a tough spot when federal funds went away, however, based upon the outcomes provided by the programs, she recommended they be continued.

Mr. Hogan said he held the same view, and placing people back in the general population without making a serious effort to address substance abuse problems would be shortsighted.

Senator Titus said although it was expensive to maintain those programs, it would be more expensive if the programs were not continued and people returned to the prison system.

Senator Beers said the Subcommittee had just been told by staff that the largest increase in programs, per capita, had been approved that included federal funding. He further stated it made no sense to him, without seeing any studies regarding the effectiveness of the programs, to commit General Funds.

Chairwoman McClain asked staff if it was possible to backfill the programs for FY2006-07 and require that they be approved every session and not become part of the base budget, in case the federal government resumed funding.

Gary Ghiggeri, Senate Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, responded that had been attempted in the 2003 Session with the Department of Motor Vehicles budget, and the Governor had put it in the base budget and discounted what the Legislature had requested.

Ms. Crawford commented that the Department had recently conducted a study of the recidivism rate which had revealed that the Nevada Department of Corrections was almost the lowest in the nation. Currently, the national recidivism average was between 48 and 51 percent. If that was "backed-out" over four years and compared with the NDOC's 26 percent recidivism rate, Ms. Crawford maintained the State had saved \$23 million.

Senator Beers commented that those results had been achieved without the significant increases in programming.

Ms. Crawford responded that it was after the programs had been implemented that the recidivism rate had gone down. The WINGS Program had been in place for five years.

Senator Beers said the WINGS Program had been included in the FY2004-05 actual budget, and the proposed budget for FY2006-07 was a 50 percent increase over FY2004-05.

Ms. Crawford said she knew where Senator Beers' concern was coming from but asked him to keep in mind that nothing had been done in the prison system until the Governor had requested some substance abuse and transition programs. She said she believed there would be an even more significant reduction in the recidivism rate as long as the programs were maintained.

Senator Beers asked if any of the programs would be implemented at the Casa Grande Transitional Housing facility and Ms. Crawford responded they would not.

Senator Beers noted that a 55 percent increase in spending was being proposed over what had historically been done.

Ms. Bagwell commented that prior to the OASIS Program the Legislature had funded correctional officers with General Funds. When the federal grant was received there was a reduction in General Fund dollars. Ms. Bagwell said if only FY2004 was considered Senator Beers was correct, however, if budgets prior to OASIS were considered, the Department was back to where they had been.

Senator Beers asked if the amount of correctional officers being added was as large as the proposed increase in General Fund dollars for those programs. Ms. Bagwell replied that the Department would prefer to keep the programs rather than add the correctional officers.

Senator Beers asked if staff agreed that if the Subcommittee did not increase General Fund funding by 50 percent to support the increase in programming costs since FY2004, that that money would have to be used to hire additional correctional staff.

Ms. Johnstone replied regarding the OASIS Program that General Fund dollars would work out to be very close to what was being recommended to backfill the OASIS/RSAT funding. The number of correctional staff needed was still in question, but it was a more expensive staff to hire. Just for OASIS funding the General Fund dollars were very similar. Ms. Johnstone said that did not speak to the issue regarding the total General Fund dollars being allocated to the program's budget.

Senator Beers commented it was 50 percent more in the first year, and 75 percent more in the second year. Ms. Johnstone replied that was correct and added that the largest component going into that increase in General Fund was the staff that was added when the Southern Nevada Women's Correctional Center was taken over by the State, 13 new positions being recommended for SNCC, approximately \$1 million being recommended for backfilling the OASIS Program, a small increase for the WINGS Program, and \$360,000 for the Going Home Prepared Program.

Senator Titus stated she would make a motion to fund at the Governor's recommendation because she did not believe the state wanted people leaving prison with no ability to function in society.

SENATOR TITUS MOVED TO APPROVE THE CONTINUATION OF THE WINGS, OASIS, AND GOING HOME PREPARED PROGRAMS AS RECOMMENDED BY THE GOVERNOR.

Senator Beers said he would second the motion with the condition that said funding would become a decision unit for the next budget and the Subcommittee be provided periodic progress reports from the Department of Corrections over the course of the biennium.

Chairwoman McClain said it could be added to the Appropriations Act as staff had indicated and if RSAT funding again became available, General Fund funding would be removed.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Gansert was not present for the vote.)

Ms. Johnstone clarified that the motion on Budget Account 3711 taken prior to the last vote included the technical adjustments for the rural area differential.

Chairwoman McClain requested a motion regarding the unit management concept at High Desert State Prison.

SENATOR BEERS MOVED TO NOT APPROVE SEVENTEEN NEW POSITIONS AT HIGH DESERT STATE PRISON IN ORDER TO IMPLEMENT THE UNIT MANAGEMENT CONCEPT.

SENATOR RHOADS SECONDED THE MOTION.

Mr. Denis stated he believed the unit management concept needed to be implemented at the High Desert State Prison.

THE MOTION WAS PASSED BY THE SENATE.

THE MOTION FAILED IN THE ASSEMBLY.

ASSEMBLYMAN DENIS MOVED TO APPROVE SEVENTEEN NEW POSITIONS AT HIGH DESERT STATE PRISON AND TO IMPLEMENT THE UNIT MANAGEMENT CONCEPT.

MR. HOGAN SECONDED THE MOTION.

THE MOTION CARRIED WITH ASSEMBLYWOMAN McCLAIN AND
ASSEMBLYWOMAN KOIVISTO VOTING NO. (Assemblywoman
Gansert was not present for the vote.)

* * * * *

Chairwoman McClain adjourned the meeting at 11:00 a.m.

RESPECTFULLY SUBMITTED:

Anne Bowen
Committee Secretary

APPROVED BY:

Assemblywoman Kathy A. McClain, Chairwoman

DATE: _____

Senator Dean Rhoads, Chairman

DATE: _____

Assembly Committee on Ways and Means
Senate Committee on Finance
Joint Subcommittee on Public Safety/Natural Resources/Transportation
May 10, 2005
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EXHIBITS

Committee Name: Assembly Committee on Ways and Means/Senate Committee on Finance Joint Subcommittee on Public Safety/Natural Resources/Transportation

Date: May 10, 2005

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda