

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-fifth Session  
April 28, 2009

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 by Chair Joyce Woodhouse at 8:04 a.m. on Tuesday, April 28, 2009, 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 Joyce Woodhouse, Chair  
Senator Bob Coffin  
Senator Dean A. Rhoads

**ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:**

Assemblywoman Kathy McClain, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblyman Marcus Conklin  
Assemblyman Pete Goicoechea  
Assemblywoman Ellen Koivisto  
Assemblywoman Sheila Leslie

**STAFF MEMBERS PRESENT:**

Brian M. Burke, Principal Deputy Fiscal Analyst  
Michael J. Chapman, Senior Program Analyst  
Sarah Coffman, Program Analyst  
Jeffrey A. Ferguson, Program Analyst  
Eric King, Program Analyst  
Tracy Raxter, Principal Deputy Fiscal Analyst  
Patricia O'Flinn, Committee Secretary

**OTHERS PRESENT:**

Howard Skolnik, Director, Nevada Department of Corrections

CHAIR WOODHOUSE:

We will begin with the Colorado River Commission. This budget starts on page 31 of the Joint Subcommittee on Public Safety, Natural Resources and Transportation Closing List #4. ([Exhibit C](#), original is on file in the Research Library).

MICHAEL J. CHAPMAN (Senior Program Analyst, Fiscal Division, Legislative Counsel Bureau):

The first account is budget account (B/A) 296-4490.

## INFRASTRUCTURE

### COLORADO RIVER COMMISSION

CRC - Colorado River Commission – Budget Page COLORADO RIVER COMM-1  
(Volume III)

Budget Account 296-4490

This is the main account for the Colorado River Commission (CRC). The CRC is supported by administrative assessments against its customers; there are no General Funds in this account. The *Executive Budget* recommends eliminating a natural resource technician and an energy supply manager in decision unit E-606. These two positions have been vacant for over a year and the CRC does not anticipate needing them in the upcoming biennium. Elimination of these two positions generates a cost savings of \$360,797 over the biennium with corresponding increases to the CRC's reserves.

#### E-606 Staffing and Operating Reductions – Page COLORADO RIVER COMM-4

During Staff's review of positions in this account, it was noted that 13.5 full-time equivalent (FTE) positions were vacant as of April. Of these, 11.51 FTEs have been vacant over a year. In discussing these positions with the CRC, it was determined that 4.5 FTEs could be eliminated.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-606 IN B/A 296-4490 AS RECOMMENDED BY THE GOVERNOR; AND TO ELIMINATE THE SENIOR ENERGY ACCOUNTANT, A 0.51 FTE ADMINISTRATIVE AID, A POWER FACILITIES ENGINEER, THE REGULATORY AFFAIRS MANAGER AND AN ENERGY SUPPLY MANAGER.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. CHAPMAN:

The Governor recommends funding for environmental research and development contracts pursuant to the *Nevada Revised Statutes* (NRS) 538.226 in decision unit E-350.

#### E-350 Environmental Policies and Programs – Page COLORADO RIVER COMM-3

Decision unit E-351 recommends reserve funding of \$25,000 each year to support a Water Planning and Development Conference aimed at increasing the level of knowledge of the challenges in water resource issues in the Colorado River basin, as well as publishing booklets which examine the legal regimes under which the Colorado River and other international rivers operate.

E-351 Environmental Policies and Programs – Page COLORADO RIVER COMM-3

Decision unit E-352 recommends reserve funding of \$28,492 in FY 2009-2010 and \$45,964 in FY 2010-2011 for increased in-State and out-of-State travel and staff training.

E-352 Environmental Policies and Programs – Page COLORADO RIVER COMM-3

Decision unit E-710 recommends reserve funding of \$82,594 in the biennium for replacement equipment. During a review of the technology equipment recommended for replacement, the CRC indicated the recommendation to replace eight color laserjet printers could be eliminated as the Commission recently upgraded its photocopying equipment which is capable of printing documents directly from computer equipment. Fiscal Staff has included a technical adjustment in this closing document to remove the eight color printers, and associated reserve funding of \$5,200 each year of the biennium, from module E-710.

E-710 Replacement Equipment – Page COLORADO RIVER COMM-6

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-350, E-351 AND E-352 AS RECOMMENDED BY THE GOVERNOR; TO APPROVE DECISION UNIT E-710 WITH TECHNICAL ADJUSTMENTS MADE BY STAFF IN B/A 296-4490; AND TO GRANT FISCAL STAFF THE AUTHORITY TO MAKE ADJUSTMENTS TO SALARY AND FRINGE BENEFITS BASED ON ACTIONS TAKEN BY THE 2009 LEGISLATURE, AS WELL AS TECHNICAL ADJUSTMENTS FOR FINAL ASSESSMENTS FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY, ATTORNEY GENERAL, STATEWIDE COST ALLOCATION PLANS AND SIMILAR ITEMS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO GRANT FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS FOR SALARY AND FRINGE BENEFITS BASED ON SALARY AND FRINGE BENEFITS FOR ALL BUDGETS CLOSED TODAY.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

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SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. CHAPMAN:  
We will now move to B/A 296-4497.

CRC - Research and Development – Budget Page COLORADO RIVER COMM-8  
(Volume III)  
Budget Account 296-4497

This account is primarily utilized to administer the Lower Colorado River Multi-Species Conservation Program (LCRMSCP) to comply with the Endangered Species Act. This account is funded through assessments on CRC customers. The *Executive Budget* recommends cost-share funding of the LCRMSCP of \$718,816 in FY 2009-2010 and \$814,418 in FY 2010-2011.

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 296-4497 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. CHAPMAN:  
The next item is B/A 502-4501.

CRC - Power Delivery System – Budget Page COLORADO RIVER COMM-10  
(Volume III)  
Budget Account 502-4501

The Power Delivery Project Fund accounts for all of the costs associated with the CRC's high-voltage power delivery system for the Southern Nevada Water Authority's (SNWA) water delivery system. Funding is provided through monthly billings to SNWA in accordance with the approved operational budget. Decision unit M-101 recommends additional power sales revenue of \$31.8 million in FY 2009-2010 and \$35.8 million in FY 2010-2011 to purchase additional power to meet the current and future usage needs projected by the SNWA and its member agencies.

M-101 Inflation-Agency Specific – Page COLORADO RIVER COMM-10

Decision unit E-275 recommends additional power sales revenue from the SNWA of \$285,000 in FY 2009-2010 to fund an energy services data

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warehouse that will allow for the integration of information on power purchases and will track all purchases from the original bid to final delivery.

E-275 Maximize Internet and Technology – Page COLORADO RIVER COMM-11

Decision unit E-325 recommends reserve funding of \$14,053 over the biennium to support additional out-of-State and in-State travel for CRC staff.

E-325 Services at Level Closest to People – Page COLORADO RIVER COMM-12

Finally, module E-710 recommends reserve funding of \$61,981 in FY 2009-2010 to purchase two replacement vehicles.

E-710 Replacement Equipment – Page COLORADO RIVER COMM-12

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS M-101, E-275, E-325 AND E-710 IN B/A 502-4501 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. CHAPMAN:

The last item for the CRC is B/A 505-4502.

CRC - Power Marketing Fund – Budget Page COLORADO RIVER COMM-14  
(Volume III)

Budget Account 502-4502

The Power Marketing Fund is used to record purchases and sales of power and other power marketing related activities. Decision unit M-101 recommends additional power sales revenue of \$18.1 million in FY 2009-2010 and \$25.7 million in FY 2010-2011 to meet the current and future usage needs projected by the CRC and its customers.

M-101 Inflation-Agency Specific – Page COLORADO RIVER COMM-15

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE B/A 505-4502 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

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SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to the Nevada Tahoe Regional Planning Agency budget, B/A 101-4166.

#### CONSERVATION AND NATURAL RESOURCES

DCNR - Nevada Tahoe Regional Planning Agency – Budget Page DCNR-105  
(Volume III)  
Budget Account 101-4166

SARAH COFFMAN (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The Subcommittee has not previously heard this budget. The Nevada Tahoe Regional Planning Agency regulates structures that house gaming establishments. The Governor recommends General Fund appropriations of \$1,541 each year of the biennium in support of board meetings and associated travel costs.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE B/A 101-4166 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will next hear B/A 101-4204.

DCNR - Tahoe Regional Planning Agency – Budget Page DCNR-15  
(Volume III)  
Budget Account 101-4204

Ms. COFFMAN:

The *Executive Budget*, as originally submitted, recommends the elimination of all Department of Motor Vehicles (DMV) Pollution Control Funds in the Tahoe Regional Planning Agency (TRPA) in decision unit E-250.

E-250 Working Environment and Wage – Page DCNR-16

However, according to Budget Amendment No. 54, an error was found in the revenue projections associated with the DMV Pollution Control account resulting in more DMV Pollution Control revenue becoming available. Rather than keeping

the additional revenue in the DMV Pollution Control reserve, the Governor recommends restoring fund transfers from the DMV Pollution Control fund of \$171,485 in each year, which is consistent with the level of DMV Pollution Control funds provided to the TRPA in FY 2008-2009. Budget Amendment No. 54 establishes decision unit E-251 to restore DMV Pollution Control funding of \$104,485 in each year of the biennium in order to fund seasonal staff salaries of \$54,485 each year and an air quality monitoring contract for \$50,000 each year.

Historically, Nevada has contributed \$200,000 each year as its one-third share to the TRPA's regional plan and threshold monitoring as an enhancement unit, not as an ongoing contribution to the Base Budget. The *Executive Budget*, as originally submitted, recommends General Fund appropriations of \$133,000 each year of the biennium for the Pathway 2007 Regional Plan in the Base Budget instead of seeking continued funding as an enhancement which is a departure from previous budget presentations. Budget Amendment No. 54 removes baseline funding of \$133,000 each year of the biennium for the Pathway 2007 Regional Plan and restores the corresponding funds in a new decision unit E-350 and adds DMV Pollution Control funds of \$67,000 each year to the new decision unit to provide the TRPA with the full \$200,000 contribution historically provided by Nevada for the Pathway 2007 Regional Plan.

ASSEMBLYWOMAN LESLIE:

This is good news. I would like to see it in the Base Budget and not as an enhancement.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE BUDGET AMENDMENT NO. 54, WHICH RESTORES FUND TRANSFERS FROM THE DMV POLLUTION CONTROL FUND TO THE TRPA OF \$171,485 EACH YEAR, ELIMINATES BASE BUDGET FUNDING OF THE PATHWAY 2007 REGIONAL PLAN AND CREATES DECISION UNIT E-350 WHICH RECOMMENDS BASELINE FUNDING OF \$200,000 EACH YEAR OF THE BIENNIUM FOR THE PATHWAY 2007 REGIONAL PLAN; AND TO ISSUE A LETTER OF INTENT SPECIFYING THE FUNDING SOURCE OF THE PATHWAY 2007 REGIONAL PLAN BE DETERMINED BY THE GOVERNOR IN FUTURE BIENNIA.

SENATOR COFFIN SECONDED THE MOTION.

CHAIR McCLAIN:

If this funding is put into the Base Budget will it always be General Fund, or will the DMV Pollution Control Fund contribute as well?

MS. COFFMAN:

Currently, there is \$133,000 in General Fund appropriations and DMV Pollution Control Fund appropriations of \$67,000. However, the DMV Pollution Control Fund is governed by a statute that restricts its use by any other agencies if it falls below a \$1-million threshold. The Subcommittee would have to create a mechanism to allow flexibility in the ability to fund this \$200,000 with either General Fund or DMV Pollution Control Fund appropriations.

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ASSEMBLYWOMAN LESLIE:

To clarify, as the Executive Branch builds the budget, it would come back to the Legislature with whatever mechanism is appropriate. I understand this is the Governor's recommendation.

Ms. COFFMAN:

That is correct. It would be built into the *Executive Budget*, and the Governor would decide the funding source. The Subcommittee may want to issue a letter of intent directing flexibility of the funding source.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. COFFMAN:

According to the TRPA's compact, requests for funds must be apportioned two-thirds from California and one-third from Nevada. However, these states are not required to approve funding in accordance with the split. The cumulative actions recommended by the Governor result in a reduction of Nevada's funding contribution to one-quarter in each year of the 2009-2011 biennium. Given that Budget Amendment No. 54 has just been passed to restore the DMV Pollution Control funds, an additional \$556,608 each year of the biennium would be required to restore Nevada's historical one-third share. During its March 27 Work Session, the Subcommittee reached a consensus to restore additional DMV Pollution Control funds of \$256,640 each year of the biennium.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CONFIRM THE SUBCOMMITTEE'S WORK SESSION CONSENSUS TO INCREASE DMV POLLUTION CONTROL FUNDS BY \$256,640 IN EACH YEAR OF THE BIENNIUM TO SUPPORT AIR QUALITY THRESHOLD MONITORING.

SENATOR RHOADS SECONDED THE MOTION.

SENATOR COFFIN:

We should support the effort more than that. California is in worse shape than we are. I cannot support the minimal effort the motion expresses.

CHAIR MCCLAIN:

It is my understanding that California has not always provided two-thirds of the funding.

Ms. COFFMAN:

Historically, California did not provide its share of cost-of-living increases until 2007. The State of Nevada has provided one-time bonuses to the TRPA because California did not provide a matching contribution.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)



SENATE: THE MOTION CARRIED. (SENATOR COFFIN VOTED NO.)

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SENATOR COFFIN:

The cost-of-living increases provided by the State of Nevada were for Nevada employees, not to California employees.

Ms. COFFMAN:

The *Executive Budget* displays \$83,500 in General Fund Salary Adjustments each year which is a revenue source only available in the 2007-2009 biennium. Since funds do not exist in the Board of Examiners salary adjustment account for the 2009-2011 biennium, the TRPA's budget includes a revenue shortfall of \$83,500 each year. To correctly reflect the continuation of Nevada's share of funding for the salary increases in the 2009-2011 biennium, the Base Budget should have included General Fund appropriations of \$83,500 each year and eliminated General Fund salary adjustment revenue of \$83,500 each year. The *Executive Budget* does not include a component for vacancy savings in either year of the biennium for the TRPA; however, in previous biennia a vacancy savings of approximately \$80,000 has been budgeted for the Agency. Therefore, the shortfall in General Fund appropriations could be offset by vacancy savings.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CORRECT THE FUNDING IMBALANCE IN B/A 101-4204 BY REDUCING GENERAL FUND SALARY ADJUSTMENTS BY \$83,500 EACH YEAR WITH A CORRESPONDING INCREASE IN VACANCY SAVINGS.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYMAN GOICOECHEA:

Is that a rollback to the budget?

Ms. COFFMAN:

It is actually a wash. We would eliminate the General Fund salary adjustment revenue and add it back to the vacancy savings.

CHAIR WOODHOUSE:

We will move on to State Lands, B/A 101-4173.

Ms. COFFMAN:

Decision unit E-607 recommends eliminating one of five land agent positions within the State Land Office responsible for acquiring, holding and administering State lands. If this position is eliminated, the Agency has indicated regularly scheduled land inspections would decline by 20 percent, which could lead to encroachment issues. However, the Agency provided testimony indicating the encroachment issues would not be significant.

E-607 Staffing and Operating Reductions – Page DCNR-98

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-607 IN B/A 101-4173 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. COFFMAN:

Decision unit E-613 recommends eliminating a vacant land use planner II position responsible for representing the State on federal land issues, providing publications of laws related to planning and assisting local municipalities with land planning issues. While most of the position's responsibilities will be assumed by the Agency's existing land use planner, the Agency will not be carrying out as many of the requests for local municipality assistance.

E-613 Staffing and Operating Reductions – Page DCNR-99

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-613 OF B/A 101-4173 AS RECOMMENDED BY THE GOVERNOR.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. COFFMAN:

There are three other closing items for this budget account. The first is the reduction of appropriations for travel and training expenditures in decision units E-606, E-609 and E-610.

E-606 Staffing and Operating Reductions – Page DCNR-98

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E-609 Staffing and Operating Reductions – Page DCNR-99

E-610 Staffing and Operating Reductions – Page DCNR-99

The Governor recommends replacing the funding source for a seasonal forester position in decision unit E-608. Historically, this position has been funded with General Fund appropriations; however, the Governor recommends funding this position with Environmental Improvement Program bond funds.

E-608 Staffing and Operating Reductions – Page DCNR-98

Finally, decision unit E-710 recommends the replacement of various computer hardware and software in accordance with the Department of Information Technology (DoIT) replacement schedule.

E-710 Replacement Equipment – Page DCNR-102

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-606, E-608, E-609, E-610 AND E-710 IN B/A 101-4173 AS RECOMMENDED BY THE GOVERNOR; AND TO GRANT STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS FOR ANY PRICE REVISIONS TO REPLACEMENT EQUIPMENT.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to the Forestry budget, B/A 101-4195.

DCNR - Forestry – Budget Page DCNR-21 (Volume III)  
Budget Account 101-4195

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

This account is being presented to the Subcommittee for a closing decision on decision unit E-660. The Subcommittee took closing action on all other items on March 31, 2009.

E-660 Program Reductions/Reductions to Services – Page DCNR-27

Decision unit E-660 reduces General Fund appropriations by \$57,689 in FY 2009-2010 and \$55,702 in FY 2010-2011 by eliminating a conservation staff specialist II position in the Division's Central Reporting Unit (CRU) in Carson City. This position, which is funded with CRU assessment fees, serves

as the State Mutual Aid Coordinator. The incumbent coordinates efforts with local governments and other entities to properly account for deployed fire resources. The Subcommittee expressed concern during the first budget hearing regarding who would assume the Mutual Aid Coordinator role. On April 20, 2009 the Division of Emergency Management received approval from the Interim Finance Committee (IFC) for a new grants and projects analyst III position. This position will assume the Mutual Aid Coordinator role on a statewide basis. Given that, the Agency indicates they will be able to absorb the elimination of the conservation staff specialist II position without significantly affecting operations. Does the Subcommittee wish to eliminate the conservation staff specialist II position and utilize the fee revenue used to support this position to fund the CRU position currently supported with General Funds?

SENATOR COFFIN:

We had a motion to approve removal of the southern regional forester at the last Subcommittee meeting. I thought that passed. If there is a new source of income, why do we not use it for a forester instead of a grants manager coordinator?

MR. FERGUSON:

At the closing hearing on decision unit M-160, the Senate and the Assembly closed differently. The Senate voted to restore the position and the Assembly did not.

M-160 Position Reductions Approved in 07-09 – Page DCNR-25

SENATOR COFFIN:

Why does it come back to the Subcommittee?

MR. FERGUSON:

It does not. We are discussing decision unit E-660.

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-660 IN B/A 101-4195.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to Forest Fire Suppression, B/A 101-4196.

DCNR - Forest Fire Suppression – Budget Page DCNR-35 (Volume III)  
Budget Account 101-4196

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MR. FERGUSON:

This account was held open by the Subcommittee during the previous budget closing hearing on March 31, 2009. Decision unit E-660 adjusts transfers to the Forestry budget resulting from the elimination of the conservation staff specialist II position in B/A 101-4195.

E-660 Program Reductions/Reductions to Services – Page DCNR-37

The only other item is the Base Budget which continues General Fund appropriations of \$2.5 million in each year of the biennium in support of fire suppression activities.

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE B/A 101-4196 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYMAN GOICOECHEA:

If there is any extra money, we should look to this account: \$2.5 million is not sufficient to fight fires across the whole State of Nevada.

CHAIR WOODHOUSE:

We will now move to State Parks, B/A 101-4162.

DCNR - State Parks – Budget Page DCNR-63 (Volume III)  
Budget Account 101-4162

MR. FERGUSON:

There are a number of budget reduction items in B/A 101-4162. To briefly summarize: the elimination of 13 positions; the partial closure of 11 park facilities; 3 park facilities that would not be opened; the loss of 22 months of seasonal salaries; and the reduction of park regions from 4 to 2. Regarding the 13 positions recommended for elimination, the Subcommittee reached consensus to restore 3: the park ranger technician III at Buckland Station in decision unit E-612; the park interpreter II at the Regional Visitor Center at Panaca in decision unit E-609; and the commissioned park supervisor I at Echo Canyon in decision unit E-611.

E-609 Staffing and Operating Reductions – Page DCNR-68

E-611 Staffing and Operating Reductions – Page DCNR-69

E-612 Staffing and Operating Reductions – Page DCNR-70

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The General Fund cost for the restoration of these three positions is \$193,190 in FY 2009-2010 and \$194,685 in FY 2010-2011. In addition, does the Subcommittee wish to approve decision modules M-160, E-606, E-610, E-613, E-616 and E-630 which eliminate the remaining 10 positions?

M-160 Position Reductions Approved in 07-09 – Page DCNR-66

E-606 Staffing and Operating Reductions – Page DCNR-67

E-610 Staffing and Operating Reductions – Page DCNR-69

E-613 Staffing and Operating Reductions – Page DCNR-70

E-616 Staffing and Operating Reductions – Page DCNR-71

E-630 Eliminate or Reduce New Prog Not Yet Implemented – Page DCNR-72

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE WORK SESSION RECOMMENDATION TO RESTORE 3 OF THE POSITIONS RECOMMENDED FOR ELIMINATION BY THE GOVERNOR IN DECISION UNITS E-609, E-611 AND E-612 IN B/A 101-4162 AT A GENERAL FUND COST OF \$193,190 IN FY 2009-2010 AND \$194,685 IN FY 2010-2011; AND TO APPROVE DECISION UNITS M-160, E-606, E-610, E-613, E-616 AND E-630 IN B/A 101-4162 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

SENATOR RHOADS:  
Is that an add-on to the budget?

CHAIR WOODHOUSE:  
Yes, it is.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:  
Based on the Subcommittee's decision to restore these three positions, the Regional Visitor's Center at Panaca, Echo Canyon State Park and Buckland Station will be able to operate year-round. During the March 27 Work Session, the consensus of the Subcommittee was to restore General Fund appropriations of \$3,368 in each year of the biennium to keep seven park facilities open year-round: Dayton State Park, decision unit E-662; Ward Charcoal Ovens, decision unit E-663; Beaver Dam State Park, decision unit E-664; Dangberg Home Ranch, decision unit E-665; Lahontan State Park, decision unit E-666; Sand Harbor boat ramp at Lake Tahoe State Park, decision unit E-667; and Rye Patch Reservoir decision unit E-668.

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E-662 Program Reductions/Reductions to Services – Page DCNR-73

E-663 Program Reductions/Reductions to Services – Page DCNR-74

E-664 Program Reductions/Reductions to Services – Page DCNR-74

E-665 Program Reductions/Reductions to Services – Page DCNR-75

E-666 Program Reductions/Reductions to Services – Page DCNR-75

E-667 Program Reductions/Reductions to Services – Page DCNR-75

E-668 Program Reductions/Reductions to Services – Page DCNR-76

In addition, the Subcommittee consensus was to restore decision unit E-614, the seasonal work force at the Old Las Vegas Mormon Fort for a General Fund cost of \$53,949 in each year of the biennium.

E-614 Staffing and Operating Reductions – Page DCNR-71

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE WORK SESSION RECOMMENDATION TO KEEP OPEN THE SEVEN PARK FACILITIES IN DECISION UNITS E-662, E-663, E-664, E-665, E-666, E-667 AND E-668 IN B/A 101-4162 AT A GENERAL FUND COSTS OF \$3,468 IN EACH YEAR OF THE BIENNIUM; AND TO APPROVE THE WORK SESSION RECOMMENDATION TO RESTORE THE SEASONAL WORKFORCE IN DECISION UNIT E-614 OF B/A 101-4162 FOR A GENERAL FUND COST OF \$53,949 IN EACH YEAR OF THE BIENNIUM.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-607 eliminates the equivalent of 13 months of seasonal salary costs from 3 State park facilities: 6 months at Mormon Station; 5 months at Kershaw-Ryan; and 2 months at Sand Harbor. The consensus of the Subcommittee Work Session was to restore these seasonal salaries at a cost of \$36,400 in each year of the biennium.

E-607 Staffing and Operating Reductions – Page DCNR-68

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE WORK SESSION RECOMMENDATION TO RESTORE 13 SEASONAL MONTHS OF SALARY IN DECISION

UNIT E-607 IN B/A 101-4162 AT A GENERAL FUND COST OF \$36,400 EACH YEAR OF THE BIENNIUM.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

That concludes the potential budget add backs recommended by the Subcommittee. Decision unit E-615 eliminates seasonal salary costs to operate the noxious weed program in the Panaca region, providing General Fund savings of \$24,626 in each year of the biennium.

E-615 Staffing and Operating Reductions – Page DCNR-71

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-615 IN B/A 101-4162 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

The Governor recommends General Fund appropriations of \$509,131 each year of the biennium in decision unit E-125 to replace the recurring transfer of lodging tax funds from the Nevada State Tourism budget.

E-125 Equitable, Stable Tax Structure – Page DCNR-67

Historically, a portion of the Division's General Fund requirement has been replaced with transfers from the Tourism budget. However, the Governor is proposing to convert the Nevada State Tourism budget from a nonGeneral Fund budget to a General Fund budget beginning with the 2009-2011 biennium. Accordingly, the *Executive Budget* eliminates the transfer of Tourism funds to State Parks, and replaces those funds with General Funds. During the budget hearing, the Division testified that if the recommended replacement of funds were not approved, it would have a devastating effect, resulting in a number of park closures and additional position eliminations. There is still some uncertainty about the disposition of the Tourism budget. Staff requests authority to make the appropriate changes in the manner in which the funds are transferred: directly from the Tourism budget; or from Tourism through the General Fund.



ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO GRANT AUTHORITY TO FISCAL STAFF TO ADJUST DECISION UNIT E-125 IN B/A 101-4162 AS NECESSARY BASED UPON THE DECISIONS OF THE COMMITTEE REGARDING THE TOURISM BUDGET.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-710 recommends General Funds of \$21,800 in FY 2009-2010 for the purchase of replacement equipment deemed necessary for health, safety and critical law enforcement communications.

E-710 Replacement Equipment – Page DCNR-78

Decision unit E-711 recommends General Funds of \$70,978 in FY 2009-2010 for the purchase of replacement law enforcement vehicles.

E-711 Replacement Equipment – Page DCNR-78

Decision unit E-720 recommends funds of \$15,076 in FY 2009-2010 to purchase a snowblower for Wild Horse State Park, water rescue equipment at Lahontan and a transmission jack for the Northern Region's maintenance shop. However, \$9,000 for the snowblower at Wild Horse State Park can be removed from this decision unit because the Division's work program to authorize receipt of additional Marina Development Gas Tax and Excess Property sales revenues was approved at the IFC meeting on April 20, 2009.

E-720 New Equipment – Page DCNR-79

The Budget Office submitted Budget Amendment No. 21 to eliminate a duplicate reduction in rent costs in the Division's budget. Rent for the Carson Regional Headquarters, which is recommended for elimination, was erroneously removed from the budget twice. Staff has made the appropriate adjustments to the Base Budget in accordance with the budget amendment, resulting in the need for additional General Funds of \$27,037 in each year of the biennium.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-710 AND E-711 IN B/A 101-4162 AS RECOMMENDED BY THE GOVERNOR; TO APPROVE DECISION UNIT E-720 AS AMENDED BY STAFF; AND TO APPROVE BUDGET AMENDMENT NO. 21.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

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SENATOR RHOADS:

Does this mean that Wild Horse State Park does not receive a snowblower?

MR. FERGUSON:

They will get their snowblower this fiscal year.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

During the Work Session on March 27, 2009, the Subcommittee expressed support for implementing the Valley of Fire wedding program, which was approved by the 74th Legislative Session, but not implemented because it required a fee increase and was therefore not supported by the Governor. This program is not included in the *Executive Budget*. The program would allow the Division to increase the fee for commercial weddings from \$15 to \$150, which would fund two new positions, one administrative assistant I and one commissioned park ranger II, as well as one new vehicle and some program operating costs. The total cost for the program would be \$161,834 in FY 2009-2010 and \$113,351 in FY 2010-2011. If the Subcommittee wishes to authorize a commercial wedding program at the Valley of Fire State Park, the Division has indicated they would not implement this program without the Governor's support. If this program is approved by the Legislature, but not implemented, it could negatively impact the Division's ability to retain fee revenue to support park repairs and maintenance. Chapter 407.0762 of the NRS allows State Parks to retain any fee revenue collected in excess of those budgeted to be used for the repair and maintenance of State Parks. If fees that will not be collected are built into the Division's budget, it would reduce the potential fee overage revenue that could be transferred to the overage account, thereby reducing the Division's ability to repair and maintain park facilities.

ASSEMBLYWOMAN LESLIE:

Has anyone approached the Governor or his staff about this issue?

MR. FERGUSON:

I do not believe so. This impact has occurred in this biennium since the fee was built into the 2007-2009 budget and the program was not implemented. The Governor was adamant when approached by the Division after the 74th Legislative Session that this was a fee increase and he did not support it.

ASSEMBLYWOMAN LESLIE:

How unfortunate. I understand the Division's position, and we do not want to impact their ability to retain funds for repair and maintenance. Could we consider putting it into another bill? If it was sent to the Governor as a separate bill, would it still have the same budgetary effect?

MR. FERGUSON:

The Subcommittee could vote to close the budget without this fee increase. If a separate bill were approved and became law, it would essentially be a mandate.

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Staff could then establish this in the Division's budget, or the Division could come before the IFC to establish it, and it would not have a negative impact on the fee overage account.

ASSEMBLYWOMAN LESLIE:

If the Subcommittee would like to proceed, that would be my recommendation.

ASSEMBLYWOMAN LESLIE MOVED TO PROCEED WITH A SEPARATE BILL DRAFT REQUEST FOR IMPLEMENTATION OF A VALLEY OF FIRE STATE PARK COMMERCIAL WEDDING PROGRAM.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR RHOADS VOTED NO.)

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MR. FERGUSON:

The next item is the Water Resources budget, B/A 101-4171.

DCNR - Water Resources – Budget Page DCNR-82 (Volume III)  
Budget Account 101-4171

The Governor recommends eliminating 11.4 FTE positions from the Nevada Division of Water Resources (NDWR) in 10 separate decision units. It would reduce General Fund appropriations by \$630,844 in FY 2009-2010 and \$636,654 in FY 2010-2011. During the March 29 Work Session, the consensus of the Subcommittee was to restore the top seven prioritized positions in the NDWR at a General Fund cost of approximately \$438,125 in FY 2009-2010 and \$441,478 in FY 2010-2011. The Subcommittee should note that Assembly Bill (A.B.) 480, which was approved by the Assembly on April 20, 2009, adds several new fees and increases some existing fees collected by the State Engineer. These fees are deposited directly into the General Fund. If A.B. 480 is approved by the Legislature and enacted into law, the Division estimates it would collect approximately \$900,000 in additional revenue each year that would be deposited into the General Fund.

ASSEMBLY BILL 480: Makes various changes relating to fees collected by the State Engineer. (BDR 48-1161)

Does the Subcommittee wish to approve the Work Session recommendation to restore 7 of the 11.4 FTEs recommended for elimination by the Governor?

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE WORK SESSION RECOMMENDATION TO RESTORE 7 OF THE 11.4 FTEs RECOMMENDED FOR ELIMINATION IN B/A 101-4171.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-660 reduces General Fund appropriations by \$40,000 in each year of the biennium by postponing the NDWR's contract with Websoft.

E-660 Program Reductions/Reductions to Services – Page DCNR-89

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-660 IN B/A 101-4171 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-661 reduces General Fund appropriations by \$3,184 in each year of the biennium by eliminating the NDWR's microfilming budget. This would create a backlog that would have to be addressed in the future, but this recommendation appears reasonable to Staff.

E-661 Program Reductions/Reductions to Services – Page DCNR-90

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-661 IN B/A 101-4171 AS RECOMMENDED BY THE GOVERNOR.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Decision module M-504 requests General Funds of \$126,600 in FY 2009-2010 for maintenance and repairs at the South Fork Dam.

M-504 Mandates – Page DCNR-85

These services are the result of a May 2008 inspection of the dam. These costs include the costs to remove and install a replacement hydraulic ram; however, the ram that was installed was faulty and is being replaced free of charge by the

manufacturer. The manufacturer did not indicate they would pay for costs to install the ram which is expensive. The Subcommittee directed the NDWR to work with the Attorney General's Office to determine if those costs could be recovered. This issue has not yet been resolved. If the Subcommittee wishes to approve this decision module, it should also direct the NDWR to revert any funds recovered from the manufacturer for installation of the hydraulic ram to the General Fund.

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION MODULE M-504 IN B/A 101-4171 AS RECOMMENDED BY THE GOVERNOR; AND TO DIRECT THE NDWR TO REVERT ANY FUNDS RECOVERED FROM THE MANUFACTURER FOR INSTALLATION OF THE HYDRAULIC RAM TO THE GENERAL FUND.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision module M-505 requests General Funds of \$21,000 in FY 2009-2010 and \$24,000 in FY 2010-2011 for ongoing maintenance and repairs at the South Fork Dam.

M-505 Mandates – Page DCNR-85

The services recommended include repairs and maintenance to the upstream gage station, the use of equipment to perform maintenance, the performance of an annual survey of dam settlement monuments, outlet channel repair, a seismic recorder and alarm monitoring system and a prison crew to build and repair fences, remove brush, manually clear the outlet channel and build stairs and landings.

Decision unit E-720 requests \$6,529 in FY 2009-2010 to purchase a conduit inspection system to inspect pipes smaller than 36 inches in diameter. Funding for this decision unit is from a Federal Dam Safety Grant. Decision unit E-721 requests General Funds of \$4,640 in FY 2009-2010 to purchase an additional map case.

E-720 New Equipment – Page DCNR-92

E-721 New Equipment – Page DCNR-92

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS M-505, E-720 AND E-721 IN B/A 101-4171 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

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ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

The next nine budget accounts deal with the Nevada Division of Environmental Protection (NDEP). The first account is B/A 101-3173.

DCNR – DEP Administration – Budget Page DCNR-123 (Volume III)  
Budget Account 101-3173

There are no major closing issues in this account. Decision unit E-710 recommends reserve reductions of \$153,214 in FY 2009-2010 and \$48,393 in FY 2010-2011 for the purchase of replacement computer hardware and software in accordance with the DoIT replacement schedule.

E-710 Replacement Equipment – Page DCNR-126

The *Executive Budget* recommends reserve reductions of \$14,190 in FY 2009-2010 and \$3,940 in FY 2010-2011 in decision unit E-720 to purchase a new large agency file server and network switches to provide additional network storage capacity for the NDEP's offices in Carson City and Las Vegas.

E-720 New Equipment – Page DCNR-127

The closing sheets reflect adjustments relative to Budget Amendment No. 65 which adjusts cost allocation transfers from the Water Pollution Control budget. In addition to the normal technical adjustments that have already been approved by the Subcommittee, Fiscal Staff requests authority to make corrections in this budget based on cost allocation changes that may occur in some of the other NDEP budgets.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-710 AND E-720 IN B/A 101-3173 AS RECOMMENDED BY THE GOVERNOR; TO APPROVE THE ADJUSTMENTS RECOMMENDED IN BUDGET AMENDMENT NO. 65; AND TO GRANT STAFF THE AUTHORITY TO MAKE CORRECTIONS TO DIVISION COST ALLOCATIONS BASED UPON SUBCOMMITTEE CLOSINGS IN OTHER NDEP ACCOUNTS.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

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

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MR. FERGUSON:  
The next item is B/A 101-3185.

DCNR - DEP Air Quality – Budget Page DCNR-129 (Volume III)  
Budget Account 101-3185

The major closing issue in this budget is the increasing reserve level. The *Executive Budget* recommends reserve levels in the Air Quality budget of \$1.15 million in FY 2009-2010 and \$1.66 million in FY 2010-2011. The main reason these reserves are increasing is due to the Governor's recommendation to reduce the salary and benefits costs. The Subcommittee expressed concern about this high reserve. The Budget Office and the NDEP indicated they would submit a budget amendment to correct the high level reserves. However, in lieu of a budget amendment, Fiscal Staff has worked with the Budget Office and the NDEP to reduce the reserve level in this account by balancing decision units E-670 through E-673 to Air Pollution Control fees rather than reserves.

E-670 Temporary 6% Salary Reduction – Page DCNR-131

E-671 Suspend Merit Salary Inc for FY10 & FY11 – Page DCNR-132

E-672 Suspend Longevity for FY10 & FY11 – Page DCNR-132

E-673 Implement SAGE Commission Recommendation – Page DCNR-133

The closing sheets reflect these changes, which reduce the reserves in this account from \$1.15 million in FY 2009-2010 and \$1.66 million in FY 2010-2011, to \$751,508 and \$744,488 respectively.

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE ADJUSTMENTS MADE BY STAFF, WHICH BALANCE DECISION UNITS E-670 THROUGH E-673 WITH REDUCTIONS TO AIR POLLUTION CONTROL FEES RATHER THAN TO RESERVES, THEREBY REDUCING THE BUDGETED RESERVE LEVEL IN THE AIR POLLUTION CONTROL BUDGET TO \$751,508 IN FY 2009-2010 AND \$744,488 IN FY 2010-2011.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYMAN GOICOECHEA:  
We are not reducing any fee structure, we are just adjusting anticipated revenue, is that correct?

MR. FERGUSON:  
That is correct.

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MR. FERGUSON:

Decision unit E-350 recommends transfers from the Air Quality Management Fund and the Chemical Hazard Prevention Fund to expand the air quality Increment Tracking System.

E-350 Environmental Policies and Programs – Page DCNR-131

Decision unit E-710 recommends federal funds and transfers from the Air Quality Management Fund totaling \$107,528 in FY 2009-2010 and \$64,180 in FY 2010-2011 for the purchase of replacement equipment.

E-710 Replacement Equipment – Page DCNR-133

Decision unit E-720 recommends transfers from the Air Quality Management Fund of \$6,900 in FY 2009-2010 for the purchase of three notebook computers for use by the Nevada Mercury Emissions Control program. The NDEP testified the notebooks will provide efficiency in the field by allowing data to be entered during the inspection process and to be uploaded upon return from field inspections to the Air Programs Database.

E-720 New Equipment – Page DCNR-133

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-350, E-710 AND E-720 IN B/A 101-3185 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 WOODHOUSE:

We will now move to Water Pollution Control, B/A 101-3186.

DCNR - DEP Water Pollution Control – Budget Page DCNR-136 (Volume III)  
Budget Account 101-3186

MR. FERGUSON:

The major closing issue in this account is a decreasing reserve level. The Governor recommends decreasing the ending reserve levels for this account which will result in it being significantly lower than it has been historically. There was discussion during the budget hearing about the Base Budget having a negative reserve of \$247,125 in FY 2010-2011. This budget account collects much of its revenues in water permit fees, which have declined due to the recent economic downturn, resulting in revenue collections below budgeted expectations. Accordingly, the Budget Office has submitted Budget Amendment No. 63 which reduces salary costs by \$229,771 in FY 2009-2010 and \$233,081 in FY 2010-2011. In addition, the amendment removes the replacement vehicle recommended in decision unit E-710.



E-710 Replacement Equipment – Page DCNR-140

The closing sheets reflect the adjustments recommended in Budget Amendment No. 63. The resulting reserve levels in the NDEP Water Pollution Control budget increase from negative \$247,125 in the FY 2010-2011 Base Budget, to \$125,529. Ending reserves for the entire budget increase from \$915,817 in FY 2009-2010 and \$246,923 in FY 2010-2011, to \$1.24 million and \$619,577 respectively.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE ADJUSTMENTS MADE BY STAFF WITH REGARD TO BUDGET AMENDMENT NO. 63, WHICH REDUCES BASE BUDGET PERSONNEL COSTS EQUIVALENT TO VACANCY SAVINGS AVERAGED OVER THE PAST THREE YEARS, REDUCES THE ASSOCIATED INDIRECT COST ALLOCATION TRANSFERS, AND ELIMINATES THE PURCHASE OF A VEHICLE IN DECISION UNIT E-710 IN B/A 101-3186.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-710 recommends \$43,012 in FY 2009-2010 and \$13,539 in FY 2010-2011 for replacement equipment. The replacement vehicle was removed by Budget Amendment No. 63. The rest of the equipment requested appears reasonable to Staff.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE THE REMAINDER OF B/A 101-3186 AS RECOMMENDED BY THE GOVERNOR, INCLUDING THE MODIFICATIONS RECOMMENDED IN BUDGET AMENDMENT NO. 63 ELIMINATING THE REPLACEMENT VEHICLE IN DECISION UNIT E-710.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLYMAN GOICOECHEA:

Did your motion intend to return the vehicle in decision unit E-710?

ASSEMBLYWOMAN MCCLAIN:

No.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move on to Waste Management and Federal Facilities, B/A 101-3187.

DCNR - DEP Waste Management and Federal Facilities – Budget Page  
DCNR-142 (Volume III)  
Budget Account 101-3187

MR. FERGUSON:

The Governor recommends transfers from trust funds and a federal Department of Defense grant for the Bureau of Corrective Actions to provide for oversight of environmental clean-ups, database support and the archiving of records in decision unit E-350.

E-350 Environmental Policies and Programs – Page DCNR-145

Decision unit E-710 recommends federal funds and transfers from trust funds for a replacement vehicle and replacement computer hardware in accordance with DoIT's replacement schedule. The vehicle did not meet the minimum mileage threshold for replacement, so Staff has worked with the Budget Office and the Division to eliminate the vehicle through the closing process. The closing sheets reflect the removal of this vehicle.

E-710 Replacement Equipment – Page DCNR-147

Decision unit E-711 recommends a combination of federal funds and transfers from the Hazardous Waste Management Trust Fund totaling \$10,114 over the biennium to purchase three laser printers and two desktop computers for the Bureau of Federal Facilities in accordance with the DoIT replacement schedule.

E-711 Replacement Equipment – Page DCNR-148

Decision unit E-712 recommends a combination of dumping fees and transfers from the Hazardous Waste Management Trust Fund totaling \$80,722 over the biennium to replace two vehicles and computer hardware in accordance with the DoIT replacement schedule for the Bureau of Waste Management.

E-712 Replacement Equipment – Page DCNR-148

Decision unit E-713 recommends federal funds of \$1,225 in FY 2009-2010 to purchase one replacement desktop computer for the Bureau of Corrective Actions in accordance with the DoIT replacement schedule.

E-713 Replacement Equipment – Page DCNR-149

Finally, decision unit E-720 recommends federal funds of \$1,000 in FY 2009-2010 to purchase software required for the Bureau of Correction Actions.

E-720 New Equipment – Page DCNR-149

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 101-3187 AS RECOMMENDED BY THE GOVERNOR, INCLUDING STAFF'S ADJUSTMENT TO ELIMINATE THE REPLACEMENT VEHICLE IN DECISION MODULE E-710.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to the Mining Regulation and Reclamation budget, B/A 101-3188.

DCNR - DEP Mining Regulation/Reclamation – Budget Page DCNR-152  
(Volume III)  
Budget Account 101-3188

MR. FERGUSON:

In decision module E-350, the Governor recommends reserve reductions of \$83,457 in FY 2009-2010 and \$95,600 in FY 2010-2011 to fund the addition of one new staff engineer III position for the Bureau of Mining Regulation and Reclamation. This position would start in October 2009. The Division indicated this new position is needed to address caseload increases due to high metals and commodities prices. In addition, this new position would increase the number of mines inspected for reclamation from 50 percent annually, to approximately 56 percent in FY 2009-2010 and 60 percent to 2010-2011.

E-350 Environmental Policies and Programs – Page DCNR-154

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE GOVERNOR'S RECOMMENDATION TO ADD ONE NEW STAFF ENGINEER III POSITION FOR THE BUREAU OF MINING REGULATION/RECLAMATION, FUNDED WITH RESERVE REDUCTIONS OF \$83,457 IN FY 2009-2010 AND \$95,600 IN FY 2010-2011 IN DECISION UNIT E-350 OF B/A 101-3188.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. FERGUSON:

Decision unit E-710 recommends mining fees of \$4,447 in FY 2009-2010 and \$37,797 in FY 2010-2011 for the purchase of one replacement vehicle, and

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replacement computer hardware in accordance with the DoIT replacement schedule.

E-710 Replacement Equipment – Page DCNR-156

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-710 IN B/A 101-3188 AS RECOMMENDED BY THE GOVERNOR.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to B/A 746-3189.

DCNR - DEP - State Revolving Fund - Admin – Budget Page DCNR-158  
(Volume III)

Budget Account 746-3189

MR. FERGUSON:

This account was not previously heard by the Subcommittee. The State Revolving Fund Administration budget was established by the 74th Session of the Legislature to better account for administrative costs associated with the State Revolving Loan Fund (SRLF) programs. There are no major closing issues.

Decision unit E-710 recommends money for replacement of computer hardware and software.

E-710 Replacement Equipment – Page DCNR-161

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 746-3189 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 WOODHOUSE:

We will now move to B/A 101-3193.

DCNR - DEP Water Quality Planning – Budget Page DCNR-164 (Volume III)  
Budget Account 101-3193

MR. FERGUSON:

In order to meet budget reduction goals for the Division, the Governor recommends holding an environmental scientist II position vacant during FY 2009-2010 in decision unit E-606. This will provide General Fund savings of \$70,131 in FY 2009-2010. This position has been vacant and other staff have taken over the duties associated with the position. Leaving this position vacant through FY 2009-2010 will not jeopardize the Division's receipt of federal funds.

E-606 Staffing and Operating Reductions – Page DCNR-166

Decision unit E-710 recommends a combination of federal funds and laboratory fees totaling \$52,186 in FY 2009-2010 and \$5,308 in FY 2010-2011 for replacement equipment.

E-710 Replacement Equipment – Page DCNR-168

ASSEMBLYMAN HOGAN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 101-3193 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

CHAIR MCCLAIN:

Is the General Fund appropriation a matching requirement?

MR. FERGUSON:

Yes, it is a matching requirement to receive federal funds.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to B/A 101-3197.

DCNR - DEP Safe Drinking Water Regulatory Program – Budget Page DCNR-171  
(Volume III)

Budget Account 101-3197

MR. FERGUSON:

This budget account was not previously heard by the Subcommittee. Budget Account 101-3197 was created by the 73rd Legislative Session to transfer the Safe Drinking Water Act and associated programs from the Consumer Protection budget in the Health Division. Funding for this budget is from federal grants, fees, transfers from other Division budget accounts and General Funds required as a match for the receipt of the federal funds.

There are no major closing issues in this budget. Decision unit E-350 recommends \$24,987 in each year of the biennium to implement a Safe

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Drinking Water Act program in Washoe County. Decision unit E-606 recommends holding an environmental scientist II position vacant for eight months in FY 2009-2010 in order to achieve General Fund savings of \$48,971. Decision unit E-710 recommends funds for replacement computer hardware in accordance with the DoIT replacement schedule. Decision E-720 recommends the purchase of new water sampling and monitoring equipment to support field inspection staff.

E-350 Environmental Policies and Programs – Page DCNR-173

E-606 Staffing and Operating Reductions – Page DCNR-173

E-710 Replacement Equipment – Page DCNR-175

E-720 New Equipment – Page DCNR-176

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 101-3197 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to B/A 101-4155.

DCNR - DEP Water Planning Cap Improvement – Budget Page DCNR-178  
(Volume III)  
Budget Account 101-4155

MR. FERGUSON:  
This account was not heard previously by the Subcommittee. This budget provides financial assistance enabling small communities to comply with State and federal drinking water regulations. There are no General Funds in this account. Decision unit E-710 recommends \$2,247 in FY 2009-2010 and \$1,589 in FY 2010-2011 for replacement computer hardware and software in accordance with the DoIT replacement schedule.

E-710 Replacement Equipment – Page DCNR-181

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO CLOSE B/A 101-4155 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to the Department of Corrections budgets.

TRACY RAXTER (Principal Deputy Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

On page 3 of [Exhibit C](#) are the Department-wide closing issues. The first issue is the revised inmate population projections. The Governor recommended an increase in inmate-driven costs based on the November 2008 projections which resulted in an additional cost of \$2.8 million in FY 2009-2010 and \$4.4 million in FY 2010-2011. Based on the March 2009 projections, the average inmate population level for FY 2009-2010 has been revised downward to 12,889 and for 2010-2011 to 13,009. As a result of this revision, and subject to the specific housing plan that will be approved by the Subcommittee, the funding necessary for inmate-driven expenditures would be approximately \$1.9 million less in FY 2009-2010, and \$3.3 million less in FY 2010-2011. Staff would recommend approval of the revised inmate-driven amounts reflecting the March 2009 inmate population projection.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE REVISED INMATE-DRIVEN AMOUNTS, REFLECTING THE MARCH 2009 INMATE POPULATION PROJECTION, BASED ON FINAL APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE DEPARTMENT OF CORRECTIONS' BUDGET ACCOUNTS.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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SENATOR COFFIN:

At the Capital Improvement Program (CIP) Committee meetings last week, we heard the State would lose \$125 million in bonding capacity. If any of these plans are affected by the CIP shortfall, I would like to make sure we receive a warning from the Director of the Nevada Department of Corrections (NDOC) before we close on issues such as bed capacity and location.

MR. RAXTER:

That is the next item on the closing list. On page 5 of [Exhibit C](#) is a schedule presented to the Subcommittee during the Work Session. Fiscal Staff has added two columns: the 2009 CIP costs for the alternative housing plans; and the 2011 CIP costs for the alternative housing plans. Alternative Inmate Housing Plan #M2009-20 reflects the closure of the Nevada State Prison (NSP) during the current biennium. The other three plans retain the NSP during the biennium. The High Desert State Prison (HDSP) Phase V is opened during the biennium in

Alternative Inmate Housing Plan #M2009-20, although the remaining three plans defer the opening of Phase V until a future biennium. There is no operating impact from the Warm Springs Correctional Center (WSCC) expansion project in the 2009-2011 biennium regardless of what the CIP Subcommittee chooses to do with that facility. Nor is there any CIP impact from the reopening of the Southern Nevada Correctional Center (SNCC). The Three Lakes Valley Conservation Camp (TLVCC) expansion project is deferred until a future biennium in all four plans, while the Tonopah Conservation Camp will remain open in all four plans. The Subcommittee reached consensus in the March 25 Work Session to approve Alternative Inmate Housing Plan #M2009-24. It has the lowest CIP impact in both the 2009 and 2011 programs.

Staff would note that Housing Unit #5 at the NSP was closed in August 2008 and Housing Unit #8 was closed in November 2008. The NDOC advised these two housing units could reopen based on the need for inmate beds, but Housing Unit #8 would need infrastructure improvement. If the closure of the NSP is approved, the NDOC indicates the Prison Industry programs at the NSP will still need to be operated at that facility until they can be physically relocated. Currently there are three programs at the NSP: the license plate factory; a mattress factory; and a printing and book bindery shop. The mattress factory is planned to be relocated to the Lovelock Correctional Center.

The NDOC advises there would be ongoing costs for utilities and expenditures for inmate transportation and correctional officer supervision of inmates to continue to operate the Prison Industry programs at the NSP. These ongoing costs that would be incurred to operate the Prison Industry programs at the NSP are not included in the Governor's budget and have not been calculated by the NDOC. In addition, there would be long-term costs of relocating the Prison Industry programs, such as building new facilities for those programs, especially the license plate factory.

Fiscal Staff would note that the Base Budget included staffing costs for Housing Unit #8 which was closed effective November 2008. The NDOC's Alternative Plan #M2009-24 does not reflect continued operations of this housing unit; therefore, if the Subcommittee approved restoration of funding for the continued operations of the NSP, Staff would recommend not funding staffing costs of \$320,775 in FY 2009-2010 and \$337,275 in FY 2010-2011 for this housing unit. Secondly, the NDOC provided Budget Amendment No. 82 totaling \$97,435 in each year of the biennium to account for water and sewer utility costs at the NSP. These additional costs are the result of the installation of new meters due to relocation of the utility lines associated with the construction of the new Carson City freeway.

The Governor recommended funding of \$5.76 million in FY 2009-2010 and \$5.48 million in FY 2010-2011 for staffing and operating costs to open HDSP Phase V. Utility costs were overstated by a couple of months in the *Executive Budget*. If the Subcommittee wished to open this facility, those costs could be reduced. There was also an omission in the budget for certain supplies for inmate bedding and food production totaling about \$66,000.



At the March 25 Work Session, the Subcommittee expressed support for considering the NDOC's Alternative Inmate Housing Plan #M2009-24 which reflects utilizing existing facilities within the Department before constructing and/or opening new or expanded facilities.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE FUNDING TO IMPLEMENT ALTERNATIVE HOUSING PLAN #M2009-24, INCLUDING FUNDING TO RETAIN CONTINUED OPERATIONS AT THE NSP EXCLUDING HOUSING UNIT #8 AND TONOPAH CONSERVATION CAMP FOR THE 2009-2011 BIENNIUM, DEFERRING THE OPENING OF PHASE V AT HDSP, DELAYING OCCUPANCY OF THE EXPANDED NUMBER OF INMATE BEDS AT THE TLVCC UNTIL AFTER THE 2009-2011 BIENNIUM; AND TO APPROVE BUDGET AMENDMENT NO. 82.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next item is the potential lease of the SNCC.

PUBLIC SAFETY

CORRECTIONS

NDOC - Southern Nevada Correctional Center – Budget Page CORRECTIONS-56  
(Volume III)  
Budget Account 101-3715

The *Executive Budget* includes authority in decision unit E-680 in the Director's Office account for the receipt of contract revenue of \$5,475,000 each year of the biennium for leasing the SNCC, which is currently not being utilized by the NDOC. This revenue estimate assumes the facility will be leased effective July 1, 2009, and represents the net of revenue and expenses for operating the facility at \$25 a day per offender housed at the facility. This recommendation reduces the need for General Fund appropriations in the Director's Office budget by the same amount.

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

E-680 New Revenues or Expenditure Offsets – Page CORRECTIONS-6

The NDOC advised the Subcommittee that due to a requirement by the Immigration and Customs Enforcement (ICE) agency for the State to expend funds for certain infrastructure improvements in advance of receiving reimbursement, the negotiations with the ICE have been placed on hold. The

State Purchasing Division recently issued a Request for Proposal (RFP) for the leasing of the SNCC for a minimum of two years and a maximum of five years. The bids were opened on April 10. The bids are currently in the evaluation phase and are still confidential; however, there was only one bidder. The potential lease terms were significantly longer than those in the RFP, which is longer than the five-year period after which the NDOC anticipates they would again need the facility. The NDOC received a letter of interest from the state of Alaska regarding the potential of housing inmates from that state in the facility at the SNCC. Those negotiations are preliminary; there is no guarantee that the State of Nevada will be selected by the state of Alaska for that proposal. Currently, there is no realistic revenue amount for leasing the SNCC during the upcoming biennium.

Fiscal Staff has provided two alternatives the Subcommittee may wish to consider. Option No. 1 is to approve the General Fund appropriations of \$817,481 as recommended by the Governor in the SNCC budget account, B/A 101-3715, to maintain the facility in a mothball status and to restore \$5.5 million in General Fund appropriations in each year of the biennium in B/A 101-3710 to replace the lease revenue included in the *Executive Budget*. Also, to issue a letter of intent directing the NDOC to continue pursuing negotiations with a vendor for leasing the SNCC or for the NDOC to operate the facility and house nonNevada committed offenders, and report to the IFC on a quarterly basis during the biennium on the status of those negotiations. The NDOC should also be directed to submit the appropriate work program modifications, upon completion of successful negotiations, authorizing the receipt of contract revenue and any corresponding expenditure authority necessary for the housing of those offenders; and to reserve for reversion the corresponding amount of General Fund appropriations to reflect the net of revenues and any expenses realized from housing the nonNevada committed offenders.

Option No. 2 is to approve the General Fund appropriations of \$817,481 to maintain the SNCC in a mothball status and to restore \$11 million in General Fund appropriations to the Director's Office budget account to replace the lease revenue included in the Governor's budget recommendations.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE GENERAL FUND APPROPRIATIONS OF \$817,481 RECOMMENDED BY THE GOVERNOR IN B/A 101-3715 TO MAINTAIN THE FACILITY IN A MOTHBALL STATUS AND RESTORE \$5.5 MILLION IN EACH YEAR OF THE BIENNIUM IN GENERAL FUND APPROPRIATIONS TO B/A 101-3710 TO REPLACE THE LEASE REVENUE INCLUDED IN THE *EXECUTIVE BUDGET*; TO ISSUE A LETTER OF INTENT DIRECTING THE NDOC TO PURSUE NEGOTIATIONS FOR LEASING THE SNCC AND REPORT ON THEIR STATUS TO THE IFC ON A QUARTERLY BASIS DURING THE 2009-2011 BIENNIUM AND TO SUBMIT APPROPRIATE WORK PROGRAM MODIFICATIONS UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS; AND TO RESERVE FOR REVERSION THE CORRESPONDING AMOUNT OF GENERAL FUND APPROPRIATIONS TO REFLECT THE NET OF REVENUES AND EXPENSES REALIZED FROM HOUSING NONNEVADA COMMITTED OFFENDERS.

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ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will move on to the NSP, B/A 101-3718.

NDOC - Nevada State Prison – Budget Page CORRECTIONS-40 (Volume III)  
Budget Account 101-3718

MR. RAXTER:  
Based on approval of Alternative Inmate Housing Plan #M2009-24, the NDOC's biennium plan reflects an average inmate population at the NSP of 806 in FY 2009-2010 and 819 in FY 2010-2011. The reduction in inmate-driven costs for the change in the number of inmates from FY 2007-2008 for this facility totals \$180,517 in FY 2009-2010 and \$166,031 in FY 2010-2011. Since the Subcommittee approved the NDOC Alternative Inmate Housing Plan #M2009-24, Fiscal Staff recommends establishing an M-200 decision unit in B/A 101-3718 to account for the changes in the inmate population from FY 2007-2008 as noted above with the authority to make changes in inmate-driven revenues and expenditures based on final approval of inmate population counts for each year of the biennium, and approval of the inmate housing plan included in the other NDOC budget accounts.

Staff has made a technical adjustment to increase the amount of the reimbursement from the Prison Industries for the pro rata share of the budgeted utilities costs at the NSP by \$336 in FY 2009-2010 and \$481 in FY 2010-2011, with a corresponding reduction in General Fund appropriations, to reflect inflationary increases in utility costs.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE ESTABLISHMENT OF DECISION UNIT M-200 IN B/A 101-3718; TO GRANT STAFF AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES; AND TO GRANT STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS REGARDING UTILITY COSTS SHARED BY PRISON INDUSTRIES.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to the HDSP, B/A 101-3762.

NDOC - High Desert State Prison – Budget Page CORRECTIONS-27 (Volume III)  
Budget Account 101-3762

MR. RAXTER:

The Governor's recommendation for the staffing and operation of Phase V was deferred until after the upcoming biennium by the action of the Subcommittee earlier today. The second item in this account is the continuation of increased administrative staffing at the HDSP. Enhanced administrative staffing at the HDSP is recommended by the Governor in decision unit E-325 for continued funding from General Fund appropriations in the amount of \$330,666 in FY 2009-2010 and \$335,344 in FY 2010-2011, consisting of an additional warden and two associate warden positions.

E-325 Services at Level Closest to People – Page CORRECTIONS-30

These positions were approved by the IFC in June 2008 for transfer from the SNCC upon its closure in FY 2008-2009, with the stipulation that the need for continuing the positions at the HDSP would be reviewed by the 2009 Legislature in an effort to avoid the precedent-setting condition of employing two wardens and four assistant wardens at one institution. The rationale for the enhanced staffing was the plan to separate the prison into one close-custody and one medium-custody yard, while sharing the core infrastructure of culinary, medical and other facilities. The opening of Phase V would increase the number of inmates at the facility to approximately 3,100 which the NDOC believes is excessive for one correctional facility. As Phase V is not being recommended to open during the next biennium, the projected inmate population is now approximately 2,500.

In response to a question from the Subcommittee regarding the benefits to date of the additional administrative staffing at the HDSP, the NDOC indicated that separating the facility allowed the medium-custody portion to concentrate on programs. The second warden position is responsible for inmate programming, Prison Industry programs, Phase IV housing units, the youthful offender program, the reentry program, oversight of the Tonopah and Pioche Conservation Camps as well as the Casa Grande transitional housing facility. In addition, the NDOC indicates the HDSP has a higher number of grievances and disciplinary actions per month than any other facility within the Department. The NDOC also refers to the large size of the facility and functions that are not contained in other correctional facilities in southern Nevada: a regional warehouse; mechanical shop; bakery; extended care unit; and the youthful offender program. Staff would note that a number of similar functions are contained at the Northern Nevada Correctional Center which is administered by one warden position.

There are three options the Subcommittee may wish to consider. Option No. 1 is to approve the Governor's recommendation to provide General Fund appropriations of \$330,666 in FY 2009-2010 and \$335,344 in FY 2010-2011 for the additional warden and two additional associate warden positions at the HDSP. Option No. 2 is to approve General Fund appropriations for two additional associate warden positions at the HDSP, but not the additional warden position, at a total cost of \$197,423 in FY 2009-2010 and \$201,765 in FY 2010-2011. Option No. 3 is not to approve General Fund appropriations for

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the additional warden position or the two additional associate warden positions at the HDSP, for a General Fund savings of approximately \$330,000 each year of the biennium.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE FUNDING FROM THE GENERAL FUND FOR TWO ADDITIONAL ASSOCIATE WARDEN POSITIONS AT THE HDSP, BUT NOT THE ADDITIONAL WARDEN POSITION, AT A TOTAL COST OF \$197,423 IN FY 2009-2010 AND \$201,765 IN FY 2010-2011 IN B/A 101-3762.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The inmate-driven costs for this facility are captured in decision unit M-200. Due to the March 2009 update to the inmate population projections, reflecting a lower level of male inmate population growth, this decision unit has been adjusted. Staff recommends approval of this decision unit as adjusted, with the authority to make changes to inmate-driven revenues and expenditures based on final approval of inmate population counts for each year of the 2009-2011 biennium and approval of the inmate housing plan included in the other NDOC budget accounts.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-29

Staff has made a technical adjustment in this account for the budgeted utility costs for utility inflation.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3762 AS ADJUSTED, WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE 2009-2011 BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS; AND TO GRANT STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS FOR THE BUDGETED UTILITY COSTS FOR UTILITY INFLATION.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN LESLIE WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to B/A 101-3711.

NDOC - Correctional Programs – Budget Page CORRECTIONS-16 (Volume III)  
Budget Account 101-3711

MR. RAXTER:

In decision unit E-660, the Governor recommends a reduction in General Fund appropriations of \$188,416 in each year of the biennium due to the elimination of funding for the contracted Driving Under the Influence (DUI) Treatment Program within the NDOC.

E-660 Program Reductions/Reductions to Services – Page CORRECTIONS-18

This program was discontinued in FY 2008-2009 by the NDOC and funding was eliminated by the 25th Special Legislative Session. The Subcommittee should note that NRS 209.425 provides that the NDOC shall establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned for DUI offenses. However, the NDOC administers three therapeutic community treatment programs, which are 6 to 12 months in length. The NDOC has advised these latter programs meet the statutory requirements for maintaining a treatment program for an abuser of alcohol or drugs who is imprisoned for a DUI.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-660 IN B/A 101-3711 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

SENATOR COFFIN:

I am trying to relate this to two other bills heard recently in the Senate Committee on Finance which address these types of programs. I want to ensure Staff is familiar with those bills. I do not know if the bills would restore this program, or if this program must be continued to make the bills work. Does anyone with the Fiscal Staff or the Department know if there is any need to be concerned about the potential impact of this action?

MR. RAXTER:

The NDOC has not made a recommendation to remove the statutory language. This decision unit removes funding for this particular program, but the Department runs several other programs that serve the same purpose and achieve the statutory requirements.

SENATOR COFFIN:

Can we remove funding if we do not remove the responsibility?

MR. RAXTER:

There is existing funding in the other treatment programs.

CHAIR WOODHOUSE:

We are just removing the contract programs.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

General Fund appropriations of \$1 million were approved by the 74th Legislative Session to continue the NDOC's Going Home Prepared program which provides prerelease and reentry services to inmates within the custody of the Department. The Legislature further directed the NDOC to develop performance indicators to measure the effectiveness of these prerelease and reentry services. Staff recommends the Subcommittee approve issuing a letter of intent directing the NDOC to include this performance measure in its budget submittal for the 2011-2013 biennium for subsequent inclusion in that biennia's *Executive Budget* for review by the 2011 Legislature.

Staff has made a technical adjustment increasing the amount of the federal Residential Substance Abuse Treatment (RSAT) program funding to correlate the transfer from the Office of Criminal Justice Assistance with this budget, to provide a funding level of \$93,000 each year.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE ISSUING A LETTER OF INTENT DIRECTING THE NDOC TO INCLUDE THIS PERFORMANCE MEASURE IN ITS BUDGET SUBMITTAL FOR THE 2011-2013 BIENNIUM FOR SUBSEQUENT INCLUSION IN THE *2011-2013 EXECUTIVE BUDGET* FOR REVIEW BY THE 2011 LEGISLATURE; AND TO AUTHORIZE TECHNICAL ADJUSTMENTS INCREASING THE AMOUNT OF RSAT PROGRAM FUNDING TO \$93,000 EACH YEAR OF THE BIENNIUM.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:

We will now move to B/A 101-3724.

NDOC - Northern Nevada Restitution Center – Budget Page CORRECTIONS-75  
(Volume III)  
Budget Account 101-3724

MR. RAXTER:

The Northern Nevada Restitution Center will be replaced with the Eagle's Nest Restitution Center. The State entered into a contract with the Reno-Sparks Indian Colony to exchange land for construction of the new center. The NDOC indicated there should be no additional costs to operate the new facility and that the furniture, fixtures and equipment for operating the new facility will be

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included as part of the contract with the Reno-Sparks Indian Colony. No Subcommittee action is needed on this item as funding to operate the restitution center is included in the Base Budget.

Decision unit M-200 has been adjusted by Staff based on the new inmate housing plan.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-76

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3724 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to B/A 101-3722.

NDOC - Stewart Conservation Camp – Budget Page CORRECTIONS-80  
(Volume III)  
Budget Account 101-3722

MR. RAXTER:  
The only item in this budget is decision unit M-200 for the change in inmate population.

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

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3722 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.



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SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:  
The next budget account is B/A 101-3723.

NDOC - Pioche Conservation Camp – Budget Page CORRECTIONS-85  
(Volume III)  
Budget Account 101-3723

The only item in this budget is decision unit M-200 for the change in inmate population.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-86

ASSEMBLYMAN CONKLIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3723 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:  
The next budget account is B/A 101-3739.

NDOC - Wells Conservation Camp – Budget Page CORRECTIONS-96  
(Volume III)  
Budget Account 101-3739

The only item in this budget is decision unit M-200 for the change in inmate population.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-97

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3739 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MR. RAXTER:

The next budget account is B/A 101-3741.

NDOC - Humboldt Conservation Camp – Budget Page CORRECTIONS-101  
(Volume III)

Budget Account 101-3741

The only item in this budget is decision unit M-200 for the change in inmate population.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-102

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3741 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. RAXTER:

The next budget account is B/A 101-3747.

NDOC - Ely Conservation Camp – Budget Page CORRECTIONS-106 (Volume III)  
Budget Account 101-3747

The only item in this budget is decision unit M-200 for the change in inmate population.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-107

ASSEMBLYMAN CONKLIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3747 AS ADJUSTED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE

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BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED  
IN THE OTHER NDOC BUDGET ACCOUNTS.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to B/A 101-3749.

NDOC - Silver Springs Conservation Camp – Budget Page CORRECTIONS-116  
(Volume III)  
Budget Account 101-3749

MR. RAXTER:

The NDOC closed this facility in July 2008 due to a reduction in the female inmate population and to achieve budget reductions in FY 2008-2009. The female inmate population dropped 16 percent from FY 2006-2007 to FY 2007-2008, and has further declined in FY 2008-2009. The land for this facility was gifted to the State with a deed restriction that it be utilized for a women's conservation camp. The NDOC has advised Staff that the party who deeded the land is aware that it is currently in a mothball status. If there were a sudden increase in minimum-security female inmate population, they could be housed at this facility. There is an appropriation of \$82,017 in this budget over the biennium to maintain the facility.

SENATOR COFFIN:

Is it possible to use inmate labor to maintain the facility in its mothball status?

MR. RAXTER:

I do not believe it is the intent of the NDOC to maintain a full-time presence at the facility.

HOWARD SKOLNIK (Director, Department of Corrections):

It is our intent to have a staff member travel to that location to maintain it when necessary. If we were to have an inmate at that location, we would need to have at least two staff members at the site for supervision.

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL  
COMMITTEE TO APPROVE B/A 101-3749 AS RECOMMENDED BY THE  
GOVERNOR.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

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SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to B/A 101-3752.

NDOC - Carlin Conservation Camp – Budget Page CORRECTIONS-119  
(Volume III)  
Budget Account 101-3752

MR. RAXTER:  
The only item in this budget is decision unit M-200, the change in inmate population. Staff recommends approval as adjusted.

M-200 Demographics/Caseload Changes – Page CORRECTIONS-120

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT M-200 IN B/A 101-3752 AS RECOMMENDED BY STAFF WITH THE AUTHORITY TO MAKE CHANGES TO INMATE-DRIVEN REVENUES AND EXPENDITURES BASED ON FINAL APPROVAL OF INMATE POPULATION COUNTS FOR EACH YEAR OF THE BIENNIUM AND APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE OTHER NDOC BUDGET ACCOUNTS.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
We will now move to the Wildlife budgets.

WILDLIFE

Wildlife - Administration – Budget Page WILDLIFE-1 (Volume III)  
Budget Account 101-4452

ERIC KING (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

There are three major issues in the Nevada Department of Wildlife (NDOW) budget account. The first major issue is the separation of B/A 101-4452 into multiple accounts. There are 102 different funding sources and over 60 grant programs associated with this account. In FY 2007-2008 there were 42 work program revisions processed to adjust revenue and expenditures in this account based on the Department's operating needs and due to the complexity of forecasting the NDOW's activities.

The NDOW was asked to discuss the issues that would hinder dividing the account into multiple accounts. In their testimony the Department indicated that three issues would need to be addressed to move forward with dividing the account including: that various positions perform functions and responsibilities for multiple agency operating units; that operating divisions and positions are funded from multiple fund sources; and that traditional months of slow license sales may result in cash flow concerns for some programs. Staff notes it is not uncommon for State agencies to have positions performing duties for multiple operating units and for operating divisions and positions to be funded from multiple sources. In addition, the NDOW indicated that the amount of revenue derived from the sale of each type of license is not known, and, as a result, allocating revenues amongst the various operating units within the NDOW based on the type of license sold would require enhancements to the Department's license sales systems.

It should be noted that a report from the Legislative Auditor in 2006 noted weaknesses in the NDOW's financial administrative practices including the correlation of revenues and program expenditures and the adequacy of controls over restricted revenues and certain expenditures. Staff recommends that the NDOW be instructed, through a letter of intent, to work in coordination with Fiscal Staff to prepare work program revisions during the interim that would take effect at the beginning of FY 2010-2011. These revisions would separate B/A 101-4452 into multiple accounts to facilitate and improve financial tracking, reporting, accountability and planning. If this recommendation is approved, provisions would need to be added to the Appropriations and Authorizations Acts that would provide for multiple accounts.

ASSEMBLYWOMAN KOIVISTO MOVED TO RECOMMEND TO THE FULL COMMITTEE TO INSTRUCT THE NDOW THROUGH A LETTER OF INTENT TO WORK WITH FISCAL STAFF TO PREPARE WORK PROGRAM REVISIONS DURING THE INTERIM THAT WOULD TAKE EFFECT AT THE BEGINNING OF FY 2010-2011 THAT WOULD SEPARATE B/A 101-4452 INTO MULTIPLE ACCOUNTS IN ORDER TO FACILITATE AND IMPROVE FINANCIAL TRACKING, REPORTING, ACCOUNTABILITY AND PLANNING; AND TO APPROVE PROVISIONS IN THE APPROPRIATIONS AND AUTHORIZATIONS ACT FOR ESTABLISHMENT OF MULTIPLE ACCOUNTS.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

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

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MR. KING:

The second major issue in B/A 101-4452 is replacement equipment. The NDOW requested replacement equipment that was not included in the *Executive Budget* based on the need to reduce General Funds to balance the budget. The NDOW's replacement equipment needs total \$478,620 in FY 2009-2010 and \$353,625

in FY 2010-2011. As originally proposed by the NDOW, the request included General Funds totaling \$41,225. The Department now indicates that the General Funds can be replaced with license and fee revenues. As currently proposed, funding for the replacement equipment would be provided by \$515,839 in federal funds, \$308,079 in license and fee revenue, and \$8,327 in funds transferred from the Obligated Reserve account. The request for replacement equipment appears reasonable except for 4 laptop and 10 desktop computers included in the request totaling \$29,853 that would be replaced before the equipment will be 5 years old.

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE REPLACEMENT EQUIPMENT IN B/A 101-4452 TOTALING \$832,245 DURING THE BIENNIUM THAT WOULD BE FUNDED FROM RESERVES GENERATED FROM FEDERAL FUNDS, LICENSE AND FEE REVENUES AND TRANSFERS FROM THE OBLIGATED RESERVE ACCOUNT WITH AN ADJUSTMENT TO REMOVE COMPUTER EQUIPMENT TOTALING \$29,853 THAT WOULD BE REPLACED BEFORE IT IS FIVE YEARS OLD.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. KING:

The Governor recommends \$133,038 in FY 2009-2010 and \$129,392 in FY 2010-2011 from reserve to establish a new unclassified deputy director position in decision unit E-251.

E-251 Working Environment and Wage – Page WILDLIFE-6

Under the current organization structure, the existing deputy director is responsible for both programmatic and financial operations. The establishment of a second deputy director would allow the NDOW to assign the programmatic oversight responsibilities to the existing deputy and fiscal oversight responsibilities to the proposed position. In 1988, when the existing deputy director position was created, the NDOW was a division with an annual operating budget of approximately \$20 million, organized into 3 regions with statewide responsibilities and employed approximately 140 employees. Today, the NDOW is a cabinet-level Department with a recommended FY 2009-2010 operating budget of \$49.7 million, 7 operating divisions, 244 FTE positions and 40 seasonal employees. The NDOW's growth corresponds with the demands created by increasingly more devastating wildland fires, expansion of federal land management programs, energy development projects statewide and threatened and endangered species-listing petitions. Based upon the size and complexity of the NDOW, Staff recommends approval of decision unit E-251.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-251 IN B/A 101-4452 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.  
ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. KING:

There are 13 other closing items in B/A 101-4452. The first is decision unit E-125 which eliminates \$300,000 in each year of the biennium in funds transferred from the Commission on Tourism. These funds would be replaced through a reduction in reserves. These funds support the NDOW Website that is a portal for online sale of licenses, permits, boat registrations and the volunteer program that contributes State matching support for NDOW-administered projects that require a State matching contribution. This recommendation appears reasonable to Staff.

E-125 Equitable, Stable Tax Structure – Page WILDLIFE-5

Decision unit E-250 recommends \$952 from reserve during the biennium for the cost of hosting the Trout in the Classroom database on a DoIT server versus a private vendor's server. This recommendation appears reasonable to Staff.

E-250 Working Environment and Wage – Page WILDLIFE-6

Decision unit E-252 recommends \$87,314 in FY 2009-2010 and \$19,995 in FY 2010-2011 from reserve to fund additional travel and operating expenditures to continue a program that is intended to promote license purchase by a direct mail campaign targeted at former fishing and hunting license holders. This recommendation appears reasonable to Staff.

E-252 Working Environment and Wage – Page WILDLIFE-7

Decision unit E-254 recommends \$30,576 each year of the biennium from reserves to hire temporary personnel to fill vacant game and fishery biologist positions. This recommendation appears reasonable to Staff.

E-254 Working Environment and Wage – Page WILDLIFE-7

Decision unit E-258 recommends \$103,999 from reserve in each year of the biennium for the Application Hunt program for expenditures associated with license stock and sales reporting supplies and informational documentation the NDOW is required to provide to the general public and license agents. The recommendation also includes funds for in-State travel during the biennium which would allow three staff members to travel to Clark County for three to four days of training annually to train new license agents anticipated over the biennium. This recommendation appears reasonable to Staff.

E-258 Working Environment and Wage – Page WILDLIFE-7

Decision unit E-327 recommends \$68,717 in FY 2009-2010 and \$72,020 in FY 2010-2011 for continuation of a biologist III position that was converted from seasonal to permanent full-time during the interim. This position administers the NDOW's deer and antelope compensation tag program. This recommendation appears reasonable to Staff.

E-327 Services at Level Closest to People – Page WILDLIFE-8

Decision unit E-328 recommends \$24,000 from reserve in each year of the biennium to fund wildlife nuisance public service announcements. This recommendation appears reasonable to Staff.

E-328 Services at Level Closest to People – Page WILDLIFE-9

Decision units E-501 and E-901 are related to a recommendation to transfer \$459,235 in federal funds each year of the biennium from the Obligated Reserve account, B/A 101-4458, to this account for the Water Development program. An adjustment to decision unit E-501 is included in this account based upon Staff's recommendation that the funds for the Water Development program remain in a special use category if the transfer of the program's funding to this account is approved.

E-501 Adjustments – Transfers In – Page WILDLIFE-9

E-901 Trans Water Dev from Obligated Reserve to Admin – Page WILDLIFE-14

Decision unit E-730 recommends \$66,655 in FY 2009-2010 and \$68,207 in FY 2010-2011 for deferred maintenance at hatchery and wildlife area management residences. This recommendation appears reasonable to Staff.

E-730 Maintenance of Buildings and Grounds – Page WILDLIFE-12

Decision unit E-737 recommends \$42,975 in each year of the biennium in new license and fee revenue estimated to result from clarifying existing statutory provisions regarding qualifications to purchase resident versus nonresident hunting and fishing licenses. Senate Bill 411 clarifies who qualifies for resident hunting and fishing licenses by modifying the existing statute to replace the word "domicile" with wording that requires an individual to maintain a permanent and principle residence in the State to qualify for resident licenses. This recommendation appears reasonable and Staff recommends approval contingent upon passage of S.B. 411.

E-737 New Programs – Page WILDLIFE-13

[SENATE BILL 411](#): Revises provisions governing the issuance of hunting, fishing and trapping licenses. (BDR 45-1177)

Decision unit E-850 recommends \$75,000 in federal Bureau of Reclamation grant funds in each year of the biennium to evaluate fish conditioning and feeding techniques that would improve swimming stamina, conditioning and



predator escape skills to increase the survival rate of razorback suckers after release. This recommendation appears reasonable to Staff.

E-850 Special Projects – Page WILDLIFE-13

Decision unit E-851 recommends \$21,900 in federal grant funds in each year of the biennium to complete a Pyramid Lake habitat study. This recommendation appears reasonable to Staff.

E-851 Special Projects – Page WILDLIFE-14

Decision unit E-902 recommends the transfer of \$8,826 of expenditure authority within this account from the Operations Division to the Director's Office in each year of the biennium based on the transfer of the fiscal services unit from the Operations Division to the Director's Office. This recommendation appears reasonable to Staff.

E-902 Trans Fiscal Services Section to Director's Office – Page WILDLIFE-14

There is information regarding sage grouse conservation activities on pages 96 through 97 of [Exhibit C](#). This item is provided for information only.

ASSEMBLYMAN CONKLIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-125, E-250, E-252, E-254, E-258, E-327, E-328, E-501, E-901, E-730, E-850, E-851, E-902 AND E-737 CONTINGENT UPON APPROVAL OF S.B. 411 IN B/A 101-4452 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. KING:

The next item is B/A 101-4456.

Wildlife - Boating Program – Budget Page WILDLIFE-18 (Volume III)  
Budget Account 101-4456

Decision unit E-325 recommends \$750,000 in federal Dingell-Johnson Boating Access program funds in each year of the biennium to complete boating access projects. The NDOW has testified that it is in danger of losing federal funds if this decision unit is not approved. This recommendation appears reasonable to Staff.

E-325 Services at Level Closest to People – Page WILDLIFE-20

Decision unit E-710 recommends \$205,360 in FY 2009-2010 and \$303,400 in FY 2010-2011 for replacement equipment. The NDOW testified their boats are evaluated for stress fractures and other signs of wear to ensure they are safe

for their intended use. Outboard motors are replaced after 1,000 to 1,200 hours of operation. Based upon questions from Staff, the NDOW indicates that due to an inadvertent error, an adjustment of \$451 in each year of the biennium is necessary to increase funds to equip the 23-foot Safe Boats included in the recommendation.

E-710 Replacement Equipment – Page WILDLIFE-21

Decision unit E-720 recommends \$175,297 in FY-2009-2010 and \$168,010 in FY 2010-2011 for new equipment. The recommendation also includes \$198,450 for law enforcement communication equipment needed for compliance with a federal mandate to be narrow band compliant by 2013. This recommendation appears reasonable to Staff.

E-720 New Equipment – Page WILDLIFE-22

Staff has made a technical adjustment to adjust gifts and donations by reducing revenue by \$977 so that revenues and expenditures balance.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNITS E-325, E-710 AND E-720 IN B/A 101-4456 AS RECOMMENDED BY THE GOVERNOR; AND TO APPROVE THE TECHNICAL ADJUSTMENTS MADE BY STAFF.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. KING:

The next item is B/A 101-4454.

Wildlife - Trout Stamp Program – Budget Page WILDLIFE-24 (Volume III)  
Budget Account 101-4454

Decision unit E-250 recommends \$61,120 in each year of the biennium to provide maintenance and repairs at various hatchery sites throughout the State. The budget was inadvertently understated for the second year of the biennium; therefore an additional \$500 is needed for FY 2010-2011 in order to complete the projects.

E-250 Working Environment and Wage – Page WILDLIFE-25

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-250 IN B/A 101-4454 WITH THE ADDITIONAL \$500 IN FY 2010-2011 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 WOODHOUSE:  
We will now move to B/A 101-4458.

Wildlife - Obligated Reserve – Budget Page WILDLIFE-27 (Volume III)  
Budget Account 101-4458

MR. KING:

This is the final budget account for the NDOW. Decision unit E-901 recommends the transfer of \$459,235 in federal funds in each year of the biennium from this account to the Wildlife Administration account, B/A 101-4452, for the Water Development program. The program consists of wildlife water guzzlers which are artificial rainwater catchment and storage structures built in suitable wildlife habitats statewide. The guzzlers provide an additional water source for wildlife of all types and sizes and are built to resolve resource conflicts or mitigate impacted habitats.

E-901 Trans Water Dev from Obligated Reserve to Admin – Page WILDLIFE-31

Considering the complexity of the Administration account and the added difficulty of tracking the Water Development program's financial activities that would result from combining the expenditure authority for the Water Development program and the Habitat Division in one category, Staff recommends that the Water Development's program expenditure authority remain in the special use expenditure category if the transfer is approved.

ASSEMBLYMAN GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE DECISION UNIT E-901 IN B/A 101-4458 AS RECOMMENDED BY THE GOVERNOR WITH THE ADJUSTMENT RECOMMENDED BY STAFF TO KEEP THE PROGRAM'S FUNDING IN A SPECIAL USE EXPENDITURE CATEGORY TO FACILITATE FINANCIAL TRACKING AND REPORTING.

SENATOR RHOADS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MR. KING:

The *Executive Budget* recommends an increase in Base Budget expenditures for Upland Game Bird and Wildlife Mining projects in anticipation of the Wildlife Commission's approval of individual projects during the biennium. The NDOW

indicates that, although these projects have not been specifically identified for approval by the Commission, the authority for the projects is needed in anticipation of approval so that work may be implemented during the summer field season and not delayed while work programs are processed by the IFC. This recommendation appears reasonable to Staff.

Decision unit E-251 recommends \$21,660 in each year of the biennium to increase funding for out-of-state travel to attend Interstate Wildlife Violator Compact meetings, as well as operating costs associated with increased investigative work associated with this compact. The NDOW indicates the Operation Game Thief (OGT) program coordinator has been assigned to oversee the compact. Funding for the OGT program, which is provided from civil penalties for wildlife violations and donations, may be carried forward if not expended. This recommendation appears reasonable to Staff.

#### E-251 Working Environment and Wage – Page WILDLIFE-29

Decision unit E-720 recommends \$13,234 from reserve in each year of the biennium for two thermal imagers and eight GPS vehicle tracking devices for OGT law enforcement and investigation activities. This recommendation appears reasonable to Staff.

#### E-720 New Equipment – Page WILDLIFE-30

SENATOR RHOADS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE BASE BUDGET INCREASE AS SUBMITTED BY THE GOVERNOR; AND TO APPROVE DECISION UNITS E-251 AND E-720 IN B/A 101-4458 AS RECOMMENDED BY THE GOVERNOR.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WOODHOUSE:  
There are no further budgets to come before this Subcommittee today. Is there any public comment? Seeing none, this meeting is adjourned at 10:29 a.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
Patricia O'Flinn,  
Committee Secretary

APPROVED BY:

\_\_\_\_\_  
Senator Joyce Woodhouse, Chair

DATE: \_\_\_\_\_

\_\_\_\_\_  
Assemblywoman Kathy McClain, Chair

DATE: \_\_\_\_\_