

**MINUTES OF THE MEETING OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND
SENATE COMMITTEE ON FINANCE
SUBCOMMITTEES ON PUBLIC SAFETY, NATURAL RESOURCES, AND
TRANSPORTATION**

**Seventy-Eighth Session
May 7, 2015**

The joint meeting of the Assembly Committee on Ways and Means and Senate Committee on Finance Subcommittees on Public Safety, Natural Resources, and Transportation was called to order by Chair Chris Edwards at 8:07 a.m. on Thursday, May 7, 2015, in Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Chris Edwards, Chair
Assemblyman John Hambrick, Vice Chair
Assemblywoman Maggie Carlton
Assemblywoman Jill Dickman
Assemblyman Michael C. Sprinkle
Assemblywoman Robin L. Titus

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Mark A. Lipparelli
Senator David R. Parks



STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Stephanie Day, Principal Deputy Fiscal Analyst
Sarah Coffman, Senior Program Analyst
Karen Hoppe, Senior Program Analyst
Janice Wright, Committee Secretary
Cynthia Wyett, Committee Assistant

The Committee Secretary called the roll and all members were present.

Chair Edwards reminded the Subcommittees, witnesses, and audience members of the rules and protocols. Chair Edwards opened public comment. There being no public comment, he opened the budget hearings.

PUBLIC SAFETY

DEPARTMENT OF PUBLIC SAFETY

DPS - CRIMINAL HISTORY REPOSITORY (101-4709)

BUDGET PAGE PUBLIC SAFETY-127

Karen Hoppe, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 4709 had six major closing issues. The Governor recommended State General Fund appropriations of \$2,243,469 over the 2015-2017 biennium to continue the Nevada Criminal Justice Information System (NCJIS) modernization project that began during the 2013-2015 biennium.

Ms. Hoppe provided some history: the Department of Public Safety (DPS) contracted with a vendor in 2012 to conduct a study of the technological applications and develop system upgrade recommendations for consideration by the 2013 Legislature. The completed study recommended that the entire NCJIS be redesigned. Complete replacement of the existing system would take six years and cost \$18.8 million.

Ms. Hoppe said the 2013 Legislature approved a \$2.3 million General Fund one-shot appropriation to complete the first phase of the project during the 2013-2015 biennium. The second phase of the NCJIS project would replace the core computerized criminal history repository. The goal of the second phase was to recode existing functionality into a modern information technology (IT) environment that could be easily modified and expanded to handle additional

mandates. The new system would more easily communicate with disparate systems and address stakeholders' needs. The project would cost a total of \$1,121,582 in fiscal year (FY) 2016 and \$1,121,887 in FY 2017.

Ms. Hoppe noted that the 2012 consultant study recommended an outsourced solution for the multiyear project, and DPS indicated that its original plan was to use contracted vendors. However, the technology investment request (TIR) submitted by DPS indicated that it planned an in-house solution using the Division of Enterprise Information Technology Services (EITS), Department of Administration.

Ms. Hoppe said the Department based its decision on the IT consolidation with EITS during the 2013-2015 biennium and the lower cost of completion of the project by EITS. Two future phases for the modernization project were planned. As proposed, phase three (2017-2019 biennium) would include a data warehouse for master person records, and phase four (2019-2021 biennium) would include the development of a user portal. The Department believed that the total project cost using EITS services would be approximately \$10.3 million compared to the earlier estimate of \$18.8 million using a private vendor.

Ms. Hoppe explained that EITS originally planned to hire two programmers for two years; however, The Executive Budget included contract hour costs rather than new positions for EITS. Because of the change, Fiscal Analysis Division staff estimated that an increase of approximately \$130,000 over the 2015-2017 biennium would be required to provide the agency with an equivalent level of programmer support. The EITS budget was closed on April 30, 2015, and included adding contract development staff in support of the NCJIS modernization project, contingent on approval of decision unit Enhancement (E) 550.

Mr. Hoppe explained that the Subcommittees might wish to consider the following options:

1. Approve the Governor's recommendation to continue phase two of the NCJIS modernization project with State General Fund appropriations of \$2,243,469 over the 2015-2017 biennium.

2. Approve the Governor's recommendation to continue phase two of the NCJIS modernization project with State General Fund appropriations of \$2,243,469 over the 2015-2017 biennium and provide additional General Fund support of \$130,000 over the 2015-2017 biennium for additional contract programmer costs.

Chair Edwards summarized that DPS needed to modernize its criminal justice information system. A study was conducted in 2012 that recommended the existing system be replaced. Phase one of the modernization project began in 2013, and phase two would start in 2015 and cost \$2,243,469. The project would continue through phase three (2017-2019 biennium) and phase four (2019-2021 biennium). The Department originally planned to outsource the project. The Department later decided to request EITS to complete the project. The Department finally decided to outsource the modernization project to independent contractors. The original cost estimate for the project was \$18.8 million, and the current estimate was \$10.3 million. The Governor recommended adding two contractors for phase two work, which, according to Fiscal Analysis Division staff, resulted in an additional cost of \$130,000.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO CONTINUE PHASE TWO OF THE NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM MODERNIZATION PROJECT WITH GENERAL FUND APPROPRIATIONS OF \$2,243,469 OVER THE 2015-2017 BIENNIUM AND PROVIDE ADDITIONAL GENERAL FUND SUPPORT OF \$130,000 OVER THE 2015-2017 BIENNIUM FOR ADDITIONAL CONTRACT PROGRAMMER COSTS.

ASSEMBLYMAN HAMBRICK SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Parks was not present for the vote.)

Ms. Hoppe advised that the Fiscal Analysis Division staff received Budget Amendment A150684709, which removed the General Fund appropriation of \$2,243,469 allocated for the Nevada Criminal Justice Information System (NCJIS) modernization project and funded the project with agency reserves. The Criminal History Repository reserves were higher than anticipated when the EITS rates were finalized in The Executive Budget. The reserves were higher because the costs had been less than anticipated.

However, when the EITS budget was closed on April 30, 2015, specific costs were allocated to all EITS customers, but should have been charged to the Department of Public Safety (DPS). Those DPS costs totaled \$2.3 million over the 2015-2017 biennium.

Ms. Hoppe said the agency indicated to Fiscal Analysis Division staff that it would prefer to withdraw the budget amendment because of the additional EITS costs allocated to the budget. Ms. Hoppe said the agency reserves per The Executive Budget showed a reserve of \$10,297,939 at the end of FY 2020. However, the additional EITS costs and removal of the General Fund appropriations reduced the ending reserve balance to \$1,056,571 at the end of FY 2020. Ms. Hoppe noted that a minimum reserve level of \$4 million had historically been retained in the budget to fund ongoing operations.

Ms. Hoppe said that because of the adverse effect on agency reserves, Fiscal Analysis Division staff recommended that Budget Amendment A150684709 not be approved by the Subcommittees. If Budget Amendment A150684709 was not approved, State General Fund appropriations would be retained to support phase two of the NCJIS modernization project during the 2015-2017 biennium, and Fiscal Analysis Division staff projected a reserve balance of \$3,300,040 at the end of FY 2020.

Ms. Hoppe asked whether the Subcommittees wished to not approve Budget Amendment A150684709 as recommended by Fiscal Analysis Division staff.

Chair Edwards explained that the Subcommittees were informed last month that DPS had \$10,297,937 in reserve funds for the project, but the reserve funds decreased to \$1,056,571 because of the cost-allocation changes.

ASSEMBLYWOMAN DICKMAN MOVED TO NOT APPROVE
BUDGET AMENDMENT A150684709 IN ACCORDANCE WITH
FISCAL ANALYSIS DIVISION STAFF'S RECOMMENDATION.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Parks was not present for the vote.)

Ms. Hoppe said the third major closing issue was a request for temporary contract staff for the disposition backfill project. The Governor recommended a transfer of federal grant funds of \$577,912 over the 2015-2017 biennium from the Office of Criminal Justice Assistance, Department of Public Safety, to continue funding ten temporary contract positions to address the court disposition backlog related to outstanding arrest records. The backlog was created because of education provided to judges and courts about the statutory mandate to report dispositions to the Criminal History Repository.

Ms. Hoppe explained that staff of the General Services Division, Department of Public Safety, performed dual data entry for the backlogged dispositions, entering dispositions into the state and the Federal Bureau of Investigation (FBI) criminal history systems. The Division testified at a budget hearing that one of the goals of the NCJIS modernization project was to eliminate dual data entry of dispositions with an interface to the FBI system. The Division indicated that the elimination of dual data entry would likely be addressed in phase three, (2017-2019 biennium) or phase four (2019-2021 biennium) of the modernization project.

Ms. Hoppe said the Division considered automated solutions for disposition and transmission to the courts, but that would not be successful because the courts lacked a centralized system. Any future technology solutions would not reduce the current backlog of dispositions that required individual research and manual data entry. The Division could manually enter 40 percent of the backlogged dispositions immediately, but 60 percent required further research by staff and entry would be delayed.

Ms. Hoppe noted that the Interim Finance Committee (IFC) approved 30 positions (10 permanent staff and 20 contract staff) to address the backlog. The Executive Budget included ten permanent positions and ten contract positions and deleted ten contract staff approved by IFC. The Division would request an additional ten temporary contact positions at the June 25, 2015, Interim Finance Committee meeting, and those positions would begin on the same date as the new positions included in The Executive Budget. Fiscal Analysis Division staff recommended approval of the additional ten temporary contract positions.

Ms. Hoppe provided two options for the Subcommittees' consideration.

1. Approve the Governor's recommendation to use federal grants funds of \$577,912 over the 2015-2017 biennium to continue funding ten temporary contract positions to address the court dispositions backlog related to outstanding arrest records.
2. Approve the Governor's recommendation to use federal grant funds of \$577,912 over the 2015-2017 biennium to continue funding ten temporary contact positions to address the court dispositions backlog related to outstanding arrest records and authorize the Division to use reserve funding of \$577,912 over the 2015-2017 biennium to continue funding an additional ten temporary contract positions.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO USE FEDERAL GRANTS FUNDS OF \$577,912 OVER THE 2015-2017 BIENNIUM TO CONTINUE FUNDING TEN TEMPORARY CONTACT POSITIONS TO ADDRESS THE COURT DISPOSITIONS BACKLOG RELATED TO OUTSTANDING ARREST RECORDS, AND AUTHORIZE THE DIVISION TO USE RESERVE FUNDING OF \$577,912 OVER THE 2015-2017 BIENNIUM TO CONTINUE FUNDING AN ADDITIONAL TEN TEMPORARY CONTRACT POSITIONS.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Hoppe explained the fourth major closing issue was the Governor's recommendation for reserve funding of \$318,211 over the 2015-2017 biennium to add three new positions, consisting of two program officer 1 positions and one administrative assistant 4 position, and associated costs to support the sex offender registry (SOR). The new positions would reduce the annual caseload per worker from the current caseload of 557 to approximately 400-450 cases. The administrative assistant 4 position would serve as an additional case investigator, and the two new program officer 1 positions would increase supervision, audit case files, prepare reports, and assume a one-half caseload to provide relief in caseload assignments.

Ms. Hoppe advised that the Division projected a 5 percent annual growth rate in SOR registrations based on historical averages. The three new positions would

not reduce the annual per-worker caseload to the 400-450 manageable level sought by the agency. Ms. Hoppe noted that two more positions, in addition to the three new positions requested in The Executive Budget, would be required to meet the agency's caseload goal.

Ms. Hoppe asked whether the Subcommittees wished to approve the Governor's recommendation to add two program officer 1 positions and one administrative assistant 4 position to support the SOR.

Chair Edwards said The Executive Budget request for three new positions would not permit the agency to make progress with its backlog. He asked the Subcommittees to add one or two additional case investigator positions to reduce the annual per-worker caseload to 450, which was a manageable level.

Assemblywoman Carlton asked whether the new positions were information technology positions or investigator positions.

Ms. Hoppe responded that the new positions included an administrative assistant to serve as a case investigator and two program officers who were not sworn officers.

Assemblywoman Carlton asked for an explanation of the need for the new positions.

Chair Edwards said the caseload continued to increase, and the agency projected 5 percent annual growth in caseload. The annual caseload in the 2015-2017 biennium would be more than 500 cases per employee, and that caseload was unmanageable. The optimum caseload was in the range of 400 to 450 annual cases per employee.

Assemblywoman Carlton suggested that the agency could request additional positions from IFC if the caseload was not at a reasonable level during the next six months to one year.

Chair Edwards agreed, but expressed concern that the three new positions requested in The Executive Budget were insufficient to allow the agency to reduce its caseload to a reasonable level.

Assemblywoman Carlton said the new positions requested in The Executive Budget were reasonable, and the agency could request more

positions from IFC. A similar decision was made for the Division of Parole and Probation, Department of Public Safety, which studied its caseload and provided actual time frames and details of the need. Assemblywoman Carlton understood the suggestion made by Chair Edwards, but believed the current request in The Executive Budget was reasonable.

Assemblyman Sprinkle asked for clarification of the proposal made by Chair Edwards and details of the duties and costs of the additional positions.

Chair Edwards suggested adding one more administrative assistant position to serve as a SOR case investigator.

Senator Goicoechea said he appreciated the suggestion made by Chair Edwards, but the reserves were low and Senator Goicoechea believed the decision should support The Executive Budget.

Chair Edwards expressed concern that the agency was unable to reduce its caseload, but agreed that support for The Executive Budget was reasonable.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO ADD TWO PROGRAM OFFICER 1 POSITIONS AND ONE ADMINISTRATIVE ASSISTANT 4 POSITION TO SUPPORT THE SEX OFFENDER REGISTRY.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Hoppe said the fifth major closing issue was a request for two new information technology (IT) professional positions using reserve funds over the 2015-2017 biennium. The first IT professional position would be used to ensure compliance with the FBI's technical security audit requirements. Those requirements had increased significantly over the years, and the agency needed help in meeting those security requirements. The second IT professional position for DPS was the information security officer (ISO), and an ISO position was required by the State Information Security Committee's Standard 102, Section 6.0.1. The ISO would serve the entire DPS, not just the General Services Division.

Ms. Hoppe asked whether the Subcommittees wished to approve the Governor's recommendation to add two new information technology professional positions to support the FBI's technical security audit function and ensure the integrity of departmental information resources.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO ADD TWO NEW INFORMATION TECHNOLOGY PROFESSIONAL POSITIONS TO SUPPORT THE FEDERAL BUREAU OF INVESTIGATION'S TECHNICAL SECURITY AUDIT FUNCTION AND ENSURE THE INTEGRITY OF THE DEPARTMENT OF PUBLIC SAFETY'S INFORMATION RESOURCES.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Hoppe explained that the Governor recommended civil name check fees of \$88,794 over the 2015-2017 biennium to add one new administrative assistant and associated operating costs to the program development and compliance unit for civil name checks (CNC). The CNC program allowed screening based on name, date of birth, and social security numbers rather than fingerprints. The agency had one administrative assistant to respond and research CNC program inquiries, and one full-time-equivalent (FTE) position could handle 27,600 inquiries per year. The agency projected 7 percent annual growth in the CNC inquiries based on historical averages. Currently, the agency had to redirect other higher-paid staff from their primary responsibilities to assist with CNC inquiries.

Ms. Hoppe asked whether the Subcommittees wished to approve the Governor's recommendation to add one new administrative assistant position to support the civil name check program.

Chair Edwards said the new positions would be funded with fees, and he questioned whether the casinos would pay for the positions.

Assemblywoman Carlton thought that the employees paid for the name checks. She was required to pay for her sheriff's card, health card, and techniques of alcohol management card, and she was required to have her cards on her person while serving customers. She questioned whether the name checks were included in the background investigations required by the casinos.

Julie Butler, Chief, General Services Division, Department of Public Safety, testified that the civil name check program was a voluntary program used by some of the employers and casinos in southern Nevada to screen nongaming employees, including valets, bar staff, maids, housekeeping, and restaurant workers. The Division charged the casinos \$20 per name check for the service. Ms. Butler was unsure whether some casinos passed that fee on to the employee.

Senator Goicoechea questioned how long it would take to complete the large backlog of 32,000 name checks and how long it took the Division to complete a name check.

Ms. Butler clarified that a name check was different from a sheriff's work card investigation. The Division generally completed a name check in seven business days, but sometimes additional time was required to track down missing information from the courts or additional dispositions. The Division diverted other staff to name check duties to remain current within the seven-day time frame. The Division preferred not to divert other staff, because those staff had regular duties that were not being performed.

Senator Goicoechea questioned whether the new position would permit the Division to remain current within the seven-day time frame without diverting other staff.

Ms. Butler confirmed that the Division would be able to comply with the seven-day time frame.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S
RECOMMENDATION TO ADD ONE NEW ADMINISTRATIVE
ASSISTANT POSITION TO SUPPORT THE CIVIL NAME CHECK
PROGRAM.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Hoppe said the five other closing items for budget account 4709 appeared reasonable. Fiscal Analysis Division staff recommended approval of all other closing items and requested authority to make other technical adjustments as needed.

SENATOR LIPPARELLI MOVED FOR APPROVAL OF ALL OTHER CLOSING ITEMS IN BUDGET ACCOUNT 4709 AS RECOMMENDED BY FISCAL ANALYSIS DIVISION STAFF AND AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC – AGENCY-WIDE MAJOR CLOSING ISSUES

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that there were three major closing issues that affected the entire Department of Corrections. The first major closing issue was the revised inmate population. Ms. Coffman explained that the projected inmate population numbers used in The Executive Budget of 12,816 in fiscal year (FY) 2016 and 12,882 in FY 2017 were revised by the JFA Institute in February 2015 to 12,890 in FY 2016 and 12,948 in FY 2017, with the increase to the inmate population of 151 in FY 2016 and 209 in FY 2017. An increase was projected in the inmate population because the actual inmate population was greater than anticipated, with 20 more male inmates and 33 more female inmates during the last four months. The increase resulted from a greater number of new male and female inmates incarcerated, the decrease in mandatory and discretionary release rates, and an increase in the average length of female inmate stays.

Ms. Coffman asked whether the Subcommittees wished to approve the revised inmate population projections reflected in the February 2015 report from JFA Institute.

SENATOR GOICOECHEA MOVED TO APPROVE THE REVISED INMATE POPULATION PROJECTIONS REFLECTED IN THE FEBRUARY 2015 REPORT FROM JFA INSTITUTE.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman explained the next major closing issue was the bed capacity and long-range capital improvement program (CIP) projection. During the 2015-2017 biennium, the Department of Corrections (NDOC) planned to close the Northern Nevada Restitution Center and simultaneously open the Northern Nevada Transitional Center, resulting in an increase of nine beds.

Ms. Coffman asked whether the Subcommittees wished to approve the revised inmate housing plan that included the closure of Northern Nevada Restitution Center and the opening of Northern Nevada Transitional Center.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE
REVISED INMATE HOUSING PLAN THAT INCLUDED THE
CLOSURE OF NORTHERN NEVADA RESTITUTION CENTER AND
THE OPENING OF NORTHERN NEVADA TRANSITIONAL CENTER.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the next major closing issue was an adjustment to the NDOC shift relief factor. The NDOC used a shift relief factor to determine how many positions were required to fill a single protective service job post for a single shift, accounting for vacation, sick leave, training days, and other types of leave. Currently, the NDOC shift relief factor was 1.6 for 7-day-per-week posts and 1.2 for 5-day-per-week posts. This shift relief factor had not been updated since 1979, and NDOC believed it was out of date. The NDOC independently commissioned the Association of State Correctional Administrators (ASCA) in fiscal year (FY) 2014 to conduct a study of its posts and staffing levels to determine whether there was a need to increase staffing levels to support all legislatively approved posts. The study used personnel data from FY 2013 and determined that NDOC should adjust its shift levels to add 100 new positions agency-wide for optimal staffing.

Ms. Coffman continued that the Governor recommended adjusting NDOC's shift relief factor for both 7-day-per-week and 5-day-per-week protective service posts for all major institutions and conservation camps, including transitional housing and restitution centers. A different shift relief factor was proposed for each facility type. The shift relief factor for major institutions would increase from 1.6 to 1.7 for 7-day-per-week protective service staff and from 1.2 to 1.21 for 5-day-per-week protective service staff.

Ms. Coffman explained that the proposed shift relief factor would take into consideration annual leave, sick leave, training, compensatory time, family medical leave of absence, catastrophic leave, administrative leave, leave without pay, and leave because of family death.

Ms. Coffman cited some problems with the methodology used to calculate the proposed shift relief factors. Not every staff member would be absent each year for each type of leave, and the leave time would vary from year to year. The study failed to account for those variations because it was based on actual leave used in FY 2013. The study estimated leave times when actual data was not available, including the number of days a position was vacant and the hours staff was away from work for training.

Ms. Coffman said the ASCA acknowledged that the proposed shift relief factor might be understated, because the Department had the ability to fill a position at one institution, but temporarily transferred that individual to another institution. The study cited an example of employees assigned to Ely State Prison, but transferred temporarily to High Desert State Prison. Northern Nevada Restitution Center experienced little to no vacancies in FY 2013. As a result, the ASCA study recommended decreasing the Northern Nevada Restitution Center's shift relief factor from 1.6 to 1.58 for 7-day-per-week posts and from 1.2 to 1.13 for 5-day-per-week posts. The Northern Nevada Restitution Center experienced greater vacancies in future biennia, the reduced shift relief factor would fail to provide adequate staffing at that facility.

Ms. Coffman said the ASCA recommended evaluating the Department's shift relief factor every year to address personnel outliers included in the study. However, the NDOC indicated the shift relief factor should be reviewed once every two years because the Legislature met biennially.

Ms. Coffman explained that The Executive Budget recommended State General Fund appropriations of \$1,802,892 in FY 2016 and \$5,758,933 in FY 2017 to add 100 protective service positions throughout NDOC. Concerns were expressed about whether NDOC could train new custody staff needed to fill the 100 new positions and 110 existing vacant positions. The Department of Corrections provided information showing it could train 840 correctional officers per year.

Ms. Coffman said NDOC had 110 vacant positions and maintained it would reduce its vacancies over the next few months, but there were 115 vacant positions as of April 2015. The NDOC made three changes to attract new employees:

1. Develop recreational vehicle (RV) parks at certain remote camps.
2. Enroll a correctional officer trainee program.
3. Hire an employee to fill the vacant human resource position.

Five NDOC employees used the RV spaces at remote camps, and NDOC planned to create five additional spaces for staff at Ely State Prison. New staff members were enrolled in a correctional officer trainee program before receiving Peace Officers' Standards and Training (POST) Commission certification. The training program had been in operation at the rural institutions for 15 years. The vacant human resource position was recently filled.

Ms. Coffman said NDOC was asked to develop some performance indicators that could be achieved if the 100 new positions were filled. Staff morale would improve at NDOC and overtime would be reduced by 20 percent, resulting in a savings of \$440,000 per year; however, the savings would not be realized in the 2015-2017 biennium. The NDOC maintained that it derived the number of additional positions requested based on a mathematical equation, and reductions to the number of new positions would undermine the basis of the shift relief factor calculation.

Ms. Coffman explained that the proposed shift relief factor was based on a calculation using personnel data gathered from only one year and estimates compiled by ASCA, with no adjustments for outliers. Ms. Coffman said the Subcommittees might wish to consider a more conservative approach in revising NDOC's shift relief factor for the 2015-2017 biennium. As an alternative, the Subcommittees could consider increasing the shift relief factor by half of the amounts proposed in The Executive Budget and direct NDOC to gather data on staff hours spent in training and the number of days a position was vacant. A three-year average of data from FY 2014 through FY 2016 could be presented to the 2017 Legislature. The use of average numbers would minimize any outliers incurred in a single year and provide a more accurate shift relief factor for future biennia.

Ms. Coffman said the shift relief factors for the various facility types would be revised if the conservative alternative was selected. The alternative shift relief factors would result in a decrease of 54 positions to 46 new positions from the 100 new positions proposed in The Executive Budget. The major institutions would change from a shift relief factor of 1.6 to 1.65 for 7-day posts and from 1.2 to 1.205 for 5-day posts. The alternative shift relief factor would add 46 new positions instead of 100 positions, which would result in General Fund savings of \$565,123 in FY 2016 and \$3.1 million in FY 2017.

Ms. Coffman provided three options for the Subcommittees' consideration:

1. Approve the Governor's recommendation for General Fund appropriations of \$1,802,892 in fiscal year (FY) 2016 and \$5,758,933 in FY 2017 to revise the Department of Corrections' shift relief factors at the levels recommended in the Association of State Correctional Administrators (ASCA) study, which would result in the addition of 100 new protective service staff positions, and direct the Department over the 2015-2017 biennium to gather personnel data, including additional data that was not available to ASCA during its 2014 study, and present the information to the 2017 Legislature with revised shift relief factors that took into consideration a three-year average of the Department of Corrections' personnel data.
2. Increase the Department of Corrections' shift relief factor by one-half of the amounts proposed in The Executive Budget and direct the Department over the 2015-2017 biennium to gather personnel data, including additional data that was not available to the Association of State Correctional Administrators (ASCA) during its 2014 study, and present the information to the 79th Session (2017) with revised shift relief factors that took into consideration a three-year average of the Department of Corrections' personnel data. This recommendation would provide funding for 46 new positions over the 2015-2017 biennium and would generate an estimated General Fund savings of \$565,123 in FY 2016 and \$3.1 million in FY 2017 compared to the Governor's recommended proposal.

3. Do not approve the Governor's recommendation for General Fund appropriations of \$1,802,892 in fiscal year (FY) 2016 and \$5,758,933 in FY 2017 to revise the Department of Corrections' shift relief factors and add 100 new protective service staff positions. If this option was chosen, the Subcommittees might wish to direct the Department over the 2015-2017 biennium to gather personnel data, including additional data that was not available to the Association of State Correctional Administrators during its 2014 study, and present the information to the 79th Session (2017) with revised shift relief factors that took into consideration a three-year average of the Department of Corrections' personnel data.

Ms. Coffman said if the Subcommittees recommended approval of option 1 or option 2, they might consider appropriating the funding to the Interim Finance Committee's (IFC) Contingency Account for institutions that had vacancy rates greater than 10 percent. During the interim, those institutions could seek IFC approval to release funding for the new positions once existing vacancies were filled and vacancy rates were less than 10 percent. Agencies with vacancy rates less than 10 percent would receive the funding directly with no further action required. Any funding remaining in the Contingency Account after each fiscal year in the 2015-2017 biennium would revert to the General Fund.

Ms. Coffman explained the vacancy rates at the different institutions and facilities and the effect of each option on the vacancy rates. She said Ely State Prison would have to reduce its vacant positions to 27 to access the additional funding.

Chair Edwards summarized the information provided by Ms. Coffman. He said a study of the Department of Corrections concluded it needed 100 new positions, and the Department currently had 115 vacancies because efforts to reduce the vacancies had not improved the vacancy rates. The new human resources position was recently filled and might improve the vacancy rates in the future.

Assemblywoman Carlton said that the Department of Corrections would experience a material number of staff retiring within the next couple of years and would lose much institutional knowledge. She questioned whether the increased retirement rate was considered in the studies on vacancies. She expressed concern that the Department of Corrections would

have problems if it did not hire new staff to acquire the institutional knowledge from experienced staff.

Ms. Coffman responded that retirement rates were not considered in the study conducted by ASCA. That study looked at the personnel data and did not consider the retirement projections.

Assemblywoman Carlton wanted assurance that the number of retirements would be considered when the new shift relief factor was determined. Many things had changed since the shift relief factor was revised in 1979.

Assemblyman Sprinkle said it was important to gather updated information on staffing. He said the Department of Corrections should gather all the relevant data to present to the 79th Session (2017). Some information was not made available to the ASCA staff that conducted the study. He expressed concern that the staffing ratios created a life-safety concern for the officers. Pay raises had been approved for supervisors on fire crews because fire crews protected individuals' lives. The Department of Corrections was involved in life-safety concerns. Failure to maintain a proper staffing level in the correctional institutions placed every officer in an unsafe situation and put their lives in jeopardy. The Department had to be staffed at the highest level possible.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OPTION 1: THE GOVERNOR'S RECOMMENDATION FOR GENERAL FUND APPROPRIATIONS OF \$1,802,892 IN FISCAL YEAR 2016 AND \$5,758,933 IN FISCAL YEAR 2017 TO REVISE THE DEPARTMENT OF CORRECTIONS' SHIFT RELIEF FACTORS AT THE LEVELS RECOMMENDED IN THE ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS (ASCA) STUDY, WHICH WOULD RESULT IN THE ADDITION OF 100 NEW PROTECTIVE SERVICE STAFF POSITIONS, AND DIRECT THE DEPARTMENT OVER THE 2015-2017 BIENNIUM TO GATHER PERSONNEL DATA, INCLUDING ADDITIONAL DATA THAT WAS NOT AVAILABLE TO ASCA DURING ITS 2014 STUDY, AND PRESENT THE INFORMATION TO THE 79TH SESSION (2017) WITH REVISED SHIFT RELIEF FACTORS THAT TOOK INTO CONSIDERATION A THREE-YEAR AVERAGE OF THE DEPARTMENT OF CORRECTIONS' PERSONNEL DATA. THE APPROPRIATIONS FOR INSTITUTIONS THAT HAD VACANCY RATES GREATER THAN 10 PERCENT SHOULD BE PLACED IN THE INTERIM FINANCE

COMMITTEE'S (IFC) CONTINGENCY ACCOUNT. DURING THE INTERIM, THESE INSTITUTIONS COULD SEEK IFC APPROVAL TO RELEASE FUNDING FOR THE NEW POSITIONS ONCE EXISTING VACANCIES WERE FILLED AND THE VACANCY RATES WERE LESS THAN 10 PERCENT. AGENCIES WITH VACANCY RATES LESS THAN 10 PERCENT WOULD RECEIVE THE ADDITIONAL FUNDING DIRECTLY WITH NO FURTHER ACTION REQUIRED. ANY FUNDS REMAINING IN THE CONTINGENCY ACCOUNT AT THE END OF EACH FISCAL YEAR OF THE 2015-2017 BIENNIUM WOULD REVERT TO THE GENERAL FUND.

SENATOR GOICOECHEA SECONDED THE MOTION.

During discussion of the motion, Senator Goicoechea expressed concern about the 20 percent vacancy rate occurring in some facilities and questioned whether approving 100 more positions would improve the situation. He thought the 100 positions could be approved, and the funding could be held in the Contingency Account and released as the facilities were able to hire staff. He agreed with Assemblyman Sprinkle that the problem was a life-safety concern. Senator Goicoechea clarified that the motion would authorize funding for the 100 positions, but the funding would be controlled by IFC, and the Department of Corrections would request approval from IFC for release of that funding.

Chair Edwards said he understood that the Subcommittees wanted to approve the 100 positions. The Department of Corrections had 115 vacancies. Therefore, it made sense to fill the 115 vacancies first and then work to hire the 100 new positions. Chair Edwards suggested that it might be smart to hold the funds for the 100 positions, but allow the Department to fill the 46 new positions after filling the 115 vacancies, and hold the money for the additional 54 new positions. The Department could return to IFC to request the additional funds after an institution had reduced its vacancy rate to less than 10 percent.

Ms. Coffman restated Assemblywoman Dickman's motion at her request.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OPTION 1: THE GOVERNOR'S RECOMMENDATION FOR GENERAL FUND APPROPRIATIONS OF \$1,802,892 IN FISCAL YEAR (FY) 2016 AND \$5,758,933 IN FY 2017 TO REVISE THE DEPARTMENT OF CORRECTIONS' SHIFT RELIEF FACTORS TO THE LEVELS RECOMMENDED IN THE ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS (ASCA) STUDY, WHICH WOULD RESULT IN THE ADDITION OF 100 NEW PROTECTIVE SERVICE STAFF POSITIONS, AND DIRECT THE DEPARTMENT OVER THE 2015-2017 BIENNIUM TO GATHER PERSONNEL DATA, INCLUDING ADDITIONAL DATA THAT WAS NOT AVAILABLE TO ASCA DURING ITS 2014 STUDY, AND PRESENT THE INFORMATION TO THE 79TH SESSION (2017) WITH REVISED SHIFT RELIEF FACTORS THAT TOOK INTO CONSIDERATION A THREE-YEAR AVERAGE OF THE DEPARTMENT OF CORRECTIONS' PERSONNEL DATA. THE APPROPRIATIONS OF \$309,037 IN FISCAL YEAR (FY) 2016 AND \$999,671 IN FY 2017 WOULD BE PLACED IN THE INTERIM FINANCE COMMITTEE'S (IFC) CONTINGENCY ACCOUNT FOR INSTITUTIONS THAT HAD VACANCY RATES GREATER THAN 10 PERCENT, INCLUDING ELY STATE PRISON, THREE LAKES VALLEY CONSERVATION CAMP, AND CARLIN CONSERVATION CAMP. THE REMAINDER OF THE INSTITUTIONS WOULD RECEIVE FUNDING DIRECTLY FOR THEIR POSITIONS. DURING THE INTERIM, THESE INSTITUTIONS COULD SEEK IFC APPROVAL TO RELEASE FUNDING FOR THE NEW POSITIONS ONCE THEY FILLED EXISTING VACANCIES AND REDUCED THEIR VACANCY RATES TO LESS THAN 10 PERCENT. ANY FUNDING REMAINING IN THE CONTINGENCY ACCOUNT AT THE END OF EACH FISCAL YEAR OF THE 2015-2017 BIENNIUM WOULD REVERT TO THE GENERAL FUND.

SENATOR PARKS SECONDED THE MOTION.

During discussion on the motion, Senator Goicoechea expressed concern that Ely State Prison was generally understaffed and would not receive any money because its vacancy rate would not be less than 10 percent. Senator Goicoechea thought that the Subcommittees could approve half of the new positions and hold the second half of the money for IFC approval when the facility needed access to those funds. He stated that if Ely State Prison

received no additional funds until its vacancy rate was less than 10 percent, the facility might be unable to operate successfully.

Assemblywoman Carlton said that Senator Goicoechea's suggestion would be possible with option 1 or option 2, and the same effect would be available whichever option was selected by the Subcommittees. She had difficulty with the idea of holding back positions. She supported option 1, but was not comfortable with the 10 percent vacancy restriction that would limit the opportunities and the funding that could be released by IFC.

Senator Goicoechea agreed with Assemblywoman Carlton and thought the Subcommittees were struggling with the language. The consensus was to approve 100 positions for the Department. Senator Goicoechea wanted to make 46 of the positions available to the facilities now, especially those facilities with high vacancy rates, and reserve the second half of the money to be released by IFC as the vacancy rates improved. The Department could request that IFC release additional funding for any facility whose vacancy rate decreased. He believed the Subcommittees should not include any percentage restrictions of 20 percent or 10 percent. The institutions could submit a request to IFC and show that the vacancy rate had decreased and request release of some funding. Senator Goicoechea struggled with the language that was needed and was unsure how to phrase his suggestion or whether anyone else agreed with him.

Scott Sisco, Deputy Director, Support Services, Carson City, Department of Corrections, testified that the Department's budget was complicated because of the vacancy savings requirements. He understood that the motion from Assemblywoman Dickman would authorize 100 new positions and would hold back the funding only in option 1, and the Department could request the funding from IFC when needed. Mr. Sisco said cutting half of the positions was difficult for the Department, because staffing was a complicated mathematical calculation. The unintended consequence would be to restrict staffing positions in facilities such as Tonopah Conservation Camp or other facilities where the Department could fill vacant positions that were needed. Mr. Sisco said the Department could more easily comply with the motion to approve the 100 new positions in option 1 and hold back the funding, but not restrict the individual number of positions by facility. The Department could fill the positions and report to IFC on the progress when the Department requested more funding.

Chair Edwards said the Department should work to fill the 115 vacancies, and filling those vacancies should be the goal of any institution.

Mr. Sisco clarified that the 115 vacancies existed throughout NDOC's institutions. As an example, there might be 50 vacancies in Ely and 30 vacancies in Lovelock. The Department constantly recruited for all of its vacancies. The Department had approval to fill the existing vacancies on a staggered basis, and there were four separate hire dates: two dates in FY 2016 and two dates in FY 2017. The Department would continue its efforts to fill vacancies and new positions in accordance with the four hire dates. The Department also had staff who was retiring, which increased the vacancy rates. The Department would provide regular updates to IFC on the vacancy rates at Ely State Prison, Three Lakes Valley Conservation Camp, and Carlin Conservation Camp. Mr. Sisco said the NDOC would continue its recruiting efforts for vacant positions, but the Department would request release of funding from IFC to fill new positions.

Assemblywoman Dickman asked whether her motion was acceptable to the Department and met its needs.

Mr. Sisco said Assemblywoman Dickman's motion would work for the Department, but he was concerned about cutting the positions in half because that would mean Ely would not get any additional funding for positions.

Assemblywoman Dickman asked whether the Department could work with the 10 percent vacancy rate restriction.

Mr. Sisco said reserving funding for those three facilities (Ely State Prison, Three Lakes Valley Conservation Camp, and Carlin Conservation Camp) until the vacancy rate was less than 10 percent would be workable for the Department.

Chair Edwards explained the Subcommittees' decision would not cut any positions, but would reserve the funding at IFC.

Mr. Sisco understood that option 1 would reserve the funding at IFC until the vacancy rate was less than 10 percent at Ely State Prison, Three Lakes Valley Conservation Camp, and Carlin Conservation Camp.

Senator Goicoechea expressed concern that Ely State Prison could not reduce its vacancy rate to less than 10 percent. The vacancy rate at Three Lakes Valley Conservation Camp and Carlin Conservation Camp would change frequently from more than 10 percent to less than 10 percent. He said Ely State Prison was his main concern. He wanted to ensure that Ely State Prison was staffed and vacancies were filled. He expressed concern that any remote facility could develop a vacancy rate greater than 10 percent.

Mr. Sisco understood that the Department would continue to recruit for the 100 positions, but IFC would reserve the funding for the three institutions with a vacancy rate greater than 10 percent. Mr. Sisco asked whether the decision would apply to any institution that experienced a sudden increase in retirements causing its vacancy rate to increase above 10 percent.

Senator Goicoechea said the decision was to approve the 100 positions and hold the money in the IFC Contingency Account for approval. He asked the Subcommittees if the money would be reserved for any institution that had a vacancy rate greater than 10 percent or just Ely State Prison, Three Lakes Valley Conservation Camp, and Carlin Conservation Camp.

Assemblywoman Dickman questioned whether the motion included all institutions or just the three mentioned.

Ms. Coffman clarified that the motion applied to all institutions; however, the only institutions that were currently above the 10 percent vacancy rate were Ely State Prison, Three Lakes Valley Conservation Camp, and Carlin Conservation Camp. If the Subcommittees specified that the motion would only apply to those three institutions, then it would not pose a problem for the Department. The motion would require that additional funding be reserved in the Contingency Account, and IFC would receive reports on the vacancy rates and updates on the status of the staffing levels of the facilities during the interim. If vacancies were still high, the Department would not receive additional funding because funding, was restricted to positions after the facilities reduced the vacancy rates to 10 percent.

Senator Goicoechea said he preferred that the motion apply to all facilities because IFC would control the use of the funds.

Mr. Sisco expressed concern about the motion, because the Subcommittees had to close the budgets and the budgets of Ely State Prison, Three Lakes Valley

Conservation Camp, and Carlin Conservation Camp included funding for the new positions. He questioned whether the Subcommittees would reduce the budgets for other facilities that had vacancy rates greater than 10 percent.

Chair Edwards clarified that the money would still be available, but the vacancy rates were a concern. As long as an institution had a vacancy rate less than 10 percent, the agency could receive the additional funding. If the vacancy rate was less than 10 percent, the agency would have the money to hire the new positions needed. When the vacancy rate was greater than 10 percent, the institution must request approval from IFC for the funds.

Ms. Coffman clarified that when the vacancy rate was less than 10 percent in one of the three problem facilities, the agency would be eligible to come to IFC and ask for the additional funding for the positions. Currently, Ely State Prison could request 15 positions, and the money would be placed in the Contingency Account until the institution reduced the 55 vacant positions to 27 vacant positions. At that point, Ely State Prison could ask for additional funding for the 15 positions.

Mr. Sisco asked whether the money would be placed in the budget for High Desert State Prison if its vacancy rate was currently less than 10 percent.

Ms. Coffman clarified that any facility budgets that were currently below the 10 percent vacancy rate would have the funding directly allocated to their budgets.

Senator Goicoechea expressed concern that the Subcommittees had given every other prison facility its money, plus the 100 positions, except for the three problem facilities, and Ely State Prison would not receive any new positions. He was concerned that the vacancy rate at Ely State Prison would never be less than 10 percent, and Ely State Prison would never get any more staffing. Senator Goicoechea said the decision would "handcuff" the three problem facilities.

Mr. Sisco said Ely State Prison could reduce its vacancy rate, but his understanding was that as soon as the vacancy rate was less than 10 percent, the Department could recruit for the new positions. If the Department recruited for the new positions and a facility had a vacancy rate less than 10 percent, the facility could request approval from IFC for the money. When the Department filled the positions, the Department could request the money.

Senator Goicoechea said Ely State Prison must reduce its vacancies to less than 27 positions to begin recruiting for new positions. He was concerned that this process would be difficult.

Senator Parks observed that there were big vacancy problems in the facilities' budgets. He recommended that the Subcommittees not handcuff the Department. Senator Parks preferred that the Subcommittees approve the allocation of the 100 new positions and ask the Fiscal Analysis Division staff and the Department to develop a workable plan for the allocation. He proposed to amend the motion and keep it as simple as possible rather than include everything in one motion. Senator Parks urged the Subcommittees to proceed with caution.

Assemblywoman Dickman said she would amend her motion to approve the 100 positions, and the Subcommittees could develop another motion for the remainder of the items. Senator Parks, who seconded the original motion of Assemblywoman Dickman, agreed to second her amended motion.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND HER
PREVIOUS MOTION.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Senator Goicoechea recommended that the Department of Corrections work with Fiscal Analysis Division staff to develop some guidelines about what should be included in the report to IFC. He wanted the data organized in a report to provide a status to IFC on the vacancies and hiring of positions. The IFC needed to understand a timeline for the Department of Corrections to solve its staffing problems.

SENATOR GOICOECHEA MOVED TO REQUIRE THE DEPARTMENT
OF CORRECTIONS TO WORK WITH FISCAL ANALYSIS DIVISION,
LEGISLATIVE COUNSEL BUREAU STAFF, TO DEVELOP SOME
FACTUAL GUIDELINES FOR QUARTERLY REPORTS TO BE
PROVIDED TO THE INTERIM FINANCE COMMITTEE SHOWING
THE STATUS OF STAFFING AT THE INSTITUTIONS.

SENATOR PARKS SECONDED THE MOTION.

During discussion of the motion, there was uncertainty about the vote on the previous motion by Assemblywoman Dickman. Senator Goicoechea said it was his understanding that the maker of the first motion [Assemblywoman Dickman] amended her motion and the person who made the second [Senator Parks] supported her amendment. Senator Goicoechea thought the vote of the Subcommittees was the vote on the entire motion to approve option 1. The members of the Subcommittees were uncertain about their previous action.

Chair Edwards said the Subcommittees heard a motion to amend Assemblywoman Dickman's original motion and the motion carried. The motion that would now be before the Subcommittees was about the option.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND HER MOTION AND APPROVE THE GOVERNOR'S RECOMMENDATION FOR GENERAL FUND APPROPRIATIONS OF \$1,802,892 IN FISCAL YEAR (FY) 2016 AND \$5,758,933 IN FY 2017 TO REVISE THE DEPARTMENT OF CORRECTIONS' SHIFT RELIEF FACTORS AT THE LEVELS RECOMMENDED IN THE ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS (ASCA) STUDY, WHICH WOULD RESULT IN THE ADDITION OF 100 NEW PROTECTIVE SERVICE STAFF POSITIONS, AND DIRECT THE DEPARTMENT OVER THE 2015-2017 BIENNIUM TO GATHER PERSONNEL DATA, INCLUDING ADDITIONAL DATA THAT WAS NOT AVAILABLE TO ASCA DURING ITS 2014 STUDY, AND PRESENT THE INFORMATION TO THE 2017 LEGISLATURE WITH REVISED SHIFT RELIEF FACTORS THAT TOOK INTO CONSIDERATION A THREE-YEAR AVERAGE OF THE DEPARTMENT OF CORRECTIONS' PERSONNEL DATA.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Carlton voted no.)

Chair Edwards said the motion for the 100 new positions carried. He would accept a second motion by Senator Goicoechea related to quarterly reports to IFC.

Senator Goicoechea said he would amend his previous motion to require a letter of intent directing the Department of Corrections to work with Fiscal Analysis Division, Legislative Counsel Bureau, staff, to develop

meaningful content in a quarterly report to IFC. Senator Goicoechea explained that IFC should be informed about whether the Department was making progress with the staffing problems.

Assemblywoman Carlton said she was supportive of Senator Goicoechea's motion, but expressed concern that the Department of Corrections had to understand the intent of the Subcommittees. She believed the direction to the Department lacked clarity.

Chair Edwards said the Department of Corrections was given the authority for the 100 positions in accordance with option 1 as presented by Fiscal Analysis Division staff.

Mr. Sisco stated he understood that option 1 allowed the Department of Corrections to hire 100 positions as scheduled in the budget process.

SENATOR GOICOECHEA MOVED TO APPROVE A LETTER OF INTENT REQUIRING THE DEPARTMENT OF CORRECTIONS TO WORK WITH FISCAL ANALYSIS DIVISION STAFF ON THE CONTENT OF A QUARTERLY REPORT TO THE INTERIM FINANCE COMMITTEE ABOUT THE STAFFING AND VACANCIES OF ITS INSTITUTIONS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said that each budget of the Department of Corrections contained a decision unit Enhancement (E) 230 for expenditures associated with required staff physical examinations for the new positions. The NDOC included the expense for the staff physicals in the Director's Office, budget account 3710. She explained that if the 2015 Legislature approved the 100 new positions, decision unit E-900 would transfer General Fund appropriations of \$112,000 in FY 2016 and \$137,701 in FY 2017 from the various facility and institution budgets to the Director's Office to properly align expenditures associated with staff physicals.

Ms. Coffman asked whether the Subcommittees wished to approve decision unit Enhancement (E) 900 in all Department of Corrections' budget accounts and provide Fiscal Analysis Division staff with authority to make technical

adjustments to decision unit E-900 based on the Subcommittees' decisions regarding the shift relief factor.

SENATOR GOICOECHEA MOVED TO APPROVE DECISION UNIT ENHANCEMENT 900 IN ALL DEPARTMENT OF CORRECTIONS' BUDGET ACCOUNTS AND AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS TO THE DECISION UNIT BASED ON THE SUBCOMMITTEES' DECISIONS REGARDING THE SHIFT RELIEF FACTORS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

**PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - DIRECTOR'S OFFICE (101-3710)
BUDGET PAGE CORRECTIONS-13**

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3710 had five major closing issues. The first major closing issue related to the Prison Rape Elimination Act (PREA). In fiscal year (FY) 2014, the Department of Justice began enforcing national standards to eliminate rape inside correctional facilities under the provisions of PREA. The PREA mandated certain standards relating to the detection, prevention, investigation, and prosecution of rape in prisons. The Department of Corrections (NDOC) indicated that the new PREA mandates had created a large workload for the Department, and NDOC requested a new correctional casework specialist and an administrative assistant for PREA. The correctional casework specialist would assist in caseworker training, serve as a PREA liaison, and assume some of the responsibilities that were currently performed by correctional casework specialists at the correctional institutions.

Ms. Coffman said the Department designated the correctional casework specialists to be the PREA coordinators. In the smaller institutions, the correctional casework specialists spent between 5 and 7 hours per week on PREA-related matters. In the larger institutions, the correctional casework specialists spent 20 to 25 hours per week on PREA-related matters. The new

positions would allow the Department to reallocate some additional work duties. Six-month evaluations of inmates that required no custody level changes could be assigned to the correctional casework specialist in the Offender Management Division, and that position would act as a PREA liaison.

Ms. Coffman said the Department requested an administrative assistant position related to the workload associated with PREA. The Department indicated that the requests for records increased from 50 records per month in FY 2012 before PREA to 350 to 400 records per month currently. The Department could not identify how many of the 350 to 400 records per month were related to PREA, but noticed the increase after the PREA mandates were adopted.

Ms. Coffman said each state was required to have an annual audit conducted for one-third of its facilities to comply with the provisions of PREA. The NDOC had 18 facilities total, and 6 of its facilities had to be audited annually over a three-year cycle. The Department of Corrections requested funding for auditor travel associated with auditors coming from Alaska and Oregon to audit the Department of Corrections' facilities.

Ms. Coffman said 3 of the Department's 16 criminal investigators were certified PREA auditors. They would instruct other staff members on how to properly document and investigate PREA-related incidents. The Governor recommended increasing the pool of certified PREA auditors by sending two individuals each fiscal year to PREA auditor training. The Department also recommended State General Funds to provide travel expenditures to attend PREA training for 13 additional staff members in FY 2016 and 12 additional staff members in FY 2017.

Ms. Coffman asked whether the Subcommittees wished to approve funding to support a new correctional casework specialist position, a new administrative assistant position, and travel and training expenditures related to PREA compliance as recommended by the Governor.

SENATOR GOICOECHEA MOVED TO APPROVE FUNDING TO SUPPORT A NEW CORRECTIONAL CASEWORK SPECIALIST POSITION, A NEW ADMINISTRATIVE ASSISTANT POSITION, AND TRAVEL AND TRAINING EXPENDITURES RELATED TO PREA COMPLIANCE AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

Ms. Coffman said the second major closing issue was a request for a new program officer position for the Department's proposed public and records response program. The Department of Corrections needed the position to serve as a single point of contact for all public information requests. This position would also coordinate responses from subject-matter experts within NDOC, provide information relating to incidents to the press, and ensure compliance with public records laws and security. The Department received approximately 350 to 400 public information and records requests per month in FY 2015. The Department lacked a public information officer, and numerous staff responded to public inquiries, including the Deputy Director of Prison Industries, the information technology manager, the economist, and the statistician. This new position would ensure that the Department responded to requests in a timely manner as required by *Nevada Revised Statutes* (NRS) 239.0107. The administrative assistant would also support additional public records and information requests.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation to establish a new program officer position to oversee the Department of Corrections' proposed public and records response program.

SENATOR PARKS MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO ADD A PROGRAM OFFICER POSITION TO OVERSEE THE DEPARTMENT OF CORRECTIONS' PROPOSED PUBLIC AND RECORDS RESPONSE PROGRAM.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

Ms. Coffman advised that the third major closing issue related to additional information technology programming hours. The Budget Division, Department of Administration, submitted Budget Amendment A150773710 on April 14, 2015, to provide General Fund appropriations of \$176,800 in each year of the 2015-2017 biennium to employ a full-time Master Services Agreement (MSA) contractor over the next two years to fix various errors discovered in the Department of Corrections' Nevada Offender Tracking Information System (NOTIS). The contract programmer was needed to address problems in the NOTIS programs to free up time for the existing information technology (IT) staff to focus on fixing the new sentencing management system. The Legislature approved Senate Bill (S.B.) No. 71 of the 77th Session (2013), which required aggregate sentencing for inmates committed on or after July 1, 2014. Rather than make the programming changes to NOTIS that were required by the provisions of S.B. No. 71, the Department's IT staff designed a new offender sentencing management application to calculate aggregate sentencing.

Ms. Coffman explained that the Department of Corrections experienced difficulties with Syscon Justice Systems, the existing vendor for NOTIS. Previously, when the Department requested updates for the sentencing program, the Department was able to purchase the sentence calculation codes from Syscon, and the Department's IT staff would update NOTIS. When the Department's IT staff viewed the source code used in NOTIS, the staff realized that it would be more difficult to fix the problems in NOTIS than to build a new sentence calculation module. Accordingly, NDOC's IT staff designed a new sentencing application. The NDOC indicated the offender sentencing management system would have greater functionality and would calculate sentencing and aggregate sentencing; allow entry of legal data; track work credits; create eligibility lists for the State Board of Parole Commissioners, Department of Public Safety; and export data to the Division of Parole and

Probation (P&P), Department of Public Safety. When the Department of Corrections began developing the system, it estimated it could complete the application in two phases.

Ms. Coffman explained the two phases of the system.

Phase 1: Create a sentence calculation program that would be the equivalent of the current NOTIS sentencing calculation, while fixing known bugs and shortcomings, and allow future modifications to meet changes in the sentencing law.

Phase 2: Add aggregated sentencing features.

Ms. Coffman said the time restraints contained in S.B. No. 71 required the Department of Corrections to "roll out" the system features in December 2014 to meet mandatory deadlines for aggregate sentencing. After the system was operational, several problems were discovered, including:

- Interfacing problems with the P&P Offenders Tracking Information System (OTIS).
- Interfacing problems with the eligibility list for the State Board of Parole Commissioners, Department of Public Safety.

Ms. Coffman said that NDOC's IT staff determined that a completely new interface was needed, and the following tasks had to be completed:

1. Develop the programming to allow aggregate sentencing.
2. Fix OTIS and interfaces with the State Board of Parole Commissioners, Department of Public Safety.
3. Add critical programming capability to account for holds, detainers, and prior felonies.
4. Address all other noncritical requests.

Ms. Coffman said that the Department of Corrections dedicated 100 percent of its design and development staff to complete phase 2 of the new offender sentencing management application. The Department only had one programmer

who was certified and had experience in development, and NDOC's progress on fixing the offender sentencing management application had been slow. The Department was training its remaining IT staff, but failed to meet its other deadlines, and it had accumulated a backlog of 73 bugs and errors that needed to be fixed in NOTIS, the offender sentencing management application, and other smaller IT systems. The NDOC categorized its bugs and errors as small, medium, or large in complexity. Accordingly, the NDOC reported that it had 22 large projects, 44 medium projects, and 7 small projects that had to be completed in its various systems. The NDOC estimated that it would require an MSA contractor for two years to address the projects, while its existing IT staff became more familiar with development tools and focused its efforts on phase 2 of the offender sentencing management system.

Ms. Coffman asked whether the Subcommittees wished to approve Budget Amendment A150773710 to provide General Fund appropriations of \$176,800 in each year of the 2015-2017 biennium to employ a full-time Master Services Agreement contractor over the next two years to fix errors and bugs in the Department of Corrections' various computer systems.

Senator Goicoechea supported this solution, but expressed concern that one person might be insufficient to solve the problems.

SENATOR PARKS MOVED TO APPROVE BUDGET AMENDMENT
A150773710 TO PROVIDE GENERAL FUND APPROPRIATIONS OF
\$176,800 IN EACH YEAR OF THE 2015-2017 BIENNIUM TO
EMPLOY A FULL-TIME MASTER SERVICES AGREEMENT
CONTRACTOR OVER THE NEXT TWO YEARS TO FIX ERRORS
AND BUGS IN THE DEPARTMENT OF CORRECTIONS' VARIOUS
COMPUTER SYSTEMS.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the
vote.)

Ms. Coffman said the fourth major closing issue was a new information technology (IT) professional position. This position would be responsible for making "in-house" changes to NOTIS to accommodate the Department of Corrections' (NDOC) short-term needs while designing and developing a new system that would eventually replace NOTIS.

Ms. Coffman explained that the Legislature approved a one-time General Fund appropriation of \$1,902,000 in Assembly Bill (A.B.) No. 468 of the 77th Session (2013) to upgrade NOTIS to a newer version, NOTIS Elite, and provide user training. The primary outcome of the upgrade was to enhance NOTIS to allow it to be supported with Java 7, Windows 7, and Oracle 11g. However, the upgrade to the NOTIS Elite version was not Syscon's most recent version of NOTIS. The Department indicated that the current vendor, Syscon, would no longer support the Elite version beginning in FY 2020. During the 77th Session (2013), NDOC testified that Syscon's most recent version of NOTIS would cost approximately \$12 million.

Ms. Coffman said rather than use Syscon to upgrade NOTIS, NDOC wanted to join a voluntary consortium consisting of western states that had developed offender sentencing management (OSM) systems and were willing to share their development practices with members of the consortium free of charge. Joining the consortium would allow NDOC access to user interface and software codes already developed and tested by the states in the consortium. The NDOC would also be able to evaluate the software development practices that had worked best for other states. The members of the consortium had found that by sharing how their OSMs were developed, the members were able to develop more effective and efficient systems without employing a third-party vendor to develop a new system. The NDOC indicated that it would not have an estimate of the cost to replace NOTIS using in-house resources until a plan was completed and the design of the system was analyzed.

Ms. Coffman said the Department of Corrections shared offender sentencing data and had experienced interfacing problems with the State Board of Parole Commissioners and the Division of Parole and Probation in the Department of Public Safety. The NDOC indicated that migration to a new system would not affect the other agencies, because NDOC had already developed the first major segment of the replacement components.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation to fund a new information technology professional position to design and develop a new offender sentencing management system, while maintaining the Department's existing Nevada Offender Tracking Information System.

Senator Goicoechea said the Subcommittees needed to know the time frame and cost to develop a new offender sentencing management system.

Scott Sisco, Deputy Director, Support Services, Carson City, Department of Corrections, said Budget Amendment A150773710 would fix the remaining bugs and transitional problems in the offender sentencing management system. The approval of the full-time contractor would allow the Department to pull away from the existing vendor and build its own system. The Department would be able to sever its relationship with the vendor by 2020, when Syscon stopped supporting the system, and transition the Department of Public Safety agencies to the new system.

Senator Goicoechea remarked the new system might become functional, but it would take several more years before it was operational.

SENATOR PARKS MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO FUND A NEW INFORMATION TECHNOLOGY PROFESSIONAL POSITION TO DESIGN AND DEVELOP A NEW OFFENDER SENTENCING MANAGEMENT SYSTEM, WHILE MAINTAINING THE NEVADA OFFENDER TRACKING INFORMATION SYSTEM.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

Ms. Coffman said there were ten other closing items in budget account 3710, and she noted that a technical adjustment was required to provide additional funding for the increased use of digital signal circuits related to bandwidth issues. Ms. Coffman said the other closing items appeared reasonable, and Fiscal Analysis Division staff recommended approval of ten other closing items.

Ms. Coffman asked whether the Subcommittees wished to approve the other closing items as recommended by the Governor, including Budget Amendment A150063710 and technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR, INCLUDING BUDGET AMENDMENT A150063710 AND TECHNICAL ADJUSTMENTS NOTED BY FISCAL ANALYSIS DIVISION STAFF, AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - PRISON MEDICAL CARE (101-3706)
BUDGET PAGE CORRECTIONS-24

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3706 funded prison medical care. There were three major closing issues in budget account (BA) 3706. The first major closing issue was medical expenditures. The Department of Corrections incurred \$17,291,214 in medical costs in fiscal year (FY) 2014. The Department of Corrections (NDOC) recommended reductions to outside medical expenses based on the Affordable Care Act (ACA) being in effect for a full year. The amount requested for FY 2016 was \$13,784,208 and for FY 2017 was \$14,090,235, which included \$678,143 in FY 2016 and \$928,242 in FY 2017 for inflation. The inflationary factor was 2 percent in FY 2016 and FY 2017 for outside medical care, prescription drugs, dental supplies, and medical supplies.

Ms. Coffman explained that the 77th Session (2013) reduced outside medical expenditures by \$2.8 million in FY 2014 and \$5.2 million in FY 2015 because of provisions in the ACA effective January 1, 2014, that allowed inmate medical expenditures to be reimbursed by Medicaid if the inmate was admitted to an outside medical facility for longer than 24 hours. The NDOC realized the projected savings from Medicaid coverage, but several factors contributed to higher-than-anticipated expenditures in the Prison Medical Care budget (BA 3706) in FY 2014, which resulted in NDOC seeking \$3.1 million from the Interim Finance Committee's Contingency Account. The additional funds were needed because of the following problems:

- Revenue shortfalls of \$435,287 in fund transfers from the Inmate Welfare Account (BA 3763).
- Prior year stale claims that resulted in the agency transferring \$897,426 at the beginning of FY 2014 from the inmate-driven medical category to the medical inmate-driven stale claims category.
- Increased rates in renewed medical contracts that resulted in \$200,982 in additional expenditures.
- Higher-than-anticipated catastrophic incident expenditures incurred in the first quarter of FY 2014 totaling \$715,031.
- Additional inmate-driven medical expenditures of approximately \$885,397 incurred at the end of FY 2014.

Ms. Coffman stated the Department believed that those factors would continue to affect total medical expenditures in FY 2015, including greater-than-anticipated stale claims from prior years and revenue shortfalls from the Inmate Welfare Account. As a result, Assembly Bill 467 had been submitted to request \$1.2 million in supplemental appropriations to pay for unanticipated inmate-driven medical expenditures in FY 2015.

Ms. Coffman said to mitigate those factors in the 2015-2017 biennium, several adjustments had been recommended by the Governor to inmate-driven medical expenditures in The Executive Budget:

- Reduce projected fund transfers from the Inmate Welfare Account by 43.6 percent from \$1,934,611 budgeted in each year of the 2013-2015 biennium to \$1,090,311 in each year of the 2015-2017 biennium. The projected fund transfers were not realized, and the amount had to be decreased.
- Increase the projected medical stale claims expenditures by 14.1 percent from \$644,278 in each year of the 2013-2015 biennium to \$735,329 in each year of the 2015-2017 biennium.
- Revise medical contract expenditures in the base budget to reflect the most current payment terms.

- Adjust the inmate-driven medical rates to reflect Medicaid coverage for certain inmates. The majority of NDOC's catastrophic medical expenditures would be covered by Medicaid, as most catastrophic incidents required long-term hospitalization.

Ms. Coffman said the amount budgeted per inmate per year was \$1,052.72 for FY 2016 and \$1,071.81 for FY 2017. The actual expenses for FY 2014 were \$1,357.34 per inmate, which was revised to \$1,000.11 per inmate based on an annualized figure to include the cost savings that would have resulted if Medicaid reimbursements had been available for the full year, as opposed to half the year.

Ms. Coffman noted that there were several factors that might continue to affect inmate-driven medical costs in the 2015-2017 biennium.

- Providers might reject treatment of inmates covered by Medicaid. Currently, Carson Tahoe Health rejected all inmate patients not requiring emergency care. While Carson Tahoe Health was currently the only hospital rejecting inmates, it was uncertain whether other hospitals would be willing to continue to treat inmates. The NDOC estimated it would cost approximately \$90,000 more in travel expenditures and personnel costs each year to transfer inmates to Renown Medical Center, which was 28 miles away from Carson Tahoe Health. These additional travel costs were not included in The Executive Budget.
- After the 77th Session (2013), NDOC worked with staff from the Department of Health and Human Services to determine a better methodology to track and project outside medical expenditures to more accurately forecast medical expenditures and stale claims throughout the year. While the Governor proposed an increase in the total amount of funding allocated to cover stale claims, NDOC projected that unanticipated stale claims would continue to be a problem in future biennia.

Ms. Coffman asked whether the Subcommittees wished to approve the inflationary factors recommended by the Governor in decision unit Maintenance (M) 101 for outside medical care, medical supplies, durable medical equipment, and reductions to outside medical expenditures of 36.8 percent from actual

outside medical expenditures incurred in FY 2014 to account for Medicaid supporting those expenditures.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE THE INFLATIONARY FACTORS RECOMMENDED BY THE GOVERNOR IN DECISION UNIT MAINTENANCE 101 FOR OUTSIDE MEDICAL CARE, MEDICAL SUPPLIES, DURABLE MEDICAL EQUIPMENT, AND REDUCTIONS TO OUTSIDE MEDICAL EXPENDITURES OF 36.8 PERCENT FROM ACTUAL OUTSIDE MEDICAL EXPENDITURES INCURRED IN FY 2014 TO ACCOUNT FOR MEDICAID SUPPORTING THESE EXPENDITURES.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Lipparelli was not present for the vote.)

Ms. Coffman advised that the next major closing issue was the new hospice and palliative care program. The Governor recommended State General Fund appropriations of \$126,626 in fiscal year (FY) 2016 and \$144,115 in FY 2017 to support salaries, benefits, and operating expenditures of two new licensed practical nurse (LPN) positions, as well as medical equipment. The two LPN positions would staff the night shift of the hospice and palliative care program. A social worker position was requested in the Correctional Programs budget account (BA) 3711. That position would spend 50 percent of the time providing social services to inmates in the hospice program.

Ms. Coffman explained that NDOC lacked a program for inmates with terminal or debilitating illnesses to live in a housing unit and receive 24-hour medical care. Inmates participating in the hospice and palliative care program would share housing unit 3 at Northern Nevada Correctional Center (NNCC) with NDOC's senior inmate population. Approximately 13 to 18 terminally ill inmates were typically housed in the infirmary to ensure they had access to 24-hour medical care. The proposed hospice program would accommodate up to four inmates at any given time. Institutional physicians would provide recommendations for certain inmates to participate in the hospice program, while the utilization review panel would make the final determination on which inmates would benefit from a hospice setting. The Department indicated that terminally ill inmates would be more comfortable staying in their housing units because they would be among their belongings and friends.

Ms. Coffman advised that the two proposed LPN positions would be stationed in housing unit 3 to dispense medications and monitor the inmates overnight. The LPNs who staffed the regional medical facility (RMF) on the night shift had a nurse-to-patient ratio of 1:60, while the LPN's who staffed the infirmary at High Desert State Prison on the night shift had a nurse-to-patient ratio of 1:40. The proposed LPNs for the hospice program would have a 1:4 nurse-to-patient ratio. The NDOC indicated the high nurse-to-patient ratio of the hospice program was because of the additional assistance hospice inmates needed overnight for tasks such as feeding, toileting, and bathing.

Ms. Coffman said the proposed social worker position would communicate with the inmate's family on end-of-life matters, coordinate family visits, and assist in the referrals for compassionate release. The NDOC's current process required three physicians to recommend compassionate release for an inmate, but there had been no compassionate releases granted in the last five years.

Ms. Coffman noted that the proposed hospice program would free up beds in the infirmary and RMF. The NDOC indicated that a shortage in medical bed capacity was not a significant problem, because sufficient bed capacity was available in the infirmary and RMF to accommodate the medical needs of inmates.

Ms. Coffman asked whether the Subcommittees wished to approve the two licensed practical nurse positions and operating expenditures recommended by the Governor to operate the proposed hospice and palliative care program.

Assemblywoman Carlton questioned whether a licensed practical nurse was the correct certification level for the two new positions. She commented that palliative care required strong drugs, and she questioned the involvement of the registered nurse in the program. Assemblywoman Carlton wanted to ensure that the right level of nurse was provided for the two positions.

Assemblywoman Titus explained that a physician provided direction to the hospice program and a registered nurse provided care. An LPN with special certification in IV medications could administer the correct medications. Assemblywoman Titus was comfortable that an LPN was the right level of nurse certification to provide care.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE THE TWO LICENSED PRACTICAL NURSE POSITIONS AND OPERATING EXPENDITURES RECOMMENDED BY THE GOVERNOR TO OPERATE THE PROPOSED HOSPICE AND PALLIATIVE CARE PROGRAM.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Edwards and Senator Lipparelli were not present for the vote.)

Ms. Coffman advised that the next major closing issue was the new laboratory technician position for High Desert State Prison (HDSP). This position would assist the existing laboratory technician in completing an estimated 20,000 blood draws and tissue sample collections each year. These samples were required to monitor the health of existing inmates with diagnosed illnesses and detect certain diseases in new inmates. The lab samples taken during the month of February 2013 were shown below.

Institution	Lab Samples
Florence McClure Women's Correctional Center	711
Northern Nevada Correctional Center	504
High Desert State Prison	1,235

Ms. Coffman explained that HDSP conducted approximately 524 more laboratory tests than Florence McClure Women's Correctional Center and 731 more laboratory tests than Northern Nevada Correctional Center on a monthly basis. The NDOC diverted other nursing staff from medical, dental, or mental-health sections at HDSP to assist the intake center on a daily basis. As a result, NDOC indicated that off-duty medical staff were called to work overtime to ensure other medical services, such as sick call and pill call, were covered. The Department indicated it was unable to provide the specific amount of overtime that had resulted from the staffing shortage at HDSP's intake center, but the Prison Medical Care budget had incurred \$265,000 in overtime expenditures at HDSP as of March 23, 2015. The NDOC estimated that a portion of those overtime expenditures would be reduced if the proposed laboratory technician was approved. Ms. Coffman noted that the Department of Corrections did not budget for overtime expenditures, and any overtime expenditures incurred in prior years were

generally funded with salary savings or the Interim Finance Committee's Contingency Account.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation for a new laboratory technician position at High Desert State Prison.

Assemblywoman Titus said laboratory technician positions were difficult to fill and a phlebotomist position was easier to fill. She said if the position was needed to draw blood and not to conduct laboratory tests, NDOC might consider filling the position with a phlebotomist.

Chuck Schardin, Medical Administrator, Carson City, Department of Corrections, testified that the laboratory technician positions primarily functioned as phlebotomists, and the positions would not perform laboratory tests on site; they would send the laboratory tests to other facilities.

Senator Goicoechea wanted the record to include the comments made by Assemblywoman Titus that the laboratory technician positions were not truly laboratory technicians, but were positions that just drew blood and functioned as phlebotomists.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S
RECOMMENDATION FOR A NEW LABORATORY TECHNICIAN
POSITION AT HIGH DESERT STATE PRISON.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said there were four other closing items in budget account 3706. Closing item 4 contained a position reclassification of a pharmacist 2 to a pharmacist 3. This recommendation appeared reasonable to Fiscal Analysis Division staff contingent upon its review by the Assembly and Senate finance committees, and staff recommended inclusion in the Unclassified Pay Bill.

Ms. Coffman asked whether the Subcommittees wished to approve other closing items as recommended by the Governor, with technical adjustments noted by Fiscal Analysis Division staff in other closing item 1 and contingencies

noted in other closing item 4, and to provide Fiscal Analysis Division staff with authority to make technical adjustments as necessary.

SENATOR GOICOECHEA MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR, WITH TECHNICAL ADJUSTMENTS NOTED BY FISCAL ANALYSIS DIVISION STAFF IN OTHER CLOSING ITEM 1 AND CONTINGENCIES NOTED IN OTHER CLOSING ITEM 4, AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - CORRECTIONAL PROGRAMS (101-3711)
BUDGET PAGE CORRECTIONS-31

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that there were five major closing issues in budget account 3711. The first was the Department of Corrections (NDOC) request for a new mental health counselor at Lovelock Correctional Center (LCC), which housed the majority (approximately 1,000 inmates) of the sex-offender population at NDOC. The new position would conduct inmate risk assessments and provide evidence-based programming to approximately 375 inmates per year. The LCC had three psychologists with a caseload of one psychologist for every 333 sex offenders (1:333). By comparison, other correctional centers had a ratio of one mental health staff member for every 45 sex offenders (1:45). The High Desert State Prison and Northern Nevada Correctional Center had the regional medical facilities and infirmaries that housed inmates with mental illnesses.

Ms. Coffman said the new position would assist in the development of evidence-based programming that was a process of evaluating the most effective programs using national standards with proven results. The NDOC was in the process of evaluating the effectiveness of the following four mental health programs for inmates at LCC:

- Relapse prevention (sex offender treatment)
- Seeking safety (trauma and substance abuse)
- Sex offender treatment program
- Victim impact (victim empathy)

Ms. Coffman said NDOC determined that a risk assessment of each inmate should be conducted to determine the program with the greatest benefit for inmates that were most likely to reoffend. When NDOC determined an inmate should participate in a program, that individual was placed on a waiting list to receive that programming, regardless of his potential to reoffend after release. The NDOC indicated that certain individuals with a high risk of recidivism might not receive any programs before their release because they were still on the waiting list. The new mental health counselor position would conduct a formal risk assessment on each inmate at LCC to determine which inmates were most likely to reoffend. Based on the assessment and the remaining incarceration period, each inmate would be placed on the waiting list in priority order rather than on a first-come, first-served basis. The NDOC indicated the procedural change would reduce recidivism by allowing LCC to focus its efforts on providing programming to inmates who had the highest risk of reoffending.

Ms. Coffman noted that NDOC had recently begun to assess all new inmates during the intake process before the inmates were assigned to an institution. The new position would spend approximately 20 percent of the time conducting assessments on existing inmates at LCC. This task would diminish as new inmates were transferred in and existing inmates were transferred out, leaving more time to focus on inmate programming.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation for a new mental health counselor at Lovelock Correctional Center.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION FOR A NEW MENTAL HEALTH COUNSELOR AT LOVELOCK CORRECTIONAL CENTER.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the second major closing issue was a new mental health counselor position at Ely State Prison. This position would treat the mentally ill inmates and present psychoeducational programming to maximum-custody inmates who could not be treated in a group environment because of their custody level restrictions. The mental health counselor would provide individual inmates with psychological testing, mental illness assessments, and crisis management. The mental health counselor would also prepare psychological reports, update medical charts, and provide group psychotherapy to eligible inmates.

Ms. Coffman said the Governor instituted a hiring freeze in 2010 because of the recession, which resulted in three psychologist positions remaining vacant at Ely State Prison. Those positions were later eliminated because of the budget reductions, causing difficulty in providing services to inmates for crisis intervention, mental health treatment sessions, and delivery of programming. Staff was limited in its ability to review cases requiring forced medication, disciplinary and administrative segregation evaluations, and pardons and parole assessments. The NDOC indicated that it had difficulties recruiting psychologist positions for Ely State Prison and would be more successful in recruiting a mental health counselor position.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation for a new mental health counselor position at Ely State Prison.

Assemblywoman Carlton said she had concerns when psychologist positions were cut in 2010. She believed Ely State Prison needed a psychologist and might have to contract with a private psychologist. Assemblywoman Carlton supported the move to add a new mental health counselor position, but suggested the addition of a psychologist in the future to fulfill the Department's mandate to provide mental health services.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION FOR A NEW MENTAL HEALTH COUNSELOR POSITION AT ELY STATE PRISON.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the next major closing issue was a request for two new reentry program officer positions. The Department of Corrections requested one new program officer position for Lovelock Correctional Center (LCC) and one new program officer position for High Desert State Prison (HDSP). The HDSP had one existing program officer position for the reentry program that was responsible for assisting inmates in finding housing, acquiring identification, developing parole plans, and seeking veteran's services. The LCC lacked a reentry program. The two new positions would provide inmates with reentry classes, such as job readiness and life skills. The classes were not currently offered to inmates at either institution.

Ms. Coffman said reentry services would be offered to 442 inmates eligible for release from HDSP and an unknown number of inmates at LCC. Inmates released from LCC accounted for approximately 4 percent of the total number of inmates released annually from NDOC over the past three years. An inmate was often moved during time served. An inmate could be housed at LCC and receive reentry services for up to 12 months before release. Two weeks before release, an inmate was moved to a facility closer to the county of conviction; therefore, release rates did not reflect the total number of inmates that would be assisted by the reentry program.

Ms. Coffman said NDOC requested one position be assigned to LCC because it lacked a reentry program and housed a majority of the sex offender population that had difficulty finding housing and integrating into society. Sex offenders had a lower recidivism rate of 24.4 percent compared to 29.1 percent for other offenders in fiscal year 2014.

The new program officers would be responsible for assisting inmates in developing parole plans. Approximately 365 inmates in NDOC's custody had been granted parole, but they were not released because of inadequate parole plans. The two new positions would assist at least 100 inmates in developing successful parole plans.

Ms. Coffman provided three options for consideration of the Subcommittees:

1. Approve the two program officer positions as recommended by the Governor to support reentry programs at Lovelock Correctional Center and High Desert State Prison.
2. Approve only one program officer position for High Desert State Prison, for a State General Fund savings of \$30,956 in fiscal year 2016 and \$53,777 in fiscal year 2017.
3. Do not approve the Governor's recommendation to add two new program officer positions for reentry services.

Assemblyman Sprinkle said the reentry problem was discussed during the 77th Session (2013). Some nexus should be developed between the Department of Corrections and the Division of Parole and Probation, Department of Public Safety. The reentry positions were part of a solution to provide services to inmates trying to reintegrate into society. Senator Parks expressed concern that 365 inmates who had been granted parole remained in custody because of inadequate parole plans. Custody costs for 365 inmates ranged from \$6 million to \$6.5 million, and he supported the Governor's recommendation.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE THE TWO PROGRAM OFFICER POSITIONS AS RECOMMENDED BY THE GOVERNOR TO SUPPORT REENTRY PROGRAMS AT LOVELOCK CORRECTIONAL CENTER AND HIGH DESERT STATE PRISON.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the next major closing issue was a new social worker position at Northern Nevada Correctional Center (NNCC). The Governor recommended a new social worker position to assist with the proposed hospice and palliative care program at NNCC. This program would provide 24-hour care for inmates who had debilitating medical conditions or were near their end of life. Approximately 50 percent of the social worker's time would be spent providing end-of-life care for terminally ill inmates in the proposed hospice and palliative

care program. The Department estimated that approximately four inmates would be in the hospice and palliative care program during a year. Nursing staff and physicians currently performed the following duties that would be assumed by the social worker position:

- Visit terminally ill inmates to provide comfort and companionship.
- Work with the treatment team and patient to create a case management plan.
- Assess end-of-life needs and providing counseling.
- Work with family members to address their emotional needs.
- Coordinate services with community resources.

Ms. Coffman said the remaining 50 percent of the social worker position's time would be spent providing case management services for about 40 inmates at NNCC with severe mental illness:

- Programming to address the inmate's risk of committing future crimes.
- Planning for reentry and working with the inmate's family.
- Coordinating services with community-based service providers.

Ms. Coffman said the Subcommittees might wish to consider the following options:

1. Approve the social worker position as recommended by the Governor to assist inmates with severe mental illnesses and participants in the proposed hospice and palliative care program.
2. Approve a part-time social worker position to assist mentally ill inmates at Northern Nevada Correctional Center.
3. Do not approve the Governor's recommendation for a new social worker position.

SENATOR GOICOECHEA MOVED TO APPROVE THE SOCIAL WORKER POSITION AS RECOMMENDED BY THE GOVERNOR TO ASSIST INMATES WITH SEVERE MENTAL ILLNESSES AND PARTICIPANTS IN THE PROPOSED HOSPICE AND PALLIATIVE CARE PROGRAM.

ASSEMBLYMAN HAMBRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the next major closing issue was program and position eliminations. The Governor recommended the elimination of two substance abuse counselor positions related to Casa Grande Transitional Housing. Funding was no longer available for the positions because the grant funding from the U.S. Department of Justice had expired.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation to eliminate the substance abuse program and two associated substance abuse counselor positions at Casa Grande Transitional Housing because of expired grant funds.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO ELIMINATE THE SUBSTANCE ABUSE PROGRAM AND TWO ASSOCIATED SUBSTANCE ABUSE COUNSELOR POSITIONS AT CASA GRANDE TRANSITIONAL HOUSING BECAUSE OF EXPIRED GRANT FUNDS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the only other closing item was the expenditure transfer to the Director's Office, which appeared reasonable to Fiscal Analysis Division staff. Ms. Coffman asked whether the Subcommittees wished to approve the other closing item as recommended by the Governor and provide Fiscal Analysis Division staff with authority to make technical adjustments as necessary.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE THE OTHER CLOSING ITEM IN BUDGET ACCOUNT 3711 AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - ELY STATE PRISON (101-3751)
BUDGET PAGE CORRECTIONS-38**

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3751 for Ely State Prison had not been previously heard by the Subcommittees. Fiscal Analysis Division staff was responsible for producing closing recommendations for the account. There were no major closing issues, and five other closing items appeared reasonable to Fiscal Analysis Division staff. Ms. Coffman asked whether the Subcommittees wished to approve other closing items as recommended by the Governor, with the technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including those related to decisions made by the Subcommittees on agencywide issues.

Assemblywoman Carlton questioned whether the new protective service positions were included in the new 100 positions already approved by the Subcommittees.

Ms. Coffman confirmed that the new protective service positions were included in the 100 positions already approved for the Department of Corrections (NDOC). A majority of the budget accounts presented for NDOC contained decision units Enhancement (E) 230 and E-900, and those decision units had already been approved by the Subcommittees for the Department of Corrections' budgets.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR, WITH THE TECHNICAL ADJUSTMENTS NOTED BY FISCAL ANALYSIS DIVISION STAFF, AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS INCLUDING ADJUSTMENTS RELATED TO DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - HIGH DESERT STATE PRISON (101-3762)
BUDGET PAGE CORRECTIONS-44

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3762 for High Desert State Prison had one major closing issue. The High Desert State Prison requested one new equipment mechanic position to work with the existing equipment mechanic position. The mechanic position maintained approximately 150 vehicles and 30 off-road heavy equipment vehicles for the Department of Corrections (NDOC). The position trained five inmates who would be released within 90 days to provide them with skills before they left NDOC. The new position would train two more inmates. Ms. Coffman noted that the training was not part of the Department's prison industries program.

Ms. Coffman said it might take up to 60 days to complete the repairs needed on the vehicles based on the priority of each vehicle. The average turnaround time to repair a vehicle was approximately three weeks. The NDOC estimated it would reduce its turnaround time to approximately two weeks with the addition of the new position. The existing equipment mechanic position had to close the repair shop to pick up and drop off vehicles or to take scheduled leave. The NDOC estimated that the auto shop was closed four to six times per month for three or four hours when the existing mechanic was away.

Ms. Coffman asked whether the Subcommittees wished to approve funding to support a new equipment mechanic position at High Desert State Prison.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE FUNDING TO SUPPORT A NEW EQUIPMENT MECHANIC POSITION AT HIGH DESERT STATE PRISON.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the seven other closing items appeared reasonable to Fiscal Analysis Division staff. She asked whether the Subcommittees wished to approve the other closing items as recommended by the Governor, with the technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including technical adjustments related to other closing items 6 and 7 and decisions made by the Subcommittees on agencywide issues.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING TECHNICAL ADJUSTMENTS RELATED TO OTHER CLOSING ITEMS 6 AND 7 AND DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - NORTHERN NEVADA CORRECTIONAL CENTER (101-3717)
BUDGET PAGE CORRECTIONS-52

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3717 was not previously heard by the Subcommittees, and Fiscal Analysis Division staff was responsible for producing closing recommendations for the account. There were no major closing issues in budget account (BA) 3717, and the other closing items appeared reasonable to Fiscal Analysis Division staff. Ms. Coffman asked whether the Subcommittees wished to approve the other closing items as

recommended by the Governor, with technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including those related to decisions made by the Subcommittees on agencywide issues.

SENATOR GOICOECHEA MOVED TO APPROVE THE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING ADJUSTMENTS RELATED TO DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - SOUTHERN DESERT CORRECTIONAL CENTER (101-3738)
BUDGET PAGE CORRECTIONS-60

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3738 was for the Southern Desert Correctional Center. The Department of Corrections (NDOC) requested a new heat plant specialist position. There was only one heat plant specialist position responsible for operating, adjusting, monitoring, maintaining, cleaning, and repairing high- and low-pressure boilers and hot water heat generating equipment, such as fuel and combustion systems, compressors, pumps, steam lines, steam traps, heat exchangers, water lines, controls, gauges, and emergency power generators. The number of maintenance staff at Southern Desert Correctional Center (SDCC) had not increased commensurate with the growth of the institution's population. The SDCC originally had a bed capacity of 714 beds, which had grown to 2,232 beds.

Ms. Coffman explained the capacity of the existing maintenance staff for each of the NDOC major institutions. She noted that three institutions had five heat plant specialists to provide 24-hour coverage. One position at SDCC only provided coverage for an eight-hour shift. The SDCC had a facilities supervisor and a plumber who assisted in monitoring the boilers. The SDCC relied on inmate labor to monitor the boilers. There were no Occupational Safety and

Health Administration (OSHA) requirements associated with attendees for boilers. The *Nevada Administrative Code* (NAC) required that boiler attendees have technical training, minimum experience, and a high-school diploma to start, operate, and shut down boilers.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation to fund a new heat plant specialist position at Southern Desert Correctional Center.

SENATOR PARKS MOVED TO APPROVE THE GOVERNOR'S
RECOMMENDATION TO FUND A NEW HEAT PLANT SPECIALIST
POSITION AT SOUTHERN DESERT CORRECTIONAL CENTER.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the five other closing items for budget account 3738 appeared reasonable. She asked whether the Subcommittees wished to approve other closing items as recommended by the Governor, with technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including decisions made by the Subcommittees on agencywide issues.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OTHER
CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND
TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE
TECHNICAL ADJUSTMENTS WITH ADJUSTMENTS FOR
DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE
ISSUES.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - LOVELOCK CORRECTIONAL CENTER (101-3759)
BUDGET PAGE CORRECTIONS-67

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that the one major closing issue in budget account 3759 was a new administrative assistant position. The position would be responsible for the new e-filing system proposed by the Governor. The Governor also recommended funding building improvements to house the new e-filing system. A United States Magistrate Judge, representing the U.S. District Court for the District of Nevada, testified at the Subcommittees' February 17, 2015, hearing that the U.S. District Court could issue an edict requiring electronic submissions of all case filings by NDOC. However, the Court wanted a mutually agreeable solution between the Court and NDOC. Inmates were required to pay for their photocopies, and no savings would result from the e-filing system.

Ms. Coffman said the Governor proposed to remodel a portion of the existing law library at Lovelock Correctional Center (LCC) to create a small room to house the administrative assistant position and a computer and scanner; secure lines would be installed between LCC, the U.S. District Court, and the Office of the Attorney General to ensure document transmittal remained confidential. The Department estimated the remodel project would cost approximately \$10,000 in fiscal year 2016.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation for a new e-filing system at LCC, construction of a secure room for the system within the law library, and addition of a new administrative assistant position.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO FUND A NEW E-FILING SYSTEM AT LOVELOCK CORRECTIONAL CENTER, TO CONSTRUCT A SECURE ROOM FOR THE SYSTEM WITHIN THE LAW LIBRARY, AND TO ADD A NEW ADMINISTRATIVE ASSISTANT POSITION.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman advised that the six other closing items in budget account 3759 appeared reasonable to Fiscal Analysis Division staff. Ms. Coffman asked whether the Subcommittees wished to approve the other closing items as recommended by the Governor and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including technical adjustments related to other closing items 5 and 6 and decisions made by the Subcommittees on agencywide issues.

ASSEMBLYWOMAN DICKMAN MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR, AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING TECHNICAL ADJUSTMENTS RELATED TO OTHER CLOSING ITEMS 5 AND 6 AND DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - WARM SPRINGS CORRECTIONAL CENTER (101-3716)
BUDGET PAGE CORRECTIONS-77

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3716 was not previously heard by the Subcommittees. Fiscal Analysis Division staff was responsible for producing closing recommendations for the account. There were no major closing issues, and Ms. Coffman said the five other closing items appeared reasonable to Fiscal Analysis Division staff.

Ms. Coffman asked whether the Subcommittees wished to approve the other closing items as recommended by the Governor, with the technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including those related to decisions made by the Subcommittees on agencywide issues.

SENATOR GOICOECHEA MOVED TO APPROVE THE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING ADJUSTMENTS RELATED TO DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER (101-3761)
BUDGET PAGE CORRECTIONS-83

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3761 was not previously heard by the Subcommittees. Fiscal Analysis Division staff was responsible for producing closing recommendations for the account. There were no major closing issues, and Ms. Coffman said the six other closing items appeared reasonable.

Ms. Coffman asked whether the Subcommittees wished to approve the other closing items as recommended by the Governor, with the technical adjustments noted by Fiscal Analysis Division staff, and provide Fiscal Analysis Division staff with authority to make other technical adjustments as necessary, including those related to decisions made by the Subcommittees on agencywide issues.

SENATOR LIPPARELLI MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING ADJUSTMENTS RELATED TO DECISIONS MADE BY THE SUBCOMMITTEES ON AGENCYWIDE ISSUES.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
NDOC - OFFENDERS' STORE FUND (240-3708)
BUDGET PAGE CORRECTIONS-152

Sarah Coffman, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that budget account 3708 for the Offenders' Store Fund had three major closing issues. The first major closing issue related to a new retail storekeeper position for the Ely State Prison. This position would be responsible for downloading music for the Department of Corrections' new music MP3 kiosks that had been installed in all of its institutions. The kiosks were designed to eliminate the use of compact disc players that had been altered by inmates to make tattoo guns.

Ms. Coffman explained that the MP3 players allowed inmates to download up to 1,600 songs at a cost of \$2 per song, and the Offenders' Store Fund made a profit of 20 cents per song sold. The total profit was estimated at \$96,000 in fiscal year 2016 and was not included in The Executive Budget. A technical adjustment was recommended by Fiscal Analysis Division staff.

Ms. Coffman said the new retail storekeeper position would pick up the MP3 players from the inmates, download the music, and then return the devices to the inmates. When the position was not downloading music, the position would assist the existing retail storekeeper in filling and delivering weekly store orders to inmates.

Ms. Coffman noted that 716 inmates (5.6 percent of the fiscal year 2014 inmate population of 12,739) had purchased MP3 players since the kiosk system was installed. If 5.6 percent of Ely State Prison's inmate population had MP3 players, the position would download music to approximately 60 inmates (1,072 total inmates at Ely State Prison times 5.6 percent).

Ms. Coffman asked whether the Subcommittees wished to approve funding for the new retail storekeeper position to assist in downloading MP3 music for inmates at Ely State Prison. Ms. Coffman said Fiscal Analysis Division staff requested authority to make technical adjustments to account for the \$96,000 in projected revenue each year generated by the sale of MP3 downloaded music for the Department of Corrections.

SENATOR LIPPARELLI MOVED TO APPROVE FUNDING FOR THE NEW RETAIL STOREKEEPER POSITION TO ASSIST IN DOWNLOADING MP3 MUSIC FOR INMATES AT ELY STATE PRISON AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS TO ACCOUNT FOR THE \$96,000 IN PROJECTED REVENUE EACH YEAR GENERATED BY THE DEPARTMENTWIDE SALE OF MP3 DOWNLOADED MUSIC.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Titus voted no.)

Ms. Coffman said the next major closing issue was the upgrade of four retail storekeeper positions from half-time to full-time positions. The inmate stores at the conservation camps at Wells, Carlin, Humboldt, and Tonopah were open during some hours when many of the inmates were not present at the camps. The Division of Forestry, State Department of Conservation and Natural Resources, transported a majority of the inmates from the camps to work on fire crews or highway cleanup projects. Increasing the retail storekeeper positions from half-time to full-time would allow the stores to be open when the inmates were more likely to be present at the camps.

Ms. Coffman said the Department of Corrections (NDOC) originally estimated that the new positions would enhance the retail sales by 50 percent, commensurate with the percentage of increased store hours. The Subcommittees questioned the projection methodology, and NDOC explained that full-time storekeepers generated \$1,084.51 in sales per inmate in FY 2014. Part-time storekeepers generated \$910.88 per inmate in FY 2014. Using the full-time storekeeper sales average, camps with part-time storekeepers would only generate an additional \$114,681 in revenue if the four part-time storekeeper positions were upgraded to full time, totaling \$96,115 less than the \$210,796 originally estimated by NDOC.

Ms. Coffman said Fiscal Analysis Division staff recommended revising the projected revenue generated from the new positions by \$96,115 in each year of the 2015-2017 biennium. This adjustment would require partially funding the positions recommended in decision unit Enhancement (E) 226 with an additional \$35,542 in retained earnings in each year of the 2015-2017 biennium.

Ms. Coffman asked whether the Subcommittees wished to approve the Governor's recommendation to upgrade four part-time storekeeper positions to full-time and provide Fiscal Analysis Division staff with authority to make technical adjustments associated with the revised retail store sales revenue projections.

Assemblywoman Dickman said the increased revenue earned would not justify the expense of the upgrades. She thought that the stores should be open when the inmates were present, and the store hours should be changed.

Ms. Coffman said the storekeepers were only available part-time. The inmates often worked sporadic hours on fire crews or highway cleanup crews, and it was difficult to set regular hours for the stores. A fire crew might be away from a camp working a fire for an entire week and not return to the camp until after the fire was contained.

Senator Goicoechea said the upgrade was paid from revenue earned at the retail stores and not from State General Funds.

ASSEMBLYWOMAN TITUS MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO UPGRADE FOUR PART-TIME STOREKEEPER POSITIONS TO FULL-TIME AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS ASSOCIATED WITH THE REVISED STORE SALES REVENUE PROJECTIONS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman said the last major closing issue in budget account 3708 was the inmate banking system. During the 2013-2015 biennium, the Department of Corrections (NDOC) began migrating its legacy inmate banking system to a new banking and inmate database system. The NDOC planned to replace the banking system with a new inmate-banking vendor at no additional cost. The new system had been developed and used a database that differed from the database used for the NDOC legacy system. The NDOC requested reductions in retained earnings of \$152,970 in fiscal year (FY) 2016 to support additional programming costs for a data warehouse of inmate data currently stored in NDOC's legacy system. The NDOC was required to retain six years of inmate

accounting files, in accordance with Nevada's records retention schedule. If the legacy system became inoperable, the NDOC believed it would lose access to the inmate files.

Ms. Coffman asked whether the Subcommittees wished to approve \$152,970 of retained earnings to support additional programming hours to create a data warehouse for the inmate data currently stored on the Department of Corrections' legacy inmate banking system.

SENATOR GOICOECHEA MOVED TO APPROVE \$152,970 OF RETAINED EARNINGS TO SUPPORT ADDITIONAL PROGRAMMING HOURS TO CREATE A DATA WAREHOUSE FOR THE INMATE DATA CURRENTLY STORED ON THE DEPARTMENT OF CORRECTIONS' LEGACY INMATE BANKING SYSTEM.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Coffman advised that budget account 3708 had three other closing items, which all appeared reasonable. Ms. Coffman asked whether the Subcommittees wished to approve other closing items as recommended by the Governor, and to authorize Fiscal Analysis Division staff to make other technical adjustments as necessary, including those identified in other closing items 1 and 3.

SENATOR GOICOECHEA MOVED TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR AND TO AUTHORIZE FISCAL ANALYSIS DIVISION STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING ADJUSTMENTS IDENTIFIED IN OTHER CLOSING ITEMS 1 AND 3.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Edwards closed the budget hearings and opened public comment.

Kevin Ranft, representing Local 4041, American Federation of State, County and Municipal Employees (AFSCME), testified that the shift relief factor had needed updating for a long time. The AFSCME Local 4041 had been fighting for years for proper staffing. He thanked the Subcommittees and the Department of Corrections for the support. The shift relief factor had been problematic for years, and the Subcommittees' decision would save lives. The public, correctional officers, staff, and inmates relied on staff to do its job. The Subcommittees' decision would build camaraderie within the staff and relieve stress for the administration. Everything revolved around properly staffing the correctional facilities. Mr. Ranft asked the Subcommittees to find new revenues to fund staffing. He pledged to meet with the Department of Corrections to find ways to retain staff.

There being no further public comment, Chair Edwards adjourned the meeting at 10:43 a.m.

RESPECTFULLY SUBMITTED:

Janice Wright
Committee Secretary

APPROVED BY:

Assemblyman Chris Edwards, Chair

DATE: _____

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBITS

Committee Name: Subcommittees on Public Safety, Natural Resources, and Transportation

Date: May 7, 2015

Time of Meeting: 8:07 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster