

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

**Seventy-fourth Session
May 18, 2007**

The Joint Subcommittee on Public Safety/Natural Resources/Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 7:49 a.m. on Friday, May 18, 2007. Chair Dean A. Rhoads presided in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

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

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman David R. Parks, Chair
Assemblyman Tom Grady
Assemblyman Joseph Hogan
Assemblywoman Ellen Koivisto
Assemblywoman Kathy McClain
Assemblywoman Valerie E. Weber

STAFF MEMBERS PRESENT:

Rick Combs, Program Analyst
Jeffrey A. Ferguson, Program Analyst
Gary L. Ghiggeri, Senate Fiscal Analyst
Mark Krmpotic, Senior Program Analyst
Tracy Raxter, Senior Program Analyst
Mark W. Stevens, Assembly Fiscal Analyst
Cynthia Clampitt, Committee Secretary

OTHERS PRESENT:

Howard L. Skolnik, Director, Department of Corrections
Phillip A. Galeoto, Director, Department of Public Safety
Acting Major Mark Woods, Executive Officer, Division of Parole and Probation,
Department of Public Safety

CHAIR RHOADS:

We will open the hearing with consideration of closing items found in the Joint Subcommittee on Public Safety, Natural Resources and Transportation Closing List #10 ([Exhibit C](#), original is on file in the Research Library).

We will begin with budget account (B/A) 101-3710.

PUBLIC SAFETY

CORRECTIONS

NDOC - Director's Office – Budget Page CORRECTIONS-1 (Volume III)
Budget Account 101-3710

E-275 Maximize Internet and Technology – Page CORRECTIONS-7

TRACY RAXTER (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

There are four major closing issues in this budget. The first issue is a recommendation for six new positions for the Department of Corrections (NDOC) Nevada Offender Tracking Information System (NOTIS). In addition to the requested positions, there are recommendations for additional travel at \$30,000 and training at \$53,000 for NOTIS staff.

The staffing recommendation includes two information technology (IT) managers that would supervise the overall operations; one for application support and one for infrastructure support. One additional position is requested to provide database management support, one position to serve as an application trainer for the NOTIS, department wide, and two IT technicians to provide support for the PC/LAN needs of the Department. The technicians would support the 4 existing technicians in this budget in support of approximately 1,200 desktop computers in the department. The NOTIS covers the entire scope of the NDOC's operations including offender intake, classification, housing, sentencing, property, medical, incidents and grievances.

There was a recommendation of 12 positions for the NOTIS in the original Technology Investment Request document prepared for this project. Six positions were approved in the 2005 Legislature. The Governor is now recommending the remaining six positions in this budget request for the 2007-2009 biennium. The positions will become effective in October 2007. Upon staff review of the proposed duties and functional organizational chart for the IT section of the NDOC, the six positions appear justified to staff. The Department has indicated funding for equipment should be increased by \$6,430 in fiscal year (FY) 2007-2008 and by \$392 in FY 2008-2009 for office equipment, computer hardware and software costs for one additional position, because the costs for the sixth position were not included in the *Executive Budget*. Staff also recommends a technical adjustment of \$1,800 in the second year to eliminate duplicate costs of office suite software.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE SIX POSITIONS IN DECISION UNIT E-275 AS INDICATED AND ASSOCIATED COSTS AND TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

SENATOR BEERS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

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SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR PARKS:

Is it still anticipated the NOTIS will go online in June 2007?

HOWARD L. SKOLNIK (Director, Department of Corrections):

That is correct.

MR. RAXTER:

The next major closing issue in this budget is decision unit M-595.

M-595 Prison Rape Act – Public Law 108-79 – Page CORRECTIONS-6

This is a recommendation for an appropriation of \$337,998 in FY 2007-2008 and \$335,247 in FY 2008-2009 to implement the Prison Rape Elimination Act. This is a federal law signed by the President in September 2003. The Governor, in the *Executive Budget*, has recommended four new criminal investigator positions to implement this act. In FY 2005-2006, the NDOC registered 59 allegations of inmate-on-inmate sexual violence, including sexual assault, attempted sexual assault and sexual exploitation. There were 11 allegations of staff sexual misconduct.

The Department's Office of the Inspector General currently has 14 criminal investigator positions responsible for investigating any incident or misconduct related to the NDOC operations. In response to the need to reduce General Fund appropriations, the Governor has submitted a reduction in this decision unit of \$297,000 in FY 2007-2008 and \$105,000 in FY 2008-2009 to eliminate one of the four positions, defer the effective date of two of the positions to the second year of the biennium, change the classification of one investigator position to a program officer I, to eliminate contractual services expenditures and reduce other operating, travel and equipment costs in the first year of the biennium. Until the national standards for this legislation are finalized in 2008, the NDOC advises it is impossible to determine the full impact of the legislation. However, with the limited training that has occurred thus far, they have seen an increase in the number of sexual assault and exploitation incidents reported. The Department indicates existing investigator staff is processing the current caseload through overtime, as necessary, to conduct the investigations in a timely manner and to ensure evidence is not compromised by delays.

CHAIR PARKS:

Has the Department approved the budget reduction recommendations?

MR. RAXTER:

This was the recommendation submitted in response to the Governor's request for budget reductions.

CHAIR PARKS:

My concern is the reported increases from 14 to 59 incidents. I do not know whether or not that is a problem related to overcrowding.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-595 WITH THREE NEW POSITIONS.

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE).

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MR. RAXTER:

The next item is a recommendation in decision units M-201, M-202 and M-204.

M-201 Demographics/Caseload Changes – Page CORRECTIONS-3

M-202 Demographics/Caseload Changes – Page CORRECTIONS-4

M-204 Demographics/Caseload Changes – Page CORRECTIONS-4

This recommendation would provide funding of position-driven costs for expanded facilities. In other budgets to be closed today, there are also facility expansion proposals. All the costs for staff training, employee physicals and employee drug testing are included in the Director's Office budget. The recommendation is funding of \$229,000 in FY 2007-2008 and \$652,000 in FY 2008-2009 for those items. In addition, the recommended funding provides mattresses and foot lockers for the 2,672 beds included in the expanded facilities.

Several budget amendments have been submitted by the Budget Division. One would increase staff training and physicals for the addition of eight positions being recommended for the Southern Nevada Women's Correctional Center (SNWCC) expansion not included in the *Executive Budget*.

Another budget amendment eliminates duplicate funding for mattresses in the pre-engineered housing units. Staff has also noted duplication in the furniture, fixture and equipment listing in the Capital Improvement Program (CIP) and the *Executive Budget* for the SNWCC of \$37,300 in this budget account to be eliminated.

Finally, the recommended funding for inmate footlockers in the pre-engineered housing units appears to be insufficient. The recommended funding would provide 192 foot lockers for each of the four 240-bed modular housing units. Staff would recommend additional funding of \$23,808 be included for the appropriate number of foot lockers.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS M-201, M-202 AND M-204 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE).

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MR. RAXTER:

The next item is a recommendation for additional funding for equipment. The Subcommittee should note, that in the need to reduce General Fund appropriations, the Governor indicated the NDOC should identify a reduction to \$915,539. In doing so, the NDOC identified other reductions and identified certain additions to the budget as well. This includes \$470,000 to purchase an additional passenger bus for inmate transportation, \$261,000 for replacement computer hardware and software and \$51,000 for new computer software. The NDOC indicates the additional bus would augment the two existing buses and is necessary based on the increase in inmate population, particularly in southern Nevada with the expansion of the High Desert State Prison (HDSP). The replacement computer hardware and software is being recommended. This was in the agency's original budget request submitted in September 2006. However, it was submitted as an item for special consideration because it would have increased the total budget for the NDOC over the "Two-Times Rule". The final item is the request for new computer software of \$51,000. The NDOC indicated this was inadvertently omitted from the *Executive Budget*. This item would align the number of software licenses needed in both years of the biennium.

The total recommended funding to be added to the budget is \$782,000 for these equipment items.

CHAIR RHOADS:

Is the cost of the additional bus \$782,000?

MR. RAXTER:

The cost of the bus is \$470,000. The additional items in the \$782,000 are the computer hardware and software.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT ADDITIONAL FUNDING FOR FURNITURE, FIXTURES AND EQUIPMENT OF \$782,949, AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLYWOMAN WEBER:

Does the NDOC currently have similar buses, or a fleet of smaller buses?

MR. SKOLNIK:

The NDOC has two buses similar to the one requested in this budget item. We have had the two buses in the NDOC since 1997 and have used vans to

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supplement the buses. This request will allow us to move an increased number of inmates more efficiently.

ASSEMBLYWOMAN WEBER:

Is the request for one bus, an additional bus, or a replacement bus?

MR. SKOLNIK:

This request is for one additional bus.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE).

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MR. RAXTER:

The next item is decision unit E-805.

E-805 Classified Positions Reclassifications – Page CORRECTIONS-8

This is a recommendation to reclassify an existing unclassified personnel division administrator to a personnel officer III in the classified service. This reverses the action taken by the 2005 Legislature where the position was previously in the classified service and moved to the unclassified service as part of the former Governor's proposal to realign the unclassified service. The NDOC has indicated only two agency personnel administration positions were removed from the classified service in the 2005 Legislature. Both positions were in the NDOC. The duties of this position involving ensuring compliance with provisions of the State Personnel Act and the rules and regulations of the Department of Personnel (DOP) dictate the position should be protected by the provisions of the classified service.

The decision for the Subcommittee is whether to move the personnel division administrator position from the unclassified service to the classified service as proposed by the Governor.

CHAIR PARKS:

Is this a recommendation of the NDOC?

MR. RAXTER:

The NDOC indicated to staff, due to the nature of the functions of the position and their responsibilities to ensure compliance with the State Personnel Act and the rules and regulation of the Department, the position should be placed in the classified service.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT E-805 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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MR. RAXTER:

The next three items are decision units E-710, E-719 and E-720.

E-710 Replacement Equipment – Page CORRECTIONS-7

E-719 Replacement Equipment – Page CORRECTIONS-8

E-720 Replacement Equipment – Page CORRECTIONS-8

These decision units include funding for replacement of a passenger bus at \$470,000 and computer hardware in the amount of \$12,356. Decision unit E-720 requests approximately \$21,000 in each year of the biennium for an additional telephone trunk line and the cost of a telephone service agreement.

Staff feels the equipment requests appear reasonable and would recommend approval of these decision units.

CHAIR RHOADS:

Is this a different bus request?

MR. RAXTER:

That is correct. This is a request for replacement of one of the two existing buses.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS E-710, E-719 AND E-720 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR PARKS:

With regard to replacement of the bus, transit buses typically travel several million miles in their lifetime. This bus only has 400,000 miles on it. I am aware it is an over-the-road bus which is slightly different. However, buses typically have a long life. Is this bus planned for the first or second year of the biennium?

MR. RAXTER:

It is planned for the first year of the biennium. The next item is decision unit M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-3

This item is for inmate-driven costs. The Governor recommended funding of \$51,000 in the first year and \$67,000 in the second year for inmate-driven drug testing and mattress replacement. Staff has made an adjustment based on the March 2007 revised inmate population projections which add 66 inmates in FY 2007-2008 and 146 inmates in FY 2008-2009.

There is currently proposed legislation in the Assembly Committee on Ways and Means that would increase the amount of good time and program credits inmates in the custody of the NDOC would be eligible to earn. Based on this legislation, information was provided by the Council of State Governments' (CSG) Justice Center on the projected amount of inmate-bed savings that could be realized. However, the effective date of that legislation is uncertain and whether or not the legislation will be passed by the Legislature is unknown.

Staff recommends inmate-driven costs set at 50 percent of the reduction in inmate population identified by the CSG be removed from this and other budget accounts with inmate-driven costs within the Department and be appropriated to the Interim Finance Committee (IFC) Contingency Fund. These funds could be made available to the NDOC and/or the Division of Parole and Probation (P&P) for inmate-driven costs, if the actual inmate population is less than expected or for additional staffing at the P&P to supervise probationers and parolees related to any increase in the number of inmates eligible for parole or, for treatment programs for offenders. This recommendation would be contingent on the approval of the legislation increasing the amount of good time and program credits.

Staff also recommends a letter of intent be issued to the Department indicating if the actual inmate population during the 2007-2009 biennium is below the inmate population projection, the Department should defer hiring of new positions approved for the staffing of new housing units as appropriate with the excess personnel and position-driven costs placed in reserve and reverted to the General Fund at the end of each fiscal year.

CHAIR PARKS:

I commend our fiscal staff for their work on this issue. It is a complex issue involving a number of pieces of legislation still in process.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE INMATE-DRIVEN COSTS USING THE 50-PERCENT REDUCTION IN INMATE POPULATION THAT MIGHT BE CREATED THROUGH GOOD TIME AND PROGRAM CREDIT ELIGIBILITY, AND TO PROVIDE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES, THE ABILITY TO USE THE IFC CONTINGENCY FUND AND ISSUANCE OF A LETTER OF INTENT FOR NDOC AND P&P RELATED NEEDS AS RECOMMENDED BY STAFF.

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ASSEMBLYMAN GRADY SECONDED THE MOTION.

CHAIR RHOADS:

Was the study done by the CSG a Nevada-only study paid for by this State, or was it a 50-state study?

MR. RAXTER:

The CSG is reviewing five or six states. There is no cost to Nevada. The study is being funded through several private foundations.

CHAIR PARKS:

Nevada was included in the study through efforts in 2006. We have benefited from the CSG, the Department of Justice and the Pew Charitable Trusts.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next decision unit is E-814.

E-814 Other Salary Adjustments – Page CORRECTIONS-9

This recommendation is for a special salary adjustment for a waste-water operator position. This is in response to a study done by the DOP.

Next is decision unit E-813.

E-813 Classified Step Adjustments – Page CORRECTIONS-9

This module recommends an unclassified salary adjustment for unclassified positions in this budget account. This is a statewide recommendation in response to the one step added to the classified salary schedule by the 2005 Legislature.

Staff has made technical adjustments to the Base Budget increasing General Fund costs by \$1,002 over the biennium.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE, TO CLOSE DECISION UNITS E-813, E-814 AND APPROVE TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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SENATOR BEERS:

I would note we are about to complete probably the most successful IT project by State standards in a long time. This was the largest IT project in the State during the last budget cycle. Mr. Richard Stewart, Chief IT Manager, NDOC, and his staff, are to be commended.

CHAIR RHOADS:

The next B/A is 101-3706.

NDOC - Prison Medical Care – Budget Page CORRECTIONS-12 (Volume III)
Budget Account 101-3706

MR. RAXTER:

The first major closing item is additional medical staffing in decision units M-201, M-202 and E327.

M-201 Demographics/Caseload Changes – Page CORRECTIONS-14

M-202 Demographics/Caseload Changes – Page CORRECTIONS-15

E-327 Services at Level Closest to People – Page CORRECTIONS-16

These modules contain a recommendation for 18 new positions. Fifteen of the new positions requested would be located at the HDSP. This is related to an increase in inmate population. The budgeted inmate population in the current biennium for this facility is 2,197 inmates. Inmate population is projected to increase to 2,869 in the 2007-2009 biennium, a 31-percent increase. The requested increase in medical staff is a 32-percent increase. This recommendation appears reasonable to staff.

However, staff would recommend an adjustment in the start date for six of these positions. Originally, the Governor recommended the positions be authorized to coincide with the opening of Phase V at the HDSP in January 2009. The Department is now recommending Phase V be delayed and the opening be deferred to March 2009, a two-month delay. Staff recommends the start date of six positions be delayed by two months.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL
COMMITTEE TO CLOSE DECISION UNIT M-201 AS
RECOMMENDED BY STAFF.

SENATOR BEERS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next item is decision unit M-202.

This module requests one new laboratory technician position for the SNWCC. This position is being recommended because of the increased inmate population at this facility related to the 400-bed expansion and the addition of a 240-bed pre-engineered housing unit. This recommendation appears reasonable to staff.

ASSEMBLYWOMAN McCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-202 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next decision unit is E-327.

This module is a request for two new correctional nurse positions at the Casa Grande Transitional Housing facility. The Subcommittee should note there are no full-time equivalent (FTE) medical positions at this facility. This facility is currently served by medical positions located at other facilities, sent to this facility on an as-needed basis. This recommendation appears reasonable to staff.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT E-327 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next major decision unit is M-101.

M-101 Inflation – Agency Specific – Page CORRECTIONS-14

The Governor has recommended inflationary increases in medical costs for outside medical care, prescription drugs, dental supplies, medical supplies and medical equipment. Staff has reviewed the rates and notes the rates of increase are provided from the Center for Medicare and Medicaid which include inflationary increases and demographic changes as reflected on page 23 of [Exhibit C](#). The population growth changes for the NDOC are included in a separate decision unit. Staff feels a different inflationary index should be used for the NDOC. Therefore, staff recommends medical costs, plus inflation at the

medical consumer price index rate be used as shown in the chart on the bottom of page 23 in [Exhibit C](#).

The Subcommittee may wish to use the actual inflationary increases of 7.54 percent experienced by the NDOC in the last fiscal year for prescription drugs. That is slightly less than the Governor's recommendation.

The top of page 24, [Exhibit C](#), reflects the monetary impact of the recommended change. The staff recommendation is Option B in the table on page 24 of [Exhibit C](#). The Subcommittee should note these changes reflect the additional population increase included in the March 2007 inmate population projections. Option B would create a reduction of \$61,165 in FY 2007-2008 and an increase of \$68,725 in FY 2008-2009. The Governor's recommendation in Option A, including the increase in inmate population, would be an increase of \$80,028 in FY 2007-2008 and an increase of \$318,887 in FY 2008-2009. Staff would recommend Option B.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-101 UTILIZING OPTION B, AS RECOMMENDED BY STAFF.

CHAIR PARKS:

I make the motion hesitantly. A number of the budget concerns we have heard relate to medical services to inmates. There has been a less than prestigious history in this area, particularly in contract medical services. This is one area of the budget where, if a problem arises, the Department can approach the IFC for utilization of the 50 percent of funding held in the Contingency Fund.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next decision unit under Other Closing Items in [Exhibit C](#), page 24, is E-275.

E-275 Maximize Internet Technology – Page CORRECTIONS-16

This is a recommendation for additional funding of \$135,000 in FY 2007-2008 and \$16,500 in FY 2008-2009 for computer hardware and software in the Medical Division. This would allow the Medical Division staff to implement the NOTIS within the Medical Division. It would allow access for physicians and nursing staff, dental and mental health staff, to perform the medical portion of intakes, schedule appointments, record medical history and write medical orders for inmates. This recommendation appears reasonable to staff. Staff recommends a minor technical adjustment of \$2,000 in duplicate funding be deleted.

The next decision unit is E-814.

E-814 Other Salary Adjustments – Page CORRECTIONS-17

This module recommends a special salary adjustment for mental health and medical positions within the Department as recommended by the Governor in response to a salary survey performed by the DOP.

Next is decision unit M-200.

M-200 Demographics and Caseload Changes – Page CORRECTIONS-14

This is the module for inmate-driven medical expenses. The increase is solely related to the increase in inmate population. Staff recommends the increase based on the March 2007 inmate-population projection. Staff would make the same recommendation as was done in the Director's Office budget to remove 50 percent of the reduction identified by the CSG and place it in the IFC Contingency Fund for the Department to draw upon as necessary.

Decision unit E-813 is a salary adjustment for the unclassified positions in this budget.

E-813 Unclassified Salary Adjustments – Page CORRECTIONS-17

Decision unit E-900 is a recommendation to transfer two positions.

E-900 2 CSW's to B/A 3711 Correctional Programs – CORRECTIONS-18

This is a recommendation to transfer two clinical social worker positions to the Programs Division budget. These positions provide mental health out-patient services. This is consistent with other mental health positions moved to the Programs Division budget during the 2003 Legislature.

Staff has also made technical adjustments to the Base Budget that align costs to the contracted expenses. There is a reduction of \$48,000 in the dialysis services in each year of the biennium.

CHAIR PARKS:

There are a number of job classifications in module E-814. I am aware certain adjustments were made in 2005 to other classifications. Would the adjustments in E-814 not only be to the Medical Services budget but also in the Programs Division budget?

MR. RAXTER:

That is correct. Similar positions have been identified statewide. Any agency containing the same classifications have the same recommendations in their budgets.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE, TO APPROVE OTHER CLOSING ITEMS, INCLUDING DECISION UNITS E-275, E-814, M-200, E-813 AND E-900, AS RECOMMENDED BY STAFF.

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ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A is 101-3711.

NDOC - Correctional Programs – Budget Page CORRECTIONS-20 (Volume III)
Budget Account 101-3711

MR. RAXTER:

There are three major closing issues in this budget account.

The first decision unit is E-375, for continuation of the Going Home Prepared Program.

E-375 Reduce Recidivism Rate and Juvenile Violence – Page CORRECTIONS-22

The Governor recommends funding of \$531,081 in FY 2007-2008 and \$553,567 in FY 2008-2009 to continue four positions that provide reentry services within the NDOC. These positions were previously funded by federal grant funds through FY 2005-2006, and were approved for use of General Funds in FY 2006-2007. This was a recommendation from the 2005 Legislature. However, the 2005 Legislature recommended the Program should be considered an enhancement item for the 2007-2009 biennium. The Department has indicated the four positions have been combined with five other Correctional Program positions to provide reentry services for all eligible inmates in southern Nevada. The other positions were approved previously for the Southern Nevada Correctional Center (SNCC) and the SNWCC. Of the four positions, one is recommended for classification as a correctional caseworker III although the current position is a program officer III. The Department submitted a reclassification request to the IFC in March 2007. However, the reclassification request was withdrawn from the IFC agenda. The Department has since indicated the position should remain as a program officer III.

If the Subcommittee decides to approve this decision unit, staff recommends the issuance of a letter of intent directing the Department to develop performance indicators for this Program to measure the effectiveness of prerelease and reentry services provided to inmates. The Department should also be directed to provide quarterly reports of the performance indicators to the IFC during the 2007-2009 biennium. Actual results can then be reviewed by the IFC.

CHAIR PARKS:
I have viewed this Program in operation, through NDOC staff, and it is a good Program. I would support its continuation.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT E-375 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

SENATOR BEERS:

Does this motion include retaining the Program as an enhancement in the next budget cycle or to incorporate it into the Base Budget?

MR. RAXTER:

As recommended by the Governor, the Program would be a part of the Base Budget in the next budget cycle.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next item is the recommendation of reclassification for the deputy director of programs position in this budget account and a transfer of the position to the Director's Office account through budget amendment 53. The position is recommended to be reclassified to the deputy director of operations. The Subcommittee should note the Department currently has a deputy director of operations. This request will provide a second position placing one in the north and one in the south. They would both provide oversight and program functions within the Department. The Department indicates currently there are times when conflicting priorities occur between the operations and program functions of the Department with program staff reporting to the deputy director of programs and wardens to the deputy director of operations.

The Department indicates the program function is important and provides security enhancement and management of inmates. However, the Department indicates the proposed reorganization will ensure the two functions of programs and operations will receive the attention necessary, reducing the amount of internal divisiveness and improving program availability to inmates. This item has not been previously reviewed by the Subcommittee. The budget amendment was submitted after the budget hearing for this account.

CHAIR PARKS:

I see this as the new director placing his stamp on his own administration. I would support the reclassification of the deputy director of programs to a second deputy director of operations.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE, TO APPROVE THE RECLASSIFICATION REQUEST IN BUDGET AMENDMENT 53 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

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ASSEMBLYWOMAN WEBER:

I question how operations and programs areas can be combined.

MR. SKOLNIK:

Programs are a part of operations. Programs are an integral part of how we manage our institutions. In the past, there has clearly been divisiveness between staff. When there is conflict of a substantive nature between, for example, a caseworker and a correctional officer, the first point of common contact to resolve the issue is me, as the Director of the NDOC. I view that as a poor management practice. This reclassification request drives the decision-making process back into the institution where it belongs. This request will in no way reduce the importance of programs, but will allow the deputy directors and wardens to ensure programming receives the respect and type of support required for its services.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN WEBER VOTED NO.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

I share Assemblywoman Weber's concerns. I understand and support the creation of two deputy director positions. My concern is the Programs Division should not ultimately be shortchanged. I would have the record reflect the deputy directors should share our concerns for the importance of the Programs Division within their purview.

SENATOR TITUS:

I, too, believe in the Programs Division. I would be more concerned if Mr. Skolnik were not the Director of the NDOC. I am confident in his mutual concern for programs.

CHAIR RHOADS:

The next item is the addition of a Substance Abuse Treatment Program.

MR. RAXTER:

This is a recommendation to add \$414,782 in FY 2007-2008 and \$417,908 in FY 2008-2009 to have the NDOC operate a Substance Abuse Treatment Program at the Northern Nevada Correctional Center (NNCC). The existing Willing Inmates in Nevada Gaining Sobriety (WINGS) program at that facility is scheduled for termination at the end of FY 2006-2007 due to a loss of federal Residential Substance Abuse Treatment Funds that are being substantially reduced.

The Governor recommended funding from the General Fund in that amount and also use of \$93,000 in remaining federal funding in each year of the biennium, to support the Substance Abuse Treatment Program at the NNCC. It would involve the establishment of 7 new positions to operate a 172-bed program effective July 1, 2007. The level of staffing is consistent with the existing Offenders Acting in Solidarity to Insure Sobriety (OASIS) Program at the

Southern Desert Correctional Center (SDCC). Staff recommends, if the Subcommittee wishes to approve funding for the new Program, the funding mix should be slightly adjusted from the Governor's recommendation. Staff recommends 25 percent of the funding be provided from the Inmate Welfare Account as match funding. The remaining funds should be derived from the General Fund and federal funds. That is consistent with the OASIS Program. The staff recommendation would reduce the General Fund need by \$126,946 in FY 2007-2008 and \$127,727 in FY 2008-2009.

CHAIR RHOADS:

What is the difference between the WINGS Program and the OASIS Program?

MR. RAXTER:

The two programs have the same purpose. They are therapeutic community programs for substance-abuse treatment. The OASIS Program is a 200-bed program. The WINGS Program is a 172-bed program. The other difference is the OASIS Program is administered by Department Staff. The WINGS Program was administered by a contractor.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE SUBSTANCE ABUSE TREATMENT PROGRAM AT THE NNCC, AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLYWOMAN WEBER:

Please clarify that the WINGS Program is not being entirely eliminated. Will it now be an in-house program?

MR. SKOLNIK:

That is correct.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The first decision unit under other closing issues in this budget is E-814.

E-814 Other Salary Adjustments – Page CORRECTIONS-24

This decision unit is the special salary adjustment for the mental health positions and clinical social worker positions, similar to what was discussed in the previous budget account.

Next is decision unit E-376.

E-376 Reduce Recidivism Rate and Juvenile Violence – Page CORRECTIONS-23

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In this module, funding of \$3,932 is requested for purchase of various inmate assessment instruments.

The last decision unit is E-900.

E-900 Transfer 2 CSW's from B/A 3706 Medical – Page CORRECTIONS-24

This module is the second part of the transfer of the two clinical social worker positions approved in the previous budget.

Staff has made technical adjustments to the Base Budget to align the 25-percent match for the OASIS Program to the actual Program costs included in the *Executive Budget* and to align the federal Youthful Offender Grant to the existing grant award.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS E-814, E-376, E-813, AND E-900; AND APPROVE TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A is 101-3751.

NDOC - Ely State Prison – Budget Page CORRECTIONS-27 (Volume III)
Budget Account 101-3751

MR. RAXTER:

There is one major closing issue in this budget. The Governor has recommended additional funding be added above the amount in the *Executive Budget* for a correctional caseworker position to be effective in October 2007. This is a similar recommendation the Subcommittee will see for other caseworker positions in other budgets, where the Governor is recommending the additional positions to acknowledge the increase in the population projections included in the March 2007 inmate-population projections report and to increase the caseworker staffing to align it with the legislatively approved caseworker to inmate ratio of 1:125. With the addition of one position at the Ely State Prison (ESP) in October 2007, the ratio at this facility would be 1:122. The cost is \$54,418 in FY 2007-2008 and \$71,429 in FY 2008-2009. Based on the existing staffing ratio, the addition of one new position appears justified.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE ADDITION OF ONE NEW CORRECTIONAL CASEWORKER POSITION AT THE ELY STATE PRISON.

SENATOR BEERS SECONDED THE MOTION.

ASSEMBLY: THE MOTION PASSED UNANIMOUSLY.

SENATE: THE MOTION PASSED UNANIMOUSLY.

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MR. RAXTER:

Decision unit M-200 is listed under Other Closing Items in Closing List #10 on page 31 of [Exhibit C](#).

M-200 Demographics/Caseload Changes – Page CORRECTIONS-28

This module is related to the increase in inmate-driven costs as reflected in the increase in the projected population. Staff would recommend approval based on the March 2007 population projection.

Decision unit E-720 relates to telephone system costs.

E-720 New Equipment – Page CORRECTIONS-29

The Governor requests funding of \$19,017 in FY 2007-2008 and \$18,132 in FY 2008-2009 to maintain the telephone system. Staff has made technical adjustments to the Base Budget of \$912 in FY 2007-2008 and \$2,375 in FY 2008-2009.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS M-200 AND E-720 AND APPROVE TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

The next B/A is 101-3762.

NDOC - High Desert State Prison – Budget Page CORRECTIONS-32 (Volume III)
Budget Account 101-3762

MR. RAXTER:

There is one major closing issue in this budget account in decision units M-201 and M-202.

M-201 Demographics/Caseload Changes – Page CORRECTIONS-34

M-202 Demographics/Caseload Changes – Page CORRECTIONS-34

These modules recommend staffing and operational costs for the Phase IV and Phase V expansions at the HDSP. The Governor recommends funding of \$296,791 in FY 2007-2008 and \$13,168,030 in FY 2008-2009. This request includes the conversion of four existing housing units to close-custody units. The recommended funding would provide for 5 new positions in the first year and 207 new positions in the second year. The new positions include 196 custody positions, 5 correctional caseworkers, 2 property officers, 3 maintenance positions, 3 food service positions, 1 warehouse position and 2 clerical positions. The funding includes \$83,361 for operating costs, \$903,106 for equipment and one-time start up costs, and \$816,928 for utilities.

The Budget Division submitted budget amendment 84 to reduce the utility request to recognize the amount of time during FY 2008-2009 the facility expansion would be operational. Staff recommends an additional reduction for operating costs for the same purpose.

There are several issues noted by staff. The conversion of 4 existing housing units is included in the Governor's recommendation consisting of 1,120 existing medium-custody beds to 672 close-custody beds. The proposal incurs a net loss of 448 beds for the Department. The Department indicates the close-custody beds are needed due to the increase in the close-custody inmate population. With the conversion of the 4 units, there would be a surplus of 241 close-custody beds upon the opening of Phase V and the conversion of both housing units 5 and 6 to close-custody units. If only housing unit 5 were converted, the number of close-custody beds would be adequate with a surplus of 73 close-custody beds. The 18 new custody positions requested for the conversion of housing unit 6 to close custody do not appear justified to staff. The conversion of unit 6 could be deferred to the 2009-2011 biennium. The General Fund savings from elimination of the 18 custody positions would be approximately \$600,000.

One additional floor officer each is recommended for housing units 7 and 8. These two housing units are not included in the conversion of medium-custody beds to close-custody beds. The NDOC indicated the inmates proposed to be relocated are inmate levels II and III which are currently in housing units 4 and 6. These housing units had the same level of staffing as the existing level of staffing in housing units 7 and 8. Therefore, the need for the additional floor officers for housing units 7 and 8 does not appear justified to staff.

The start dates for two correctional caseworker positions included in the *Executive Budget* for the second year of the biennium have been recommended by the Governor to be moved from August 2008 to October 2007, changing the start date to the first year of the biennium. The request is in response to the need to maintain adequate staffing of caseworkers at the 1:125 legislatively approved staffing ratio. With the additional positions, the ratio would be 1:124 at the HDSP. Therefore, this request appears justified to staff.

The Governor has recommended a reduction to the General Fund in decision units M-201 and M-202 of approximately \$1.3 million to delay the opening of

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Phase V by two months. The opening would be adjusted from January 2009 to March 2009. The Department's long-range CIP projects a surplus of 41 beds during the period of the two-month delay by continuing to operate 835 beds above the emergency capacity.

CHAIR RHOADS:

Please explain the meaning of a close-custody bed. Is it one inmate in each cell?

MR. RAXTER:

That is correct.

CHAIR PARKS:

This is a large part of the overall corrections budget. Have all recommendations been reviewed with the NDOC administration? Has the Department provided their input?

MR. RAXTER:

I have discussed the conversion of the close-custody beds with the NDOC. They have not presented a formal opinion. The discussion has centered on the provisions of the long-range CIP proposal. The report indicates a surplus of close-custody beds when Phase V is opened.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO FOLLOW STAFF'S RECOMMENDATIONS FOR FUNDING AND STAFFING IN DECISION UNITS M-201 AND M-202.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The first decision unit under Other Closing Items in Closing List #10 in this budget account is M-200.

M-200 Demographic/Caseload Changes – CORRECTIONS-33

This module is the inmate-driven costs reflective of the March 2007 population projections as adjusted by staff. Because the HDSP is the largest facility to house the male inmate population, staff recommends a 50-percent reduction in the inmate-driven costs for the male population identified by the CSG be taken from this budget and placed in the IFC Contingency Fund. That would consist of 561 inmates the first year and 657 inmates in the second year, with the corresponding letter of intent regarding staffing of the housing units depending on how the existing population is incurred during the 2007-2009 biennium.

Next is decision unit M-750.

M-750 Building Construction Outside Cap – CORRECTIONS-36

This module is a recommendation for funding of \$130,000 in the first year of the biennium for various building maintenance projects. Staff has reviewed the proposals and compared them to the State Public Works Board (SPWB) as identified in the Facility Condition Analysis (FCA) Reports and determined these recommendations appear reasonable.

Staff recommends technical adjustments in the Base Budget resulting in a decrease in General Fund support of \$54,000 in FY 2007-2008 and \$55,000 in FY 2008-2009, primarily due to alignment of the bakery sales revenue to reflect the Base Budget number of inmates and to increase reimbursement from the Prison Industries Programs for utility costs to reflect inflationary increases in utility costs.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE OTHER CLOSING ITEMS INCLUDING M-200 AND M-750 AS RECOMMENDED BY STAFF AND AUTHORIZE TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A is 101-3715.

NDOC - Southern Nevada Correctional Center – Budget Page CORRECTIONS-63
(Volume III)
Budget Account 101-3715

MR. RAXTER:
The first decision unit is M-204.

M-204 Demographics/Caseload Changes – Page CORRECTIONS-65

One item in this budget account is a recommendation by the Governor to provide staffing for the 240-bed pre-engineered housing unit at this facility. The original budget recommendation reflects an opening date of May 2008 at the SNCC. However, in April 2007, the Fiscal Analysis Division received notice from the SPWB that there would be a revision to the construction timelines for the four pre-engineered housing units recommended in the NDOC budget. In addition, the SPWB noted their recommendation would change because a pre-engineered housing unit for the SNCC would not be built. Instead, two pre-engineered housing units would be built at the SDCC instead of only one. The change was necessary because of space limitations and the availability of the utility infrastructure at the SDCC. Staff recommends taking action in decision unit M-204, in B/A 101-3715, consistent with action being taken in the budget account for the SDCC.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO FOLLOW THE STAFF'S RECOMMENDATIONS IN THE ELIMINATION OF DECISION UNIT M-204 FROM B/A 101-3715.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

Decision unit M-200 is the next item under Other Closing Items.

M-200 Demographics/Caseload Changes – CORRECTIONS-64

This decision unit reflects the inmate-driven costs due to the change in inmate population. Staff has made an adjustment to match the March 2007 inmate-population projections.

Next is decision unit M-425.

M-425 Deferred Facilities Maintenance – Page CORRECTIONS-66

The recommended funding in this decision unit is \$60,000 for replacement of existing exterior lighting. The NDOC recommends elimination of this item from the budget. With the need to achieve General Fund budget reductions, the NDOC has indicated this deferred item will be achieved in the future through an energy retrofit contract with the funding provided through energy savings. Staff recommends elimination of decision unit M-425 from B/A 101-3715.

The next item is decision unit M-750.

M-750 Building Construction Outside Cap – Page CORRECTIONS-66

This is a request for \$152,000 in FY 2007-2008 for various building-maintenance projects including replacement of heat pumps, evaporative coolers and the boiler and steam equipment in the laundry facility. Some of these items were identified in a FCA report prepared by the SPWB in May 2006. These items were identified as critical with a recommendation for implementation within two years advisable. The other items are recommended for replacement due to their age and condition. This recommendation appears reasonable to staff.

The last decision unit in this budget account is E-720.

E-720 New Equipment – Page CORRECTIONS-67

This decision unit is recommended funding of \$8,942 in each year of the biennium for a telephone system service agreement. This provision duplicates a

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cost included in the Base Budget for the same item. Staff recommends decision unit E-720 in B/A 101-3715 be eliminated.

Staff has made technical adjustments for vehicle fuel, telephone and utility expenses to reflect twelve months of operation since this facility was not operational in 2006. Staff has discussed this with the NDOC. The NDOC provided information on projected costs for FY 2006-2007 that could be utilized for the 2007-2009 biennial budget.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS M-204, M-200, M-425, M-750 AND E-720 AND AUTHORIZE TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A 101-3718

NDOC - Nevada State Prison – Budget Page CORRECTIONS-45 (Volume III)
Budget Account 101-3718

MR. RAXTER:
There are no major closing issues in this account.

The first decision unit under Other Closing Items is M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-47

This module addresses the inmate-driven increases. Staff has made an adjustment for the March 2007 inmate-population projection.

Next is decision unit M-750.

M-750 Building Construction Outside Cap – CORRECTIONS-48

The Governor recommends funding of \$449,349 in FY 2007-2008 for various building-maintenance projects. The NDOC has provided information indicating certain items were included in the FCA report prepared by the SPWB in July 2006. Those items were considered necessary with a two- to four-year implementation advisable. In addition, the NDOC indicates the installation of a vehicle sally port would address the potential for security breaches at the main gate. An automatic-generator transfer switch will ensure emergency power to the entire institution instantaneously. Replacement of a water line is recommended due to age and condition. These recommendations appear reasonable and staff recommends approval of this decision unit.

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Next is decision unit E-720.

E-720 New Equipment – Page CORRECTIONS-48

This module is a recommendation of funding for additional telephone trunk lines and a digital (Private Branch Exchange) PBX connection for the telephone system, to ensure no loss of communication within, or outside the facility. Staff recommends approval of decision unit E-720. Staff has also made technical adjustments to the Base Budget.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS M-200, M-750 AND E-720 AND TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
Next is B/A 101-3738.

NDOC - Southern Desert Correctional Center – Budget Page CORRECTIONS-51 (Volume III) Budget Account 101-3738

MR. RAXTER:
There are three major closing issues in this budget. The first is staffing and operation of a pre-engineered housing unit in decision unit M-204.

M-204 Demographics/Caseload Projections – Page CORRECTIONS-53

Budget amendment 39 was submitted to add funding for the utility costs inadvertently omitted from the *Executive Budget* for the pre-engineered housing unit. Based on information provided by the SPWB on the construction timelines, this unit would not be available for occupancy until January 2008 instead of December 2007 as reflected in the *Executive Budget*. Staffing for the pre-engineered housing unit reflects ten correctional officers and one maintenance position. Correctional officer staffing is assigned by post consisting of two officers each shift and the relief factor. Staff has determined, with the addition of one maintenance position at this facility, this translates to approximately 30,770 square feet per FTE maintenance position, and is approximately the same as the department wide average of 30,825 square feet per FTE. Therefore, it appears to staff the recommended staffing for custody and maintenance at this facility is justified.

The second item in this decision unit is the addition of a second pre-engineered housing unit at the SDCC due to the relocation of the unit originally proposed for the SNCC. This unit would have the same level of staffing. This unit would

be opened in February 2008. Staff recommends approval of this housing unit based on the long-range CIP and the inmate-population projections.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE FUNDING FOR THE STAFFING AND OPERATION OF THE TWO NEW PRE-ENGINEERED HOUSING UNITS AT THE SDCC AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The third item, on page 45 of [Exhibit C](#), is the recommendation for a correctional caseworker position. This request is made in compliance with the increased inmate-population projection of March 2007, and to maintain the 1:125 staffing ratio. The recommendation is for three positions at the SDCC due to the addition of the second pre-engineered housing unit. This would provide 15 caseworker positions at the SDCC and a caseworker ratio of 1:134 over the biennium. The recommended funding for the three positions is \$222,159 in FY 2008-2009. Based on the existing staffing ratio, the addition of the three correctional caseworker positions appears justified.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE ADDITION OF THREE CORRECTIONAL CASEWORKERS AT THE SDCC AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION PASSED UNANIMOUSLY.

SENATE: THE MOTION PASSED UNANIMOUSLY.

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CHAIR PARKS:

Were additional caseworker positions approved by the Subcommittee for the HDSP new facilities?

MR. RAXTER:

Yes, they were. They were in the *Executive Budget*.

The other items in B/A 101-3738 include decision unit M-200.

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This is the inmate-driven increase in inmate population. Staff recommends approval with adjustment for the March 2007 caseload projections.

Next is decision unit E-720.

E-720 New Equipment – Page CORRECTIONS-54

This decision unit requests \$14,085 in FY 2007-2008 and \$5,340 in FY 2008-2009 for additional telephone trunk lines and a digital PBX connection. This request appears reasonable. Staff recommends approval of this module.

ASSEMBLYWOMAN McCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS M-200 AND E-720 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A is 101-3759.

NDOC - Lovelock Correctional Center – Budget Page CORRECTIONS-57
(Volume III)
Budget Account 101-3759

MR. RAXTER:

There is one major closing issue in this budget. The request is for one additional correctional caseworker at the Lovelock Correctional Center, effective October 2007. The total caseworker staffing would increase to 13 at this facility and would provide a staffing ratio of 1:132. The cost of the additional position is \$54,418 in FY 2007-2008 and \$71,429 in FY 2008-2009. Based upon the legislatively approved staffing ratio, the addition of one correctional caseworker position appears justified to staff.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE ONE ADDITIONAL CORRECTIONAL CASEWORKER POSITION IN BUDGET ACCOUNT 101-3759.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will now move to Other Closing Items in B/A 101-3759, page 47 of [Exhibit C](#).

MR. RAXTER:

The first decision unit is M-200.

M-200 Demographic/Caseload Changes – Page 58

This module is the inmate-driven costs due to the inmate-population increase. Staff recommends approval with adjustment for the March 2007 inmate-population projections. There is a correction in the inmate-driven rate at this facility and the other institutions of the Department due to a calculation error in the Base Year. The Budget Division has concurred with the correction.

The next decision unit is M-425.

M-425 Deferred Facilities Maintenance – Page CORRECTIONS-59

This is a recommendation for funding of \$30,000 for replacement of evaporative cooler pads to address problems with corrosion of the air-handling equipment at this facility. This appears reasonable and staff recommends approval.

Next is decision unit M-750.

M-750 Building Construction Outside Cap – Page CORRECTIONS-60

This module recommends funding of \$325,000 for various building maintenance projects including fence installation around the maintenance storage area, replacement of windows and construction of a maintenance storage building. In an attempt to reduce General Fund appropriations, the Governor has submitted a reduction to this module of \$225,000 deleting the storage area fencing and construction of the maintenance storage building. Staff recommends approval of decision unit M-750 with the adjustments to eliminate funding of \$225,000 for those two items.

The last decision unit is E-720.

E-720 New Equipment – Page CORRECTIONS-60

This module is funding for additional telephone trunk lines and a digital PBX connection to maintain communications at this facility. Staff recommends approval of this decision unit and technical adjustments in the Base Budget.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE THE OTHER ITEMS IN DECISION UNITS M-200, M-425, AND M-750 WITH TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF; AND TO RECOMMEND CLOSING DECISION UNIT E-720 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
The next B/A is 101-3717.

NDOC - Northern Nevada Correctional Center – Budget Page CORRECTIONS-38
(Volume III)
Budget Account 101-3717

MR. RAXTER:

M-204 Demographics/Caseload Changes – Page CORRECTIONS-40

There are two major closing issues in this budget account. This institution is recommended for the addition of a pre-engineered housing unit. The SPWB's revised construction timeline for the unit at this facility projects it would be available in March 2008. However, the Department's housing plan reflects the unit will not be occupied until May 2008. Due to the delay in the occupancy date, as it was originally projected to open in December 2007, there will be a General Fund savings of \$270,000 in the first year of the biennium.

The staffing level of 11 new positions of this housing unit is the same as the other pre-engineered housing units. The recommendation is for ten custody officers and one maintenance position. The staffing level appears justified to staff and staff recommends approval of this decision unit.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-204 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:
The next item is the addition of one correctional caseworker position effective in July 2008. This position is being recommended for a total correctional caseworker staffing ratio at this facility of 1:122, in line with the legislatively approved staffing ratio of 1:125. The cost of the position is \$74,053 in the second year of the biennium. Staff recommends approval based on the legislatively approved staffing ratio.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE ADDITION OF ONE

CORRECTIONAL CASEWORKER POSITION IN BUDGET
ACCOUNT 101-3717.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The item under Other Closing Items, on page 51 of [Exhibit C](#), is decision unit M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-39

This is the population increase related to inmate-driven costs. Staff recommends approval as adjusted.

Next is decision unit M-425.

M-425 Deferred Facilities Maintenance – Page CORRECTIONS-41

This module is a request of \$75,000 for cleaning of air handlers and duct work. This request appears reasonable to staff. Staff recommends approval of this request.

Next is decision unit M-750.

M-750 Building Construction Outside Cap – Page CORRECTIONS-41

This module requests funding of \$400,234 for various maintenance projects including replacement of concrete sidewalks and steps, replacing building flooring and replacing water heaters. It also funds installation of building exhaust systems, seismic gas shutoff valves, performance of electrical repairs, replacing boiler-room pumps, installing a sand and oil separator in the auto shop and other maintenance projects. The majority of these projects were identified by the SPWB as necessary repairs.

The Subcommittee should note the Department indicates the recommended funding of \$88,000 for replacement of boiler-room pumps duplicates funding specified in a 2007 CIP project. The Department has also indicated the replacement of a portion of the concrete sidewalks, steps and building flooring was completed in FY 2006-2007; therefore, the Governor's funding recommendation of \$65,000 should be eliminated in this budget.

The statewide fire- and life-safety project included in the 2007 CIP recommendation includes funding for installation of seismic gas shut-off valves at state-owned facilities as necessary. Staff recommends \$11,500 included in this decision unit be eliminated with approval of the CIP project and funding to remain in the 2007 CIP.

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Staff recommends approval of this decision unit with the adjustments for boiler-room pumps and seismic-gas shut-off valves and the portion of the concrete issues as noted.

The final decision unit in this budget account is E-720.

E-720 New Equipment – Page CORRECTIONS-42

This module is recommended funding for telephone trunk lines and monthly service costs. This recommendation appears reasonable and staff recommends approval of decision unit E-720.

Staff has made technical adjustments in the Base Budget and decision unit M-200, for increases in bakery expenses for the population projections. This facility provides bakery products for the Warm Springs Correctional Center and the Nevada State Prison. This cost was not included in the *Executive Budget*.

Utilities costs are reallocated due to the new biomass energy plant.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE OTHER ITEMS IN DECISION UNITS M-200, M-425, M-750, AND E-720 OF BUDGET ACCOUNT 101-3717 AS RECOMMENDED BY STAFF, INCLUDING TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR RHOADS:
The next B/A is 101-3761.

NDOC - Southern Nevada Women's Correctional Center – Budget Page CORRECTIONS-74 (Volume III) Budget Account 101-3761

MR. RAXTER:
There are two major closing issues in this budget. The first is in decision unit M-202.

M-202 Demographics/Caseload Changes – Page CORRECTIONS-76

This decision unit requests funding of staffing and operating costs for a 400-bed expansion at this facility. The Governor recommends funding of \$284,564 in the first year and \$2.4 million in the second year to staff a 400-bed expansion of the facility. This would include a 100-bed transitional center and three 100-bed medium-custody housing units.

The recommended staffing changes include 37 custody positions, 1 correctional caseworker position, 3 maintenance positions, 1 food service position, 1 warehouse position, and 2 clerical positions.

The funding also includes \$219,411 for equipment and onetime start-up costs and \$311,532 for utility costs. The Budget Division has submitted budget amendment 84 to reduce the utility costs to reflect the actual number of months this facility will be operational during the biennium. Staff recommends a further adjustment to operating costs for the same purpose.

As recommended by the Governor, the 300 medium-custody beds and the 100-bed transitional center would both open in January 2009. However, the SPWB has provided information to staff indicating the 100-bed transitional center will not be completed until April 2009. When staff reviewed the long-range CIP, there would be approximately 100 female beds in over-supply upon the opening of the 300-bed expansion in January 2009. Consequently, the Department has recommended the opening of the 100-bed transitional center be delayed until October 2009, when the actual need for beds is anticipated. This delay would result in a General Fund savings of \$650,000 in the second year of the biennium and a reduction of ten positions. Due to the late opening of the transitional-housing center, one of the four new maintenance positions being recommended could be deleted.

CHAIR PARKS:

Potentially, the 100-bed transitional-housing unit would be available for opening in January 2009, but the recommendation would be to delay the opening until October 2009?

MR. RAXTER:

The earliest the SPWB stated the 100-bed transitional housing unit could be available is April 2009. Opening in October 2009 is being recommended.

CHAIR PARKS:

Therefore, would the additional positions not be needed until the next biennium?

MR. RAXTER:

That is correct.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO FOLLOW STAFF RECOMMENDATIONS IN DECISION UNIT M-202 OF BUDGET ACCOUNT 101-3761.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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MR. RAXTER:

The next item is decision unit M-204.

M-204 Demographics/Caseload Changes – Page CORRECTIONS-76

This module recommends staffing and operation of a pre-engineered housing unit at this facility. This unit would add 11 positions, consistent with staffing recommended for other pre-engineered housing units within the Department. Budget amendment 39 has been submitted by the Budget Division to provide funding for utility costs. The original Governor's recommendation reflected an opening date of November 2007. However, the latest construction timeline, provided by the SPWB, indicates this facility will not be available for occupancy until February 2008. Staff recommends approval of this housing unit based on the inmate-population projections and the Department's housing plan.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-204 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLYMAN HOGAN:

The staffing and operation of a new 240-bed facility in this budget is only slightly more than the cost of 1 new bus.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

We will next consider other items in B/A 101-3761.

MR. RAXTER:

The first decision unit is M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-75

This module is the inmate-driven costs for the increase in population reflective of staff adjustments for the March 2007 inmate-population projections. Staff recommends a reduction in this module based on the 50-percent reduction of bed savings identified by the CSG. This would represent the reduction for the female population since this is the largest female-housing facility.

Staff also recommends a letter of intent similar to previous Subcommittee actions in this area.

Next is decision unit E-730.

E-730 Maintenance of Buildings and Grounds – Page CORRECTIONS-78

This module is a recommendation of additional funding for building and equipment maintenance of \$93,587 in each year of the biennium. The Department has indicated, when this facility was acquired by the Department from the private contractor in October 2004, unforeseen maintenance was necessary. This amount is recommended for inclusion in the *Executive Budget*. Staff notes this recommendation appears reasonable as the overall level of funding, on a per-square-foot basis, is in line with other comparable institutions within the Department.

The next decision unit is M-750.

M-750 Building Construction Outside Cap – Page CORRECTIONS-77

This module is a recommendation of funding for various building maintenance projects including replacement of carpet and tile, fire doors and fire shutters. The Department has indicated the recommended funding of \$31,843 for replacement of fire doors duplicates funding included in the 2007 CIP Project 07-M24. Therefore, the funding can be eliminated in this decision unit. Staff recommends other funding in this decision unit be approved. Staff has made technical adjustments to the Base Budget.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE OTHER ITEMS IN DECISION UNITS M-200, E-730 AND M-750 AS RECOMMENDED BY STAFF WITH TECHNICAL ADJUSTMENTS TO THE BASE BUDGET.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

The next budget account is B/A 101-3760.

NDOC - Casa Grande Transitional Housing – Budget Page CORRECTIONS-80 (Volume III)

Budget Account 101-3760

MR. RAXTER:

There are no major closing issues in this budget account. The first item under Other Closing Items on page 58 of [Exhibit C](#), is decision unit M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-81

This module reflects inmate-driven costs for the increase in inmate population. Staff adjusted this module for the March 2007 inmate-population projections.

The next item is in E-720.

E-720 New Equipment – Page CORRECTIONS-82

This request is for funding of \$6,744 in each year of the biennium for the cost of a telephone service agreement. This recommendation appears reasonable and staff recommends approval.

Staff has also made technical adjustments in the Base Budget reducing costs by \$34,434 in each year of the biennium to annualize costs of FY 2005-2006. This facility was not operational during the full 12 months of FY 2005-2006. When the costs were annualized, staff noted a few errors recommended for adjustment.

CHAIR PARKS:

If I understand correctly, women are currently being housed at the Casa Grande Transitional Housing facility. How long do we anticipate women to be housed at this facility until other housing arrangements are completed?

MR. SKOLNIK:

We will be housing up to 50 women, with 15 currently located at the Casa Grande facility, due to total absence of bed space anywhere else in the NDOC. That will be continued until the first new pre-engineered housing unit is completed in February 2008.

CHAIR PARKS:

At that time, will the women also currently being housed at the SNCC be returned to Las Vegas?

MR. SKOLNIK:

That is correct.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE BUDGET ACCOUNT 101-3760 WITH OTHER CLOSING ITEMS AND TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLYWOMAN WEBER:

Since the capacity at Casa Grande Transitional Housing is 400 beds, will they truly have an average of 388 inmates each day in FY 2007-2008 and 389 inmates each day in FY 2008-2009? I do not believe the facility has ever been at capacity unless women were added or when trading inmates between facilities. I want to ensure the requested budget is realistic.

MR. SKOLNIK:

Those figures are ultimately dependent on which items are passed during this Legislative Session as to what the population will result. There are currently extra beds everywhere possible within the women's facility. We have filled Unit 7 at the SNCC with women. We are beginning to place women at the Casa Grande Transitional Housing facility. As I indicated earlier, we have no female beds anywhere.

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ASSEMBLYWOMAN WEBER:

It appears the four pre-engineered housing units have been delayed.

MR. SKOLNIK:

That is correct. The first pre-engineered building is scheduled for occupancy in February 2008. At that point we will be able to restore normal operations in our other facilities.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

The next budget is B/A 101-3725.

NDOC - Indian Springs Conservation Camp – Budget Page CORRECTIONS-98
(Volume III)

Budget Account 101-3725

MR. RAXTER:

There is one major closing issue for this budget account in decision unit M-202.

M-202 Demographics/Caseload Changes – Page CORRECTIONS-100

This module is a request of funding for staffing and operation of the expanded facility at Indian Springs. There is a CIP planning project funded by the 2005 Legislature and a CIP construction project recommended in the 2007 CIP for expansion of this facility. The expansion would be done in three phases. The first phase will be complete in June 2009 and would add 192 beds at this facility.

The Governor is recommending funding of \$397,460 for operational costs of the expanded facility. The Budget Division has submitted budget amendment 84 reducing the funding for utilities to reflect only 1 month of operation in FY 2008-2009 instead of 12 months. Staff would also recommend a corresponding reduction in operating and maintenance costs to reflect one month of operation.

There are a couple of issues related to staffing of the facility. The budget recommendations include one correctional officer position for expansion of the boot camp program. Currently, the boot camp has eight custody positions staffing the program. The expanded boot camp program cannot occur until the renovation of existing buildings at the facility. That renovation is not scheduled to occur until after the opening of Phase II which will be in the 2009-2011 biennium. Due to lack of space to expand the boot camp program during the Phase I expansion, staff recommends the one additional correctional officer not be approved.

The second item is the Governor's recommendation for three correctional officer positions in the visitation area of this facility. This is a slightly higher level of

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staffing than for visitation areas at similar-size facilities. In response to questions from staff, the Department indicates one additional position for visitation was requested as both Phases I and II were expected to open during the 2007-2009 biennium. However, because the Phase II expansion will not occur until the 2009-2011 biennium, the Department indicates one new correctional officer position for the visitation post can be eliminated.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-202 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The first item under Other Closing Items is decision unit M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-99

This module reflects the inmate-driven costs for the increase in the inmate population at this facility. Staff would recommend approval adjusted to reflect the March 2007 inmate-population projections.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-200 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

Next is budget account 240-3708.

NDOC - Offenders' Store Fund – Budget Page CORRECTIONS-138 (Volume III)
Budget Account 240-3708

MR. RAXTER:

There are two major closing issues in the budget. The first is in decision units E-514 and E-515.

E-514 Technology Invest: Svs at Level Closest to People
Page CORRECTIONS-142

E-515 Technology Invest: Svs at Level Closest to People Page Corrections-142

The first issue is the addition of two modules to the NOTIS. One is a commissary integrated financial module, and one is a trust accounting integrated module. These two add-on modules would replace the current inmate-banking system for the Department. These modules would address the currently manually-intensive process utilized for the Offender Store operation. The funding includes software-licensing costs, vendor project-management fees, two database servers and ongoing annual software license and maintenance costs.

In response to questions from staff, the Department indicated one database server could be eliminated because one server could be used for both modules. Therefore, staff recommends approval with the adjustment to delete funding of \$25,000 for one database server.

ASSEMBLYWOMAN McCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS E-514 AND E-515 AS RECOMMENDED BY STAFF.

ASSEMBLYMAN PARKS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next major closing issue is found in decision unit E-251.

E-251 Working Environment and Wage – Page CORRECTIONS-141

This module recommends the addition of 1.5 FTE new storekeeper positions. One of the positions would be located at the SDCC. It would reduce the storekeeper-to-inmate ratio at this facility which is considerably higher than the overall Department average.

The second half-time position would be located at the ESP. The Department indicates the ESP has special requirements due to the maximum-security nature of this facility. All store orders must be bagged in lieu of being dispensed at a window. Therefore, the time to process orders is approximately double what it is at other institutions. This facility serves as a gatekeeper facility for two conservation camps. The half-time position would be utilized to provide services at the two conservation camps during periods when existing positions are on leave. This recommendation appears reasonable and staff recommends approval of this decision unit.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT E-251 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The first item under Other Closing Items on page 63 of [Exhibit C](#) is in decision unit E-325.

E-325 Services at Level Closest to People – Page CORRECTIONS-142

This module recommends funding of \$11,109 in each year of the biennium for additional travel. The Department indicates this travel will improve the operations of the Offender Stores. The Subcommittee should note in FY 2007-2008, the Department will be planning and implementing a new contract for the inmate telephone system. In FY 2008-2009 the NDOC will be implementing two add-on modules for the NOTIS.

Next is decision unit M-200.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-139

This module is a recommendation for additional revenue and expense budget authority due to inmate-driven costs.

Next is decision unit E-710.

E-710 Replacement Equipment – Page CORRECTIONS-143

This module is funding for equipment including four ice machines and two freezers to replace equipment that has reached the end of its useful life and replacement desktop computers, software and printers. Staff has made a technical adjustment on the price of the printers.

Next is decision unit E-720.

E-720 New Equipment – Page CORRECTIONS-143

This module recommends new equipment including refrigerators, freezers and a storage shed. These will provide additional food storage at various facilities within the Department.

The last decision unit is E-805.

E-805 Classified Position Reclassifications – Page CORRECTIONS-144

This module is a reclassification request for two positions in the rural and southern regions that would align these positions to an existing classification for the northern region position.

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There are technical adjustments in M-100 due to the Statewide Cost Allocation Plan (SWCAP).

M-100 Inflation-Statewide – Page CORRECTIONS-139

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE OTHER ITEMS IN DECISION UNIT E-325 AS RECOMMENDED BY THE GOVERNOR. ALSO TO CLOSE BUDGET ACCOUNT 240-3708 IN DECISION UNITS M-200, E-710, E-720 AND E-805 AS RECOMMENDED BY STAFF INCLUDING THE TECHNICAL ADJUSTMENTS IN M-100.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

The next budget is B/A 240-3763.

NDOC - Inmate Welfare Account – Budget Page CORRECTIONS-146
(Volume III)
Budget Account 240-3763

MR. RAXTER:

This is the last account in the budgets of the NDOC budget. There are no major closing issues in this account. The first decision unit is M-200, under other closing items, on page 66 of [Exhibit C](#).

M-200 Demographics/Caseload Changes – Page CORRECTIONS-148

This module provides an increase in revenue and expense authority for inmate-driven revenues and expenses.

Next is decision unit E-325.

E-325 Services at Level Closest to People – Page CORRECTIONS-149

This module requests additional funding of \$500 each year for costs of General Education Degree tests for 100 inmates each year. These are inmates located at conservation camps and currently have no opportunity to participate in a high school program.

The last decision unit is E-710.

E-710 Replacement Equipment – Page CORRECTIONS-150

This module recommends \$38,297 in each year of the biennium for replacement equipment in the law libraries.

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Staff has made technical adjustments to the Base Budget and decision unit M-100 to align the 25-percent match for the OASIS Program and the SWCAP assessment.

M-100 Inflation – Statewide – Page CORRECTIONS-147

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE BUDGET ACCOUNT 240-3763 AS RECOMMENDED BY STAFF INCLUDING TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

I would like to commend staff for their hard work on these budgets.

CHAIR RHOADS:

We will now consider the budgets of the Department of Conservation and Natural Resources. The next budget is B/A 101-4198.

INFRASTRUCTURE

CONSERVATION AND NATURAL RESOURCES

DCNR - Forestry Conservation Camps – Budget Page DCNR-166 (Volume III)
Budget Account 101-4198

JEFFREY A. FERGUSON (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

This budget account begins on page 67 of [Exhibit C](#). There are two major closing issues in this budget. The first is in decision unit M-202.

M-202 Demographics/Caseload Changes – Page DCNR-168

The first issue is the expansion of the Indian Springs Conservation Camp. The Governor recommends General Funds of \$2.92 million over the biennium for additional expenditures related to the planned expansion. The NDOC is planning to expand the camp during FY 2008-2009 which will result in the addition of 192 beds. It is anticipated for completion in June 2009, the last month of the 2007-2009 biennium.

The addition to the camp will provide the Nevada Division of Forestry (NDF) with sufficient inmates to have 16 new conservation crews. There are 12 inmates on each crew. Accordingly, the Governor recommends additional funds of \$2.54 million FY 2007-2008 to purchase equipment and supplies for the 16 new conservation crews. Included in this recommendation are 16 new

crew carriers at approximately \$160,000 each and 16 trailers. The module also includes one new pickup.

In FY 2008-2009, the Governor recommends General Funds of \$387,206 for the addition of 17 new positions and associated computer hardware, software, radios and gear. Sixteen of the seventeen new positions are conservation crew supervisors. Their recommended start date is May 2009. The other position is an assistant conservation camp supervisor whose recommended start date would be April 2009. The agency is requesting these positions begin employment approximately two months prior to the camp expansion so they can be properly trained before the inmates arrive.

During the budget hearing the agency clarified there was an error in the *Executive Budget*. The budget indicates the one position is an assistant camp supervisor. The correct position title should be a conservation camp supervisor, not an assistant camp supervisor. That correction would require additional General Funds of \$1,078 in FY 2008-2009. The closing sheets in [Exhibit C](#) reflect that change.

The Subcommittee should note, in response to staff's questions, the NDOC and the NDF indicated, based on current projections, the 192 inmates should be available to fill the Indian Springs Conservation Camp upon its opening in June 2009. Also, staff has worked with the agency and the Budget Division to reduce various operating costs such as fuel costs and inmate-stipend costs in this decision module by \$77,864 in FY 2008-2009 for General Fund savings of that amount. Those changes are noted on page 68 of [Exhibit C](#).

Based on information provided by the agency, the recommendations contained in this decision module appear reasonable to staff. The question for the Subcommittee is whether or not to approve decision unit M-202 with the technical adjustments recommended by staff, including the replacement of the assistant camp supervisor position with a conservation camp supervisor position.

The Subcommittee may wish to incorporate language into the Appropriations Act to allow the agency to balance forward any unspent funds from FY 2007-2008 into FY 2008-2009 to purchase equipment, with approval from the IFC.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-202 WITH THE TECHNICAL ADJUSTMENTS RECOMMENDED BY STAFF AND REPLACEMENT OF THE ASSISTANT CAMP SUPERVISOR POSITION WITH A CONSERVATION CAMP SUPERVISOR POSITION AND TO INCORPORATE LANGUAGE IN THE APPROPRIATIONS ACT ALLOWING THE AGENCY TO BALANCE FORWARD ANY UNSPENT FUNDS INTO THE SECOND YEAR OF THE BIENNIUM.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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MR. FERGUSON:

The next item is informational. There was discussion of whether or not the camp revenues should be increased in the Base Year in this budget. Over the past few years, the revenues have been increasing at a relatively steady rate. However, the agency testified during the budget hearing that the current amount of \$2.8 million in the Base Budget for camp revenues is probably at the maximum. The agency provided staff with documentation supporting this contention. The agency has indicated camp revenues were approximately \$340,000 less in January 2007 than the amount collected in the same period in the Base Year.

Staff reviewed revenues to date and found the camp revenue is approximately \$750,000 less than the original budgeted amount for revenue so far in FY 2006-2007. Staff finds the camp revenues may not increase above the Base Year levels, and therefore, the camp projections should not be increased.

CHAIR RHOADS:

No motion is necessary regarding this information.

MR. FERGUSON:

That is correct. The last item concerns decision unit M-750.

M-750 Building Construction Outside Cap – Page DCNR-170

This module is for the deferred maintenance costs. The Governor recommends General Funds of \$31,369 in FY 2007-2008 for these projects including reroofing buildings, painting and window and flooring replacement.

ASSEMBLYMAN GRADY:

In the budget hearing, we had discussed the inequity of pay between the NDF people managing inmates in the field and that of correctional officers. Has anything been resolved in that area of the budget?

MR. FERGUSON:

There has been correspondence between the agency and the DOP. They have indicated a study needs to be done and that the study will likely be completed during the upcoming interim period. Nothing can be done until an adequate study is completed. The study done during the past interim did not address the needs and issues unique to the crew supervisor positions. These positions are unique in comparison to similar positions in other states. Nothing has been recommended in this budget for the issue.

ASSEMBLYMAN GRADY:

That is what bothers me. We keep studying the issue without a resolution in recognition of the functions of those positions. At some point, a decision must be made.

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CHAIR PARKS:

Are these positions not Peace Officer Standards and Training Commission (P.O.S.T.) certified?

MR. FERGUSON:

That is correct.

CHAIR PARKS:

I am aware we are trying to address all positions that are P.O.S.T. certified in a measure currently before the Assembly.

CHAIR RHOADS:

Are we ready for a motion on decision unit M-750?

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNIT M-750 AND OTHER TECHNICAL ADJUSTMENTS AS RECOMMENDED BY STAFF.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

Our thanks to staff for that presentation. I extend the Subcommittee's welcome to the Clark County Leadership Forum. We will now discuss B/A 101-3740.

PUBLIC SAFETY

DPS - Parole and Probation – Budget Page PUBLIC SAFETY-120 (Volume III)
Budget Account 101-3740

RICK COMBS (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The discussion of major closing items in this budget account begin on page 3 of [Exhibit C](#). The first decision units are M-200 and M-201.

M-200 Demographics/Caseload Changes – Page PUBLIC SAFETY-122

M-201 Demographics/Caseload Changes – PUBLIC SAFETY-123

New positions are recommended by the Governor to address workload for the agency. The Governor recommends General Fund appropriations totaling approximately \$5.4 million to fund 40 new positions over the biennium. Decision unit M-200 includes funding for 24 positions in the Southern Command including 18 Department of Public Safety (DPS) officer II positions, 2 sergeant positions, 2 parole and probation specialist positions, and 2 administrative assistant positions.

Decision unit M-201 includes funding for 16 new positions including 11 DPS officer II positions, 1 sergeant position, 3 parole and probation specialist positions, and 1 administrative assistant position. The chart, on page 3 of [Exhibit C](#), indicates the revised caseloads for the P&P based on JFA and Associates March 2007 caseload projections. Those have increased significantly in the past year since the original projection for the upcoming biennium was prepared.

Once the projections are received, we apply the workload ratios for the various types of supervision the P&P provides to arrive at the number of positions needed to supervise those caseloads.

The latest projections for the Southern Command indicated the Governor's recommended budget includes 15 fewer DPS officer II positions than are required to supervise the offenders projected over the biennium. There are 14 additional new positions needed in the first year and 1 position in the second year of the biennium. Those additional positions would result in additional expenditures for this account totaling approximately \$1.1 million in FY 2007-2008 and \$1.3 million in FY 2008-2009.

The latest projections also indicate the *Executive Budget* in decision unit M-200, includes sufficient parole and probation specialist positions to conduct pre-sentence investigation (PSI) reports for the Southern Command. For the Northern Command, the projections indicate the *Executive Budget* is on target with a sufficient number of DPS officer II positions to address the supervision caseloads, but the budget included four more parole and probation specialist positions than are necessary to serve the caseloads projected.

Although the latest projections are significantly higher than the projections used to prepare the *Executive Budget*, the Governor has not submitted a budget amendment to address the additional caseloads. Instead, the Governor has included reductions to decision units M-200 and M-201 in his list of proposed budget reductions. In decision unit M-200, the Governor proposes to eliminate one sergeant position and defer five DPS officer II positions in FY 2007-2008 to FY 2008-2009 in the Southern Command. In the Northern Command, the Governor proposes to eliminate the sergeant position and two DPS officer II positions and defer two additional DPS officer II positions from FY 2007-2008 to FY 2008-2009. The Governor does not propose elimination of the three new parole and probation specialist positions for PSIs, notwithstanding the fact the projections indicate the positions will not be required during the 2007-2009 biennium.

Due to the increasing caseloads, vacancies, and the P&P's philosophy that there be adequate supervision for high-risk offenders, the Division currently has 2,000 offenders under what it calls administrative supervision. Administrative supervision involves the offender having minimal contact with the DPS officer. The offender typically reports to an administrative support position at one of the Division's offices and is required to submit proof of their compliance with the terms of their supervision to the administrative staff. Due to the increasing caseload projections and the fact the Division is currently utilizing administrative supervision as a means of supervising low-risk offenders, staff would not recommend approving the Governor's proposed reductions to

decision units M-200 and M-201. Part of the staff recommendation considers the potential pending legislation that could also affect the caseloads.

During the NDOC closings, it was indicated the legislation currently being considered would increase the good time and program credits inmates in the custody of the NDOC are entitled to receive. Although the CSG Justice Center was able to provide projections regarding the amount of inmate-bed savings through such a proposal, the Justice Center was unable to indicate how many of those inmates would be under the supervision of the P&P, or, how many would be released without being placed on parole due to the expiration of their sentences.

The legislation being considered would also increase the good-time credits for offenders on parole and would establish good-time credits for offenders who are on probation. The Justice Center indicates that increasing the good-time credits for parolees and instituting good-time credits for probationers could result in a reduction in the P&P caseloads by over 17 percent in the FY 2007-2008 and by 26 percent in FY 2008-2009. Although, in the long term it would appear the addition of these good-time credits would have a potential to reduce the Division's caseload-growth rate, it appears the Division will initially be impacted by the early release of inmates who would be under their supervision. Therefore, it is difficult to assess the impact to the Division at any specific point during the biennium.

During the NDOC closings, it was recommended the General Fund savings resulting from increasing the good-time credits for the NDOC inmates be appropriated to the IFC Contingency Fund. The IFC Contingency Fund would then be available either to the NDOC if the projections of savings are inaccurate, or, to the P&P for additional staffing to accommodate increases in parolee caseloads. Finally, if savings remain, they could be appropriated to treatment programs for rehabilitation of inmates or offenders who are on parole or probation.

Based on the caseload projections for the Southern Command and the potential legislation, staff recommends approval of the 14 additional DPS officer II positions in the first year, and 1 additional in the second year for a total of 15 new DPS officer II positions over the biennium. In addition, because the legislation, upon its effective date, may result in retroactive application of good-time credits for prison inmates, Staff recommends starting 10 of the 14 new positions for FY 2007-2008 on September 1, 2007, rather than the typical start date of October 1, 2007.

Staff would also recommend moving the start date for three of the DPS officer II positions recommended for the Northern Command from January 1, 2008, to September 1, 2007 and moving the start date for an additional DPS officer II position recommended in decision unit M-201 from October 1, 2007 to September 1, 2007. We are hopeful adjustment of the start dates for these positions will allow them to attend the academy and receive training to be responsive to potential caseload increases as soon as possible.

Based on the March 2007 caseload projections, staff is also recommending elimination of the three parole and probation specialists recommended in

decision unit M-201. The General Fund savings resulting from the elimination of those positions and other technical adjustments to this module will offset a portion of the cost for the new positions in the Southern Command, if the Subcommittee elects to fund those positions.

There are additional adjustments in the budget that would help offset the cost of the new positions. As an example, the supervision fee revenue has been increased in the Base Budget by approximately \$260,000 in FY 2007-2008 and by \$319,000 in FY 2008-2009. Some growth was built into the supervision fees collected in the current biennium; however, it came nowhere near the projected caseload for the Division. If the Subcommittee is in agreement to fully staff the caseload, it stands to reason the Division should have the ability to collect the same amount of growth in their supervision fees.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE DECISION UNITS M-200 AND M-201, FUNDING 14 ADDITIONAL DPS OFFICER II POSITIONS IN THE FIRST YEAR AND ONE DPS OFFICER II IN THE SECOND YEAR, MOVING THE START DATE TO ACCOMMODATE TRAINING AS RECOMMENDED BY STAFF.

CHAIR PARKS:

My only question is whether or not training can begin by September 2007.

PHILLIP A. GALEOTO (Director, Department of Public Safety):

We will give it our best effort. We are currently working on running dual academies.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

MR. COMBS:

The next item is found in decision unit E-251.

E-251 Working Environment and Wage – Page PUBLIC SAFETY-125

This module is a recommendation to add new parole and probation specialist positions to address delays in completion of PSI reports. During the budget hearings, there was considerable testimony about the fact the P&P was having difficulty completing the PSI reports in a timely manner in the Southern Command. The Subcommittee received testimony from members of the Judiciary indicating they had concerns about the ability of the agency to keep pace with caseload growth in southern Nevada.

At the Subcommittee budget hearing, the Department indicated it would be withdrawing its request for ten additional positions based on its inability to justify that many positions. Budget amendment 64 was submitted by the Budget Division to create a new decision unit in E-252 that recommends

General Fund appropriations totaling \$174,000 in FY 2007-2008 and \$178,000 in FY 2008-2009 for three new parole and probation specialists to prepare PSI reports in Clark County. Although the Budget Division never submitted a formal budget amendment to eliminate the expenditures for the ten parole and probation specialists in decision unit E-251, the Division indicated its intent to reduce the total of new positions from ten to three. Staff has elected to make the necessary budget adjustments in decision unit E-251.

It appears the Division has been able to significantly reduce the number of requests for continuances in the Eighth Judicial District since the court made the decision to temporarily suspend its request for reports in gross misdemeanor cases. In the last few weeks, the requests for continuances have been reduced to one or two each week. That appears reasonable to staff given that some of the continuances are beyond the control of the Division.

The Division has indicated the three parole and probation specialists will be necessary in the next biennium based on the March 2007 caseload projections, although a slight decrease is reflected for this year because of the elimination of gross misdemeanor cases. This request appears reasonable to staff. At one point, continuances were being requested at a rate of 20 requests a week.

In addition to the 3 parole and probation specialists, budget amendment 64 also recommended \$85,000 in General Funds in FY 2007-2008 for a complete workflow study of the PSI process to determine if the workload-to-staff ratio of 64:1 is still appropriate. The Division has indicated the study should be performed by an organization with expertise in work-study evaluations of criminal justice agencies and that it would work with the Bureau of Justice Assistance and the court system to ascertain the parameters of the study and to locate the appropriate contractor to perform the study. Staff believes the study should not be limited to the validity of the current workload ratio, but should also include a comparison of the PSI report-writing process in Nevada to the process used in other states with similar programs. It should also include an evaluation of the content and quality of the PSI reports in Nevada compared to similar states. That would include an assessment of the instruments used by the Division to recommend sentences. Staff recommends appropriating the funds to the Department of Administration and directing that Department to contract for the study, although the study would still require extensive input from the DPS and the Division of Parole and Probation. The study has a potential for a fiscal impact; therefore, it would seem the Department of Administration would be the appropriate agency to administer the contract in this case.

As I indicated earlier, the March 2007 caseload projections indicated the Northern Command is currently staffed with one more parole and probation specialist position than necessary. Given three additional positions are recommended for the Southern Command, it seems reasonable to staff to allow the Northern Command to retain the extra position while the study is being performed.

CHAIR PARKS:

Several judges, including the chief judge of the Eighth Judicial District Court, requested the ten PSI-report writers. My question is to the agency, will we not be visited again by the courts asking for more PSI-report writer positions?

JOHN GONSKA (Chief, Division of Parole and Probation, Department of Public Safety):

I cannot guarantee that. I plan to schedule a meeting with the chief judge to explain the situation. I do not expect the courts to be overly happy about this decision. I cannot speak for them or anticipate their response. The meeting should include the district attorneys and public defenders, because this item involves them as well.

CHAIR PARKS:

The Subcommittee's concern is whether the additional three positions will provide the courts with what is needed, especially in light of the court's indication they want to return to requests for PSI reports on gross misdemeanors.

MR. GONSKA:

This is a major predicament for the P&P. In the current situation, we are caught up; however, if they reintroduce the gross misdemeanors, representing about a 20-percent increase, I cannot predict what the outcome may be. I am optimistic the study will show the P&P needs more than three parole and probation specialists in Clark County or even an increase in the Northern Command. That is the reason we asked for the study. The P&P has no empirical data to confirm or argue a need for additional positions. Intuitively we know they are needed, our staffing ratio is insufficient. The fair process is to embark on the study and have an independent body make that decision.

MR. GALEOTO:

In our original request, we reduced the number of positions requested based on the numbers available to us. As the Division Chief stated, we could not empirically support the original request. I adjusted the request for the three positions we are certain we need at this time. Then, the study, which would also involve the courts, on both ends of the State, to ensure we are providing the courts with the appropriate PSI reports throughout the State. The third request was that the agency be allowed to approach the IFC to increase staff based on the results of the study.

ASSEMBLYWOMAN MCCLAIN:

How many positions are there currently? The P&P is current at this time, but its workload may increase 20 percent if gross misdemeanors are once again requested. Three new positions have been requested. Might the staffing level be sufficient?

MARK W. STEVENS (Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Based on the current caseload standards established for PSIs, the three positions would be sufficient to meet the projected caseload needs during the next biennium. There is a question of whether the caseload standards are appropriate. The purpose of the study is to independently verify the

appropriateness of the standard. The current PSI caseload standard has been in effect a while; however, based on that standard, three additional positions in the Southern Command would be sufficient to meet the March 2007 caseload projections.

MR. COMBS:

These three positions in the Southern Command are in addition to a position added in each year within the *Executive Budget* to address caseload growth. It is hoped the addition of these three positions would accommodate the gross misdemeanor PSI requirements.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-251 TO INCREASE STAFFING WITH 3 PAROLE AND PROBATION SPECIALISTS, AND TO PERFORM THE WORKFLOW STUDY AT A COST OF \$85,000.

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The next item is a portion of Budget amendment 64, in decision unit E-260.

In this case, the Governor has recommended two new DPS officer II positions to monitor Tier III sex offenders using global positioning system (GPS) technology. The decision unit also includes \$80,300 in each fiscal year for contract expenditures to provide the GPS monitoring services.

The Division estimates 50 percent of the monitoring cost can be collected from the offenders as a condition of their supervision. The two positions are based on the Division's discussions with the State of Florida, which currently practices GPS-monitoring of sex offenders. The Division has indicated Florida uses a 17:1 offender to officer ratio. In response to questions from the Subcommittee, they indicated Florida has been using GPS technology for nine years and has determined that is the appropriate staffing level. Although the budget amendment indicated the GPS supervision would require the officers to spend hours at a computer monitoring offender movement, the Division indicates the contractor will identify the movement of offenders and will provide reports to the officers supervising the cases. The officers would be responsible for reviewing the reports and determining whether or not the movements were appropriate based on the offender's conditions of supervision and statutory requirements. The officer would then address inappropriate actions with the offender.

Although at one point it was indicated the cost of the monitoring would be paid entirely by offenders, the Division indicates that will not be possible given their past history with residential confinement and other fee collections. The Division estimates 50 percent of the total cost can be collected.

If the Subcommittee wishes to approve the funding for the GPS monitoring of Tier III offenders, staff recommends approval as a pilot project. Approval of the two positions should not be construed as the Legislature approving the offender-to-officer ratio of 17:1. Staff recommends a letter of intent be issued for the Division to report to the IFC semiannually regarding the effectiveness of the program and whether or not the offender-to-officer ratio used in Florida is appropriate for Nevada.

The Subcommittee has an option. Because the decision in this unit is tied to two pieces of legislation currently before the Senate Committee on Finance, the funds can be removed from the *Executive Budget* and placed into one or both pieces of legislation. Funding for the bill would fund the decision if enacted. If it is left in the budget and the legislation does not pass, the General Fund would be encumbered in the budget; however, the Division will not be authorized to utilize the funds. If the Subcommittee chooses to recommend the appropriation be included in legislation, staff recommends the appropriation for the vehicles and funding for the monthly rental cost of the vehicles also be moved into the pending legislation.

There were motor pool monthly charges included in budget amendment 64, but no new motor pool vehicles were added to the State Motor Pool one-shot funding. If the Subcommittee decides to include the motor pool charges in the budget, staff recommends the vehicles be included in the State Motor Pool one-shot appropriation. Staff has made recommendations to be discussed later that would not require additional vehicles to be added to the one-shot appropriation.

CHAIR PARKS:

Mr. Combs' work is commendable. I approve the suggestion to add funding to Senate Bill (S.B.) 232 or S.B. 471.

SENATE BILL 232 (1st Reprint): Makes various changes to the provisions governing sex offenders. (BDR 14-17)

SENATE BILL 471 (1st Reprint): Revises provisions relating to sex offenders and offenders convicted of a crime against a child. (BDR 14-1426)

The monitoring costs, as requested, are \$80,300 in each year of the biennium. I suggest the amount be increased to \$100,000 in each year as a pilot project. I also suggest rather than specifying "GPS monitoring," that we opt for the more generic term of "electronic monitoring." That term would include GPS and other types of monitoring available, especially since GPS signals have limited effectiveness inside buildings. There are currently 22 Tier III sex offenders. An allocation of \$80,300 may not cover the actual number of Tier III sex offenders.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE BUDGET AMENDMENT 64, DECISION UNIT E-260, BY PLACING IT IN ONE OR BOTH BILLS CURRENTLY IN THE SENATE COMMITTEE ON FINANCE AS A PILOT PROJECT WITH \$100,000 IN FY 2007-2008 AND FY 2008-2009 FOR ELECTRONIC MONITORING COSTS AND OTHER TECHNICAL ISSUES AS

RECOMMENDED BY STAFF INCLUDING MOTOR POOL MONTHLY CHARGES.

SENATOR TITUS SECONDED THE MOTION.

SENATOR TITUS:

I appreciate the motion. Senate Bill 232 is my bill. Senate Bill 471, including its fiscal note, also includes a DNA testing requirement. The other bill, S.B. 471 was submitted by the Governor's Office. I appreciate the suggestion of increasing the monitoring costs to \$100,000 each year. I believe the Division's estimate that they would be able to collect 50 percent of the cost from offenders is extremely optimistic. The amount collected from offenders under other programs runs at approximately a 15-percent collection rate. I do not want to see the program lost because of the inability to collect fees from offenders.

ASSEMBLYMAN PARKS ALSO MOVED TO RECOMMEND TO THE FULL COMMITTEE TO DIRECT THE DIVISION TO REPORT TO THE IFC SEMI-ANNUALLY REGARDING THE EFFECTIVENESS OF THE PROGRAM IN DETAIL.

SENATOR TITUS CONCURRED.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The next major issue is in decision unit E-727.

E-727 New Equipment – Page PUBLIC SAFETY-126

The Governor recommends \$271,917 in FY 2007-2008 and \$226,228 in FY 2008-2009 for 35 additional motor pool vehicles to ensure each of the Division's current sergeant positions is assigned a vehicle. The recommended funding would include 11 full-sized vehicles and 24 intermediate-size vehicles. It includes \$500 for each vehicle to install deck lights and windshield lights and \$4,200 for each vehicle for the costs of installation of mobile radios. Staff has included funding for motor pool rental costs and an additional vehicle in decision unit M-201.

M-201 Demographics/Caseload Changes – Page PUBLIC SAFETY-123

That would allow every new DPS officer II position recommended by the Governor to include rental costs for a motor pool vehicle. With the recommended approval of the additional 15 positions to address the latest caseload projections, there will be a need to ensure each of those positions is provided a motor pool vehicle as well.

Staff is convinced it is appropriate to include a new vehicle for every DPS officer position recommended in the budget. The Division has not provided

sufficient justification of a vehicle for every sergeant position. Officers are not always in the field supervising offenders. Officers also work in the office and not all officers are present each day. Therefore, there should be sufficient vehicles available to allow sergeants and parole and probation specialists use of a vehicle as they are available.

Staff recommends denial of 35 vehicles recommended in decision unit E-727 for the sergeant positions. However, the State Motor Pool one-shot appropriation includes funding for 63 vehicles. Based on the Subcommittee recommendation for approval of 15 new positions plus the needed funding for one additional vehicle in decision unit M-201, the one-shot State Motor Pool appropriation would be reduced from 63 vehicles to 46 vehicles. The recommendation would also include the two vehicles recommended for the GPS-monitoring program to be placed in pending legislation.

Budget amendment 115 was submitted for the State Motor Pool one-shot that reduced P&P's allotment from 63 vehicles to 53 vehicles. A total of 7 vehicles would be reduced under staff's recommendation.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO FOLLOW STAFF RECOMMENDATION IN DECISION UNIT E-727 AND M-201.

SENATOR TITUS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

There was discussion in the earlier budget hearing concerning approval of 11 full-sized vehicles and 24 intermediate-sized vehicles. What is the need for that particular complement of vehicles?

MR. COMBS:

I asked that question of the Division. The Division indicated it liked to maintain a portion of full-sized vehicles for transportation of offenders to jail or other locations. In those cases, they prefer to have the offender in the car with an officer in the back seat as well as the driver. The full-sized vehicles accommodate that need more appropriately. Staff had proposed, of the 15 new vehicles being added for new positions, that 7 be full-sized and 8 be intermediate-sized vehicles to retain a ratio similar to what was in the Governor's recommendation in this decision unit.

CHAIR RHOADS:

We will now turn to Other Closing Items.

MR. COMBS:

Next is Budget amendment 115. As Senator Titus noted, S.B. 471 includes requirements for collection of DNA samples from out-of-state sex offenders

residing in Nevada. This amendment would add \$366,450 in FY 2007-2008 and \$15,000 to cover the costs of collection and processing of the DNA samples. Budget amendment 115 indicates the request for funds is contingent upon the passage and approval of S.B. 471. The funding included in the amendment includes onetime funding of \$351,450 for laboratory costs of the 2,343 existing out-of-state offenders residing in Nevada. It includes \$15,000 in each fiscal year for the estimated 100 additional offenders projected to relocate to Nevada each year.

Budget amendment 115 was received after the budget hearings for this account. The Subcommittee has not had opportunity to receive testimony regarding the legislation or the need for the funding. The Subcommittee could choose to take action to approve or deny the budget amendment request or it could choose to indicate the funding should be included as an appropriation in S.B. 471, if the legislation is ultimately enacted. Staff recommends the funding not be included in the budget, consistent with the Subcommittee actions on the new positions to monitor sex offenders.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO FOLLOW STAFF'S RECOMMENDATION TO NOT INCLUDE THE FUNDING IN THE *EXECUTIVE BUDGET* AND PLACE THE APPROPRIATION IN PENDING LEGISLATION; AND TO RECOMMEND THE SEX OFFENDER BE REQUIRED TO PAY FOR THE DNA SAMPLE COLLECTION.

ASSEMBLYWOMAN WEBER:

I have a question regarding the 2,343 out-of-state offenders residing in Nevada. Are the 22 Tier III sex offenders identified for GPS monitoring included in the 2,343 figure?

MR. COMBS:

I am not aware of whether or not the 22 offenders are included. They are probably not included because the 22 are registered offenders. I would assume the 2,343 is an estimate of out-of-state offenders residing in Nevada and who are not registered.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The agency indicates they would like to further respond to Assemblywoman Weber's question.

ACTING MAJOR MARK WOODS (Executive Officer, Division of Parole and Probation, Department of Public Safety):

The 2,343 sex offenders are registered offenders in Nevada. They are not under supervision, nor are they addressed under the interstate compact. They have

simply moved to the State. The P&P has no responsibility or control over these offenders. Senate Bill 471 would require the 2,343 offenders to be tested for DNA.

ASSEMBLYWOMAN WEBER:

Are the 2,343 sex offenders categorized by Tier I, II or III?

MAJOR WOODS:

Yes, there are two groups of sex offenders coming into Nevada. There are those who fall under the interstate compact because they are either on parole or probation in another state. Those are the responsibility of the Division and they are tested for DNA results. If S.B. 471 passes, it would cover all sex offenders currently residing in Nevada who are not under supervision, requiring they be tested for DNA results. It would also provide testing for any additional sex offenders who move to Nevada without supervision requirements. All of the sex offenders are assigned a tier when they are registered.

ASSEMBLYWOMAN WEBER:

If Tier III offenders move to Nevada, are they required to comply with State GPS requirements?

MAJOR WOODS:

Because they are not under the supervision of the P&P, they would not be a part of the GPS-monitoring provisions. The GPS provisions are only for sex offenders supervised by the P&P.

CHAIR PARKS:

Who pays for the DNA testing of those sex offenders who are registered and move to Nevada from other states?

MAJOR WOODS:

The sex offenders you reference are under the interstate compact and currently consist of approximately 60 offenders. The Division requires the offender to pay the \$150 cost of testing.

MR. COMBS:

I have provided the Subcommittee with substantial information regarding the residential confinement program on page 8 of [Exhibit C](#).

The 2005 Legislature approved General Funds totaling approximately \$623,000 over the biennium to expand the residential confinement program to allow a change of policy by accepting individuals who were not immediately able to pay the residential confinement fees. The General Fund would cover the cost for 30 days and the individual would be reevaluated at that time concerning their ability to stay on the program and their ability to pay the residential confinement fees. That program was funded at approximately 50 percent through the General Fund. In reality, the agency was not able to collect that level of fee revenue from offenders. The Governor recommends 12.6-percent fee revenue and 87.4-percent General Funds for the upcoming biennium.

Based on the Division's projection of expenditures for FY 2006-2007, staff recommends the expenditures for the Program be increased slightly by approximately \$15,000 in FY 2007-2008 and \$24,000 in FY 2008-2009. That recommendation is based on application of the projected growth rate in the residential confinement program to the FY 2006-2007 projection. Staff recommends increasing the fee revenue by approximately \$9,300 in FY 2007-2008 and \$11,000 in FY 2008-2009. That recommendation is based on a projection the Division will collect approximately 15.5 percent of expenditures from offenders. That is the percentage the State Controller's database indicates is the current rate of collection to-date in FY 2006-2007. The balance of expenditures for the program will be funded with General Funds.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE OTHER CLOSING ITEM 2 WITH INCREASED EXPENDITURES AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

Next is Other Closing Item No. 3 concerning emergency lights for vehicles. Assembly Bill (A.B.) 29 has been requested to allow the P&P Division officers to use emergency lights on their vehicles. *Nevada Revised Statutes* (NRS) do not currently allow the Division to utilize emergency lights on vehicles.

ASSEMBLY BILL 29 (1st Reprint): Adds certain vehicles of certain governmental agencies to the authorized emergency vehicles list. (BDR 43-557)

The bill has been referred to the Assembly Committee on Ways and Means; however, no action has been taken on the legislation. In response to questions regarding the manner in which the Division would install lights on existing vehicles, the Division indicated it intends to acquire older deck lights that are surplus items of the Nevada Highway Patrol and request deck lights in future new vehicle requests.

Other information provided by the Division indicates it may consider the use of forfeiture funds to purchase lights for its existing vehicles. Based on the use of these other methods for installation of lights on its existing vehicles and the fact A.B. 29 has not moved from the Assembly, staff recommends removal of approximately \$27,000 from the budget for vehicle lights. If action is taken to process A.B. 29, the required funding could be included in the legislation as an appropriation, or a decision could be made by the Assembly Committee on Ways and Means and the Senate Committee on Finance to allow the Division to use other means to obtain lights for its vehicles.

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CHAIR PARKS:

Do deck lights refer to the rooftop lights seen typically?

MR. COMBS:

Deck lights are placed in the rear window of law enforcement vehicles. Some vehicles also had windshield lights that are placed on the visor and turned down when in use.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO DELETE COSTS OF \$27,100 FROM THE *EXECUTIVE BUDGET* AND EITHER PLACE THE APPROPRIATION IN THE LEGISLATION OR REFER IT TO FUNDING FROM FORFEITURE FUNDS AS RECOMMENDED BY STAFF.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

Closing Item No. 4 on page 9 of [Exhibit C](#) concerns the availability of forfeiture funds for the purchase of certain equipment items recommended for each officer and sergeant position in the account. The funding recommended for each new position includes \$3,210 for a handheld radio, \$3,600 for a mobile radio, \$500 for a bullet-proof vest, \$1,101 for a taser and \$500 for a weapon. The total cost for each officer position for these items is approximately \$8,900. Staff has eliminated the funding for three mobile radios for the three sergeant positions since a motor pool vehicle was not included for those positions in the Governor's budget. The total cost for the specified equipment for each sergeant position is reduced to \$5,311.

The Division indicates it currently has forfeiture funds in the amount of \$1.1 million for which it has not yet made plans for expenditure. Because the Subcommittee has approved the officer and sergeant positions recommended by the Governor, as well as the 15 additional positions to address the March 2007 caseload projections, the Subcommittee may wish to determine whether or not to allocate the forfeiture revenue to fund the equipment for the 15 additional positions that have been added or use forfeiture funds for all 49 new officer and sergeant positions in the Subcommittee's recommended budget. If the Subcommittee elects to use the forfeiture funds to purchase the equipment only for the 15 new officers the total would be \$133,665 over the biennium. The cost of equipment for the 49 officer and sergeant positions would be \$425,839 over the biennium.

Staff has discussed the use of forfeiture funds for this purpose with the agency. The only concern was the issue of supplanting revenue. The federal government does not allow an agency to utilize funds allocated to a specific area from State funding and trade it out for forfeiture funds. In this case, it would fund equipment for new positions, helping them become equipped to fulfill their

duties. Staff believes a strong case can be made for using forfeiture funds to equip the 15 new positions approved today. That will help fund the addition to the budget for the new positions. The Subcommittee is also warranted in funding all 49 new positions, but that is not as strong an argument as for the 15 additional positions. The forfeiture account budget has been closed so the Subcommittee would need to move to reopen that account to make the adjustment and close it again.

ASSEMBLYWOMAN McCLAIN:

What does the federal government have to do with how the Subcommittee chooses to fund this budget item?

MR. COMBS:

It is my understanding certain State forfeiture funds are revenue to this account and there are also certain forfeiture funds received through federal laws. There are different rules for the State funds versus the federal funds. The primary source of funding of the forfeiture fund balance of \$1.1 million is federal funds requiring the State to follow federal rules in use of the funds.

ASSEMBLYWOMAN McCLAIN:

Are the two types of revenue not accounted for separately?

MR. COMBS:

The two types of revenue are maintained separately. Currently, there is a low amount of funds from State forfeiture revenue. Federal funds are primarily available at this time.

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Budget Account 101-4703

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO OPEN THE FORFEITURE ACCOUNT 101-4703 TO FUND THE ENTIRE COST OF EQUIPMENT FOR 49 NEW OFFICER POSITIONS AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

Next is Closing Item No. 5 on page 9 of [Exhibit C](#). There was a recommendation from the CSG Justice Center, to contract with an independent consultant to assess the Division's risk and needs of offenders instrument. It appears \$50,000 would be a reasonable amount to set aside for such a study. The funding could be combined with the \$85,000 the Subcommittee previously approved for the PSI-workflow study. That would give the Department of

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Administration the flexibility to issue one or more contracts for each of the studies. The Subcommittee's decision is whether or not to approve the CSG recommendation for a risk and needs assessment tool.

CHAIR PARKS:

I strongly support the \$50,000 for the risk and needs assessment tool study. Would we appropriate the funding in B/A 101-3740 and then combine it with the PSI-workflow study?

MR. COMBS:

It would make the most sense to place the allocation in the back language of the Appropriations Act as an appropriation to the Department of Administration and combine the two amounts with an indication of how they are to be utilized.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE RISK AND NEEDS ASSESSMENT STUDY AS RECOMMENDED BY STAFF, PLACING THE AMOUNT IN THE BACK LANGUAGE OF THE APPROPRIATIONS ACT.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will now consider B/A 101-3800.

DPS - Parole Board – Budget Page PUBLIC SAFETY-191 (Volume III)
Budget Account 101-3800

MARK KRMPOTIC (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

There are two major closing items in this budget account. The first item concerns budget amendment 62 submitted by the Governor. The second item concerns the Open Meeting Law.

Budget amendment 62 proposes the addition of \$58,410 in FY 2007-2008 and \$57,885 in FY 2008-2009 representing additional General Funds for the State Board of Parole Commissioners (Parole Board). These funding amounts would provide the ability to the Parole Board to contract with hearing representatives that are allowed under NRS Chapter 213. The hearing representatives would work with the Parole Board to meet projected caseloads as they appear in the table on page 12 of [Exhibit C](#).

The Parole Board plans to contract with three hearing representatives. It will use two hearing representatives actively, one in northern Nevada and one in southern Nevada, to assist in meeting the projected level of hearings during the next biennium.

The proposal in budget amendment 62 includes additional training for the hearing representatives as required under NRS 213, to provide 40 hours of initial training and 16 hours of continuing education training for the hearing representatives.

The amendment proposed by the Governor appears to be a reasonable request to address the projected increases in parole hearings over the 2007-2009 biennium. Staff would note certain adjustments if this item is approved by the Subcommittee. One concerns the reduction in pricing for laptop computers and docking station recommended in this amendment and reductions of \$750 each year based on updated information regarding the number of days required for travel and training purposes. Lastly, staff recommends contract expenses proposed for hearing representatives be included in a separate category.

CHAIR PARKS:

In looking at the amounts appropriated and application of the 25-percent overhead costs, it appears each hearing representative would be under contract 78 days annually?

MR. KRMPOTIC:

The Parole Board has provided a schedule which, beginning in September 2007 would provide hearing representatives for approximately 14 days of hearings beginning at that time for each month through the end of the biennium.

CHAIR PARKS:

I was concerned whether or not funding is sufficient for the duration as estimated.

MR. KRMPOTIC:

The Parole Board has projected the number of hearings required. The plan, as submitted, would not utilize hearing representatives at every hearing conducted, but would use them for a portion of the month in which hearings are conducted.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE BUDGET AMENDMENT NO. 62 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. KRMPOTIC:

The next item concerns the Open Meeting Law. The Nevada Supreme Court ruled on an appeal from an inmate with respect to a local court ruling on complaints made against the State Board of Parole Commissioners. Several issues were considered; however, the issue of most concern to the Parole Board was the Court's ruling that it must comply with the Open Meeting Law when

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conducting parole hearings. The Nevada Supreme Court has issued a stay on its ruling indicating the Justices were reviewing a related case, and until that case was final, the initial ruling was subject to a rehearing or a revision.

There are two pieces of legislation pending related to the Open Meeting Law. One is S.B. 496 which would exempt the Parole Board from the requirements of the Open Meeting Law.

SENATE BILL 496: Makes various changes to provisions governing the State Board of Pardons Commissioners and the State Board of Parole Commissioners. (BDR 19-1435)

That bill has passed in the Senate and has been referred to the Assembly Select Committee on Corrections, Parole, and Probation. The second bill is A.B. 416 which has been referred to the Assembly Committee on Ways and Means.

ASSEMBLY BILL 416 (1st Reprint): Makes various changes to provisions concerning the Department of Corrections. (BDR 16-190)

This bill would require the Parole Board to comply with the Open Meeting Law. The Parole Board has submitted an unsolicited fiscal note totaling approximately \$1.5 million annually, primarily in personnel costs required to meet the Open Meeting Law. The cost primarily includes staffing to provide additional days of hearings throughout the biennium. The Parole Board anticipates each hearing, if required to comply with the Open Meeting Law, would be longer and therefore, not as many hearings could be conducted in a day. The proposed fiscal note would add to two commissioners and eight analysts to assist the Parole Board in reviewing case files and preparing them for hearings. In addition, the fiscal impact includes staffing to record and transcribe minutes, to provide notices to inmates as required under A.B. 416 and additional other staff such as supervisors and clerical support staff.

If the Subcommittee wishes to support A.B. 416, staff would recommend any funding required to enable the Parole Board to meet the Open Meeting Law be included in the legislation.

CHAIR PARKS:

Assembly Bill 416 was heard in the Assembly Committee on Ways and Means and no action has yet been taken. Senate Bill 496 is still in the Assembly Select Committee on Corrections, Parole and Probation. It also had a hearing. Does the Subcommittee wish to add the requested funding into A.B. 416 to cover compliance with the Open Meeting Law?

MR. KRMPOTIC:

Staff would recommend if the Subcommittee wishes to support A.B. 416, the funding be included in the bill. If the bill were not to pass, additional funds would not be allocated to the Parole Board to comply with a requirement nonexistent in the law.

ASSEMBLYWOMAN MCCLAIN:

I would like to clarify the motion. Will the motion not encumber a specific funding allocation?

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CHAIR PARKS:

That is correct. Staff has indicated an amount of approximately \$750,000 would be perhaps a more appropriate amount.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE THAT FUNDING FOR COMPLIANCE WITH THE OPEN MEETING LAW BE ADDED TO A.B. 416.

MR. KRMPOTIC:

Staff noted the \$750,000 amount in relation to two additional commissioners and eight analysts to prepare case files for each hearing. The total amount of the fiscal note, as provided by the Parole Board, is \$1.5 million in each year of the biennium.

CHAIR RHOADS:

Does the maker of the motion wish to amend the motion to \$1.5 million in each year?

CHAIR PARKS:

There is some controversy or discussion needed relative to the actual amount necessary. As Assemblywoman McClain indicated, it would be preferable to not place a specific amount in this motion.

ASSEMBLYWOMAN McCLAIN:

I agree. The actual amount necessary will be determined before final action is taken on A.B. 416.

CHAIR RHOADS:

How should the motion be worded?

MR. STEVENS:

The motion should be similar to that in the budget containing funding for the GPS-offender-tracking program. That motion included appropriate funding in the legislation contingent upon its passage. The same principal applies here. If the Assembly Committee on Ways and Means processes A.B. 416 and includes an Open Meeting Law requirement for the Parole Board, they would have to determine the actual appropriation necessary. That amount would be included in the bill when it is transmitted to the Senate.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE THAT WHATEVER FUNDING IS REQUIRED TO COMPLY WITH THE OPEN MEETING LAW BE PLACED IN A.B. 416.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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MR. KRMPOTIC:

First in other items are decision units M-801 and E-801.

M-801 Cost Allocation – Page PUBLIC SAFETY-193

E-801 Cost Allocation – Page PUBLIC SAFETY-194

Staff would note two other items in this budget account. One concerns the cost allocations. Staff seeks authority from the Subcommittee to make changes to the administrative cost and technology allocations based on final approval of related budgets of the Director's Office, Administrative Services, Office of Professional Responsibility and Technology Division budget accounts.

Next is decision unit E-813.

E-813 Unclassified Step Adjustments – Page PUBLIC SAFETY-194

Additional General Funds of approximately \$38,000 each year are recommended for unclassified pay increases for the chair and commissioners. Staff requests approval to adjust this decision unit based on final approval of the unclassified pay changes of the Assembly Committee on Ways and Means and the Senate Committee on Finance.

ASSEMBLYMAN PARKS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS M-801, E-801 AND E-813 AS RECOMMENDED BY STAFF.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR RHOADS:
Seeing no further business before this Subcommittee, the hearing is adjourned
at 11:03 a.m.

RESPECTFULLY SUBMITTED:

Cynthia Clampitt,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____

Assemblyman David R. Parks, Chair

DATE: _____