

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Seventy-Eighth Session
April 27, 2015**

The Senate Committee on Finance was called to order by Chair Ben Kieckhefer at 8:11 a.m. on Monday, April 27, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ben Kieckhefer, Chair
Senator Michael Roberson, Vice Chair
Senator Pete Goicoechea
Senator Mark A. Lipparelli
Senator David R. Parks
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator Debbie Smith (Excused)

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Joi Davis, Senior Program Analyst
Lona Domenici, Committee Manager
Emily Cervi, Committee Assistant
Jason Gortari, Committee Secretary

OTHERS PRESENT:

Nicholas Trutanich, Chief of Staff, Office of the Attorney General
Wes Duncan, Assistant Attorney General, Office of the Attorney General
Eric Witkoski, Chief Deputy Attorney General, Consumer's Advocate, Bureau of
Consumer Protection, Office of the Attorney General
Brian McAnallen, City of Las Vegas

Chair Kieckhefer:

I will open today's hearing with budget accounts from the Agency for Nuclear Projects (ANP). A closing list document for today's budget accounts has been provided and is entitled, "Senate Committee on Finance CLOSING LIST #9, April 27, 2015" ([Exhibit C](#)).

Joi Davis (Senior Program Analyst):

I will be discussing the budget closings for the ANP. I will discuss budget account (B/A) 101-1005, on page 2 of [Exhibit C](#). This account has one major closing issue.

ELECTED OFFICIALS

Governor's Office High Level Nuclear Waste — Budget Page ELECTED-41
(Volume I)

Budget Account 101-1005

The first major closing issue, decision units E-225 and E-226, recommends increased funding to restart the Yucca Mountain licensing proceedings.

E-225 Efficient and Responsive State Government — Page ELECTED-43

E-226 Efficient and Responsive State Government — Page ELECTED-43

The ANP came before the Interim Finance Committee (IFC) in August 2014 to request funding from the IFC Contingency Fund to address the restart of the Yucca Mountain licensing proceedings. Decision unit E-226 recommends \$625,538 in each fiscal year of the 2015-2017 biennium. The costs for decision unit E-226 combined with base expenditures of \$110,000 each year would provide \$735,538 in total for each year of the 2015-2017 biennium to support technical expert contract fees. These funds would be utilized by the Agency to defend the State's efforts, regarding the establishment of a high-level nuclear waste repository at Yucca Mountain.

Decision unit E-225 recommends General Fund appropriations of \$12,500 in each fiscal year of the 2015-2017 biennium for additional travel for out-of-state adjudicatory hearings.

The restart of these proceedings began in August 2013. The Agency is currently reviewing the Safety Evaluation Report Related to Disposal of High-Level

Radioactive Wastes in a Geological Repository at Yucca Mountain, Nevada (SER) and the Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (SEIS) regarding groundwater issues. Page 3 [Exhibit C](#) provides a table with a timeline of when the SER was received.

The ANP is working with the Office of the Attorney General (AG), their outside counsel and technical experts to review the SER and the SEIS reports in preparation for the licensing proceedings before the U.S. Nuclear Regulatory Commission (NRC).

Does the Committee wish to approve General Fund appropriations of \$625,538 in each year of the 2015-2017 biennium for technical expert contract costs regarding the restart of the licensing proceedings for a high-level nuclear waste repository at Yucca Mountain?

If so, does the Committee also wish to approve General Fund appropriations of \$12,500 in each year of the biennium for out-of-state travel anticipated for the NRC licensing proceedings?

SENATOR PARKS MOVED TO APPROVE B/A 101-1005 AND DECISION UNITS E-225 AND E-226 AS RECOMMENDED BY THE GOVERNOR, AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NEEDED.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The two other closing items, decision units E-710 and E-804, recommend funding for replacement equipment and a cost allocation. Both recommendations appear reasonable to staff.

E-710 Equipment Replacement — Page ELECTED-44
E-804 Cost Allocation — Page ELECTED-44

Fiscal staff recommends the other closing items be approved as recommended in the Executive Budget, with authority for staff to make technical adjustments as needed.

SENATOR PARKS MOVED TO APPROVE THE OTHER CLOSING ITEMS IN B/A 101-1005 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS AS NEEDED BY FISCAL STAFF.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will be discussing the budget closings for the AG's Office. I will discuss the Administrative Fund account (B/A) 101-1030, on page 5 of [Exhibit C](#). This account has four major closing issues.

AG - Administrative Fund — Budget Page ELECTED-84 (Volume I)
Budget Account 101-1030

The first major closing issue, decision unit E-226, recommends an office restructure, eliminating 6.51 full-time equivalent (FTE) positions, adding 8 FTE positions, and modifying the salary of 2 positions.

The restructure is based on the National Association of Attorneys General (NAAG) report from 2007. The Agency only implemented some of the recommendations approved from the 2007 NAAG report due to budget constraints and the economic downturn. Fiscal staff notes that the NAAG staff conducted an additional review March 23-25, 2015. However, that report has not been finalized and received by Fiscal staff.

E-226 Efficient and Responsive State Government — Page ELECTED-87

The AG conducted an internal audit upon assuming office in January 2015. Position eliminations and recommended eliminations in the AG's Office are

displayed in the two charts on page 7 of [Exhibit C](#). The first chart on page 7 displays what is being included in the Executive Budget, the elimination of the 6.51 FTEs. The second chart outlines the positions recommended for elimination. Position eliminations are based on the source of funding.

Fiscal staff worked with the AG's Office and the Department of Administration's Budget Division to determine the appropriate positions to be eliminated based on the funding source. In the first chart on page 7, position control number (PCN) 390, a deputy attorney general (DAG) position, is recommended for elimination in decision unit E-226.

Fiscal staff has included a technical adjustment in this closing document to restore that position and include it in a transfer decision unit for the AG's Mortgage Fraud Unit (MFU) where it was originally intended to be.

The Executive Budget recommends eight new positions listed in the chart on page 8 of [Exhibit C](#). To keep the recommendation for the office restructure somewhat cost neutral, the AG's Office has also recommended eight new positions in addition to eliminating positions. The eight recommended new positions do not have typical operating expenses such as costs for furnishings, computers, software, training and travel. The new positions will not need funding for operating costs because they will be using existing resources.

Shown in the left column of the table, on page 8 of [Exhibit C](#), is what is included in the Governor's recommended budget. The Agency and the Budget Division utilized eight position titles and salaries that are in the existing unclassified pay bill approved by the 2013 Legislature. However, the AG's Office has recommended changes to those titles. The position title changes are represented in the right column of the table on page 8.

For example, the assistant attorney general in the left column of chart is how that position is listed in the Executive Budget and the right column of the table provides the recommended position title, which is a general counsel position at a different salary in this case.

In the chart on page 8 of [Exhibit C](#) the four special counsel positions are recommended to become bureau chief positions, the solicitor general is recommended to become a deputy solicitor general and the two senior DAGs are recommended to become special assistant attorney generals.

The first position being requested is the general counsel position. This position would work on legislative affairs, constitutional and ethical obligations and would help supervise approximately 400 employees. This position would also work on administrative rules, procedures, contracts, outside counsel contracts, public records requests and open meeting law issues.

In response to Fiscal staff's inquiry as to how these functions are currently managed, the AG's Office identified 14 positions that are currently performing these functions; If the general counsel position was approved, those positions would be able to better focus on other areas within the AG's Office.

The next four positions requested are the new bureau chief positions. These positions will provide better management oversight over the four bureaus within the AG's Office. The four bureaus are the Bureau of Government Affairs, the Bureau of Business and Industry, the Bureau of Litigation and the Bureau of Criminal Justice. Within those bureaus are 14 different divisions. The AG's Office testified that the addition of these positions would improve the reporting ratio from 14 to 1 to 4 to 1.

A deputy solicitor general position is also being requested. The Agency indicated there is an existing solicitor general position and this requested deputy position would assist the solicitor general. The AG's Office indicated they filed approximately 338 appellate briefs during the past 3 years. It is difficult for one solicitor general position to review all of those briefs properly. In addition, multiple requests from other states come in for signature on amicus brief items. The solicitor general receives approximately 30 amicus brief items each year.

Fiscal staff inquired why a deputy solicitor general position was needed since the current structure includes an Appellate Division within the AG's Office, which is comprised of 10 positions: one solicitor general, four senior DAGs, three DAGs and two legal researchers. The Agency indicated that those positions are exclusively focusing on the habeas corpus petitions and inmate appeals.

Finally, two special assistant attorney general positions are being requested. These positions would support the establishment of two new offices requested in the AG's Office. The first is the Office of Military Legal Assistance and the second is the Office of Neighborhood Protection.

The AG's Office has formed an advisory committee to look at the unmet civil legal needs of Nevada's military citizens. One of the requested special assistant attorney general positions would coordinate the efforts of the advisory committee in meeting the civil legal needs of Nevada's military citizens.

Fiscal staff notes that Senate Bill (S.B.) 60, as amended, provides permissive authority to establish an Office of Military Legal Assistance within the AG's Office.

SENATE BILL 60 (1st Reprint): Revises various provisions related to the Office of the Attorney General. (BDR 16-470)

The other special assistant attorney general position would oversee the Office of Neighborhood Protection, work with local governments and work with communities regarding crime-fighting efforts to help make neighborhoods safe.

Both special assistant attorney general positions salaries would be \$110,000. However, the Executive Budget lists those position's salaries at \$106,904.

Fiscal staff inquired about the performance measures for the Office of Neighborhood Protection. The Agency indicated that they would be looking at developing performance measures for their restructure.

Lastly, regarding the restructure and the salary modifications, Fiscal staff would note that the recommendation from the AG's Office is to increase the solicitor general salary from \$132,600 to \$140,662, decrease the general counsel salary and increase the two special assistant attorney general salaries.

The salaries of unclassified positions are not to be determined today. That is a decision the money committees will make at a later date when they review all statewide unclassified position salaries.

Chair Kieckhefer:

The AG or any constitutional officer should be able to structure the workings of their offices the way they see fit. If the AG wants to align the AG's Office into bureaus and put those bureau chiefs in place, I do not have an issue with it.

What is the need for a special assistant AG for the Office of Neighborhood Protection? This position's duties are more like those of a coordinator or

advocator and it has not been indicated that there is a lot of legal work involved.

Senator Goicoechea:

Is the deputy solicitor general position necessary with the appeals structured the way they are? The Appellate Division's 10 positions seem to have it covered. I am sensitive to the federal appeal side of this request, but it appears that there is adequate staffing in that division already.

Chair Kieckhefer:

Does the Committee wish to eliminate 6.51 FTE positions as recommended by the AG's Office, including the technical adjustment noted by Fiscal staff for the restoration of PCN 390 to be transferred with the MFU, and any other technical adjustments that may be needed?

Senator Parks:

The issue of the High Tech Crime Unit in the Administration Budget has been resolved. Has it been determined that the vacant executive director position for the Technology Crime Advisory Board is not necessary to be filled?

Ms. Davis:

We will be discussing that position in B/A 101-1041. The position title would go away but the activities are still being performed by an attorney in the AG's Office. They have just reassigned those duties to a different position. There is someone performing those functions, but the position itself would go away.

Chair Kieckhefer:

We heard this budget in full Joint Subcommittee, and the proposed budget amendment was never forwarded because there have been some changes to what was originally presented.

SENATOR GOICOECHEA MOVED TO ELIMINATE 6.51 FTE AS RECOMMENDED BY THE AG'S OFFICE AND TO ALLOW TECHNICAL ADJUSTMENTS AS NEEDED BY FISCAL STAFF.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

Does the Committee wish to approve a general counsel position for the AG's Office?

Senator Goicoechea:

Will the general counsel position oversee and coordinate staff?

Chair Kieckhefer:

Yes. This position answers directly to the AG Adam Paul Laxalt.

SENATOR GOICOECHEA MOVED TO APPROVE THE GENERAL COUNSEL POSITION IN B/A 101-1030.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

Does the Committee wish to approve four new bureau chief positions for the AG's Office?

Senator Parks:

The approval of these positions creates a 4 to 1 ratio of reporting rather than the existing 14 to 1 ratio. Is there an industry standard as to what kind of ratio there should be for management tier levels?

Ms. Davis:

An industry standard does not exist. The NAAG report from 2007 recommended that the position titles and reporting ratios of 4 to 1 align with the bureaus. They have the bureaus in place but did not have the position titles.

Senator Goicoechea:

There is not a large increase in General Funds for these positions because we are realigning the positions.

SENATOR GOICOECHEA MOVED TO APPROVE THE FOUR NEW BUREAU CHIEFS IN B/A 101-1030.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

We will pass over the request for a deputy solicitor general position for the AG's Office and come back to it later.

There is a bill related to the special assistant AG position for the Office of Military Legal Assistance in Committee.

Ms. Davis:

Senate Bill 60 is currently in the Senate Committee on Finance and provides permissive authority for the AG's Office to establish an Office of Military Legal Assistance. If the bill passes and the position does not, they could still create the Office of Military Legal Assistance and operate it with existing resources. If the bill does not pass and the Committee approves the position, the AG's Office will still be fine.

Chair Kieckhefer:

We have not heard that bill yet.

Nicholas Trutanich (Chief of Staff, Office of the Attorney General):

The Office of Military Legal Assistance is a first of its kind, public-private partnership, with a dedicated person to military legal assistance inside the Office. That dedicated person's position title would be the special assistant AG for the Office of Military Legal Assistance. The position would be responsible for soliciting pro bono hours from community partners and law firms to assist Judge Advocate Generals (JAG)s at bases inside of Nevada to assure their fellow service members receive the needed legal resources they are seeking.

A survey was conducted and claimed that 61 percent of active duty military members in Nevada reported that they needed access to courts to meet their legal needs. The Office of Military Legal Assistance will be able to meet the legal needs of active duty military members who do not have access to courts.

The AG, in his prior career, was a U.S. Navy JAG who served in Iraq. While the AG was at the Norfolk Naval Station and other bases with the Navy, he found his fellow service members would come to him with legal problems. Some of the legal problems brought to his attention consisted of deployment issues, housing issues and loan issues. Certain federal laws protect service members in those instances. The Navy JAGs on base only represent the service members on base and cannot reach out to assist service members outside of the base. That restriction resulted in the idea to create the Office of Military Legal Assistance. Since the AG was elected and put into office, we have established a 20-member committee which includes Jim McPherson, the executive director of the NAAG. The committee is also comprised of representatives from each of the active duty bases and reserve components in Nevada and members from the Legal Aid Center of Southern Nevada. All 20 members have come together to determine the best way the Office of Military Legal Assistance can move forward. We are ready for a launch of this office this coming summer.

Chair Kieckhefer:

Will a full-time special assistant AG be required to coordinate the legal services of the Office of Military Legal Assistance since they are all provided by outside agencies?

Mr. Trutanich:

Yes, S.B. 60 would help get this started, but we need a person dedicated to outreach and to be a coordinator to active duty JAGs and other reserve components. This position would be a subject matter expert and would know where legal service is needed.

Wes Duncan (Assistant Attorney General, Office of the Attorney General):

The Office of Military Legal Assistance is a clearinghouse. The AG and the 20-member committee we assembled consist of people who have pledged that they will give a certain amount of pro bono hours. The special assistant AG will be responsible for coordinating with all of the private law firms in the State and will be in charge of coordinating the pro bono hours pledged.

When active duty military personnel retire, they potentially face a wide range of different legal issues. In the early stages of this program, we will be offering legal services to active duty personnel for consumer protection, landlord/tenant issues and wills. The special assistant AG will be the key component, giving this program the possibility to expand legal services into other areas. Domestic relations and family law are huge areas that touch both on our young enlisted troops and other family related issues and are legal areas where we would be interested in providing services.

The special assistant AG will need to be in charge of determining the capability of the expansion into other areas. We hope to expand the project and our legal services in the future. The assessment done by this position will consist of an evaluation of best practices, coordinating private law firms and coordinating service members with the right person to serve their legal needs.

SENATOR GOICOECHEA MOVED TO APPROVE THE SPECIAL ASSISTANT AG POSITION IN B/A 101-1030.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

Please discuss the Office of Neighborhood Protection.

Mr. Trutanich:

When planning and starting the reorganization of the AG's Office, the AG wanted to make sure we did so by saving General Fund dollars. We are currently below \$500,000 of the Governor's recommended budget. We are replacing positions in the Governor's recommended budget due to the reorganization of the AG's Office. The special assistant AG for the Office of Neighborhood Protection is one of those positions replacing an existing position. The Office of Neighborhood Protection is designed to focus on two primary areas: one, coordinating crime fighting efforts of the AG's Office with local governments, municipalities, cities and counties with respect to human trafficking, domestic violence and drug sales; two, it will augment the work of the solicitor general.

For example, this Office will work with the federal government to coordinate efforts and to assure that when there is potential federal overreach, the Office's special assistant AG will be protecting Nevada's neighborhoods and local communities by working with the federal government instead of filing law suits against them.

Chair Kieckhefer:

Is there legislation associated with the Office of Neighborhood Protection?

Mr. Trutanich:

No. Legislation is not necessary for this position.

Mr. Duncan:

The deputy solicitor general position is necessary to help the solicitor general. There are about 338 different appeals coming through the AG's Office. The solicitor general is in charge of all the appeals that cover the State and is in charge of complex constitutional issues.

Two weeks ago, the solicitor general went to the U.S. Court of Appeals for the Ninth Circuit to argue a legal issue. Constructing an appellate brief and keeping an appellate brief record is a rigorous task. A deputy solicitor general would help divide up appellate brief work and allow more time for the solicitor general, on behalf of the State, to argue before the U.S. Court of Appeals, the Nevada Supreme Court and the U.S. Supreme Court on different cases. The deputy solicitor general position is essential and would lighten the appeal workload of the solicitor general.

In other states, multiple deputy solicitors general assist the solicitor general. In Nevada, there is one solicitor general and a few DAGs who are doing their normal work and are not dedicated to typical constitutional solicitor general type issues. The deputy solicitor general position would also allow our solicitor general to focus on the most important issues that face the State, such as high stakes litigation and potential liability.

Senator Goicoechea:

Do we need a deputy solicitor general for the solicitor general to assign this workload? Who will be coming forward to hear all of these cases, the deputy solicitor general, the solicitor general or someone else who is assigned to them?

Mr. Trutanich:

Page 9 of [Exhibit C](#) references the other DAGs in the Appellate Division. According to the organizational chart, the additional DAGs in the Appellate Division technically report to the solicitor general. It is important to note that the DAGs in the Appellate Division do not perform constitutional work. They have day-to-day briefs related to inmate litigation, inmate appeals and habeas corpus-type litigation. Those are all important types of litigation, but are not the same types of litigation other states use their solicitor generals.

The solicitor general is conducting litigation with the City of San Francisco. The AG's Office has filed a petition with the U.S. Supreme Court over the past few months related to that litigation. That type of litigation needs an expert. If the petition was granted in that case, it would tie up the solicitor general for most of the summer in writing briefs for the Supreme Court on the merits of the case. That is all happening while appellate briefs from the other 300 employees of the AG's Office are not being reviewed by the solicitor general, or anybody in the Appellate Division, because the solicitor general is working on high level constitutional litigation.

Texas has 25 deputy solicitor generals and other states such as Oklahoma have a very robust solicitor general office. The deputy solicitor general position is important and needed. If a petition or U.S. Court of Appeals appellate argument were to take the solicitor general away from his day-to-day duties, the AG's Office could fall short of having a unified appellate practice where every brief submitted is reviewed.

Chair Kieckhefer:

Does the Committee wish to approve a special assistant attorney general position for the Office of Neighborhood Protection?

I do not hear a motion so we will revisit this item later.

Ms. Davis:

The second major closing issue, Budget Amendment No. A150761030 and decision unit E-243, recommends \$391,398 in fiscal year (FY) 2016 and \$516,197 in FY 2017 to establish two teams for Project Neon. The teams would consist of five new positions dedicated to Project Neon: two unclassified special counsel positions, two unclassified legal researcher positions, and one classified supervising legal secretary position.

E-243 Efficient and Responsive State Government — Page ELECTED-88

The two teams would work with existing Project Neon staff and Nevada Department of Transportation (NDOT) staff to complete matters regarding eminent domain. We anticipate the teams would also work on managing some of the outside counsel costs for the project.

During the budget hearing, it was indicated that with the approval of this decision unit the outside counsel cost could be reduced by up to \$4 million. However, outside counsel would still be needed due to the volume of acquisitions involved with the project.

During the budget hearing, the Committee expressed its concern that General Fund appropriations would be supporting a Highway Fund effort. In response, the Budget Division submitted Budget Amendment No. A150761030 on April 14, 2015, to change the funding from General Fund appropriations to Highway Fund appropriations. The budget amendment is reflected in this closing document. A companion budget amendment, Budget Amendment No. A1500654660, was submitted on the NDOT side. Further details of Project Neon are discussed in the NDOT budget, which is scheduled to close on May 5 before the Joint Subcommittee.

Does the Committee wish to approve two special counsel positions, two legal researcher positions, and one legal secretary to establish two Project Neon trial teams supported by a transfer of Highway Funds from NDOT of \$391,398 in FY 2016 and \$516,197 in FY 2017 as amended?

Senator Parks:

Is this fully funded by reimbursement from NDOT and by federal funds?

Ms. Davis:

It is funded with Highway Funds at an anticipated reimbursement rate of 81 percent. However, the percentage is reviewed on a regular basis.

Chair Kieckhefer:

This will allow for some significant contract savings, but will be a long and complicated process.

SENATOR GOICOECHEA MOVED TO APPROVE DECISION UNIT E-243 IN B/A 101-1030 INCLUDING BUDGET AMENDMENT NO. A150761030.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The third major closing issue, decision unit E-235, recommends \$139,645 over the 2015-2017 biennium for salary and associated operating costs for an administrative services officer (ASO) position in the fiscal unit. The ASO would assist the existing chief financial officer (CFO) and the other six positions within the fiscal unit. A disconnect exists between the level of the CFO and the remaining positions. This ASO would be an intermediary position to assist and provide backup when the CFO is away from the office.

E-235 Efficient and Responsive State Government — Page ELECTED-88

The position would be responsible for budget tracking and preparation of budgets. The AG's Office has 19 budgets. Twelve of those budgets are within the Executive Branch and seven are non-Executive Branch budgets. The position would also help the position with grant reconciliations and statutory Contingency Fund expenditures that are attributable to the AG's Office. This position would also create fund maps, maintain and distribute restitution funds and complete work programs.

Does the Committee wish to approve \$139,645 over the 2015-2017 biennium for a new ASO position and associated operating costs, and authorize Fiscal staff to eliminate \$14,893 in each year of the biennium in contract costs? That request is not included in the closing document.

However, Fiscal staff has identified contract costs that could be eliminated if this position is approved.

Chair Kieckhefer:

There is a fairly significant drop off between a CFO and a management analyst. An ASO is appropriate for this office.

SENATOR WOODHOUSE MOVED TO APPROVE DECISION UNIT E-235 IN B/A 101-1030 WITH THE REDUCTION OF \$14,893 IN EACH YEAR OF THE BIENNIUM AND ALLOW ANY TECHNICAL ADJUSTMENTS BY FISCAL STAFF.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The fourth major closing issue recommends a dedicated attorney for the Colorado River Commission of Nevada (CRC). This was not included in the Executive Budget. This recommendation came about after the budget hearing on March 2. However, this recommendation was included in the Agency's requested budget and was inadvertently omitted prior to the Governor's recommended budget.

The position would be a DAG in the AG's Bureau of Government Affairs and dedicated to the CRC. This DAG would provide legal support for the CRC's anticipated increased contracts relative to hydropower electric resources generated by the Hoover Dam. The position would be supported entirely by the CRC funds that would be transferred into this budget account.

Does the Committee wish to approve \$99,907 in FY 2016 and \$122,301 in FY 2017 in transfer revenue for a new DAG position dedicated to the CRC?

Chair Kieckhefer:

Please explain why you indicated that the position was inadvertently omitted from the Executive Budget.

Ms. Davis:

The inadvertent omission was included in the Agency's requested budget. However, the office restructure was contemplated when the new AG assumed Office. To minimize costs, the Agency reduced IT costs that were in the budget and eliminated the 6.51 positions the Committee just reviewed and discussed. The Agency also eliminated this decision unit, thinking that it was General Fund

appropriations and not realizing it would be supported 100 percent by a transfer from the CRC.

Chair Kieckhefer:

Is the number of filings coming through the CRC substantial enough to justify a fully dedicated position?

Ms. Davis:

They anticipate 65 to 105 long-term resource contracts will undergo review.

SENATOR PARKS MOVED TO APPROVE THE ADDITION OF \$99,907 IN FY 2016 AND \$122,301 IN FY 2017 IN TRANSFER REVENUE FOR A NEW DAG POSITION DEDICATED TO THE CRC FUNDED THROUGH CRC ASSESSMENTS.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The first other closing item, decision unit E-225, recommends new software, publications and contractual lease payments.

E-225 Efficient and Responsive State Government — Page ELECTED-87

The second other closing item, decision units E-500 and E-900, recommends a transfer of litigation costs from B/A 101-1031 to B/A 101-1030. This information will be discussed when we get to B/A 101-1031. Fiscal staff seeks authority to adjust this decision unit based on approval of the companion decision unit within B/A 101-1031.

E-500 Adjustment To E900 — Page ELECTED-89

E-900 Transfer From BA 1031 To BA 1030 — Page ELECTED-94

The third other closing item, decision unit E-601, recommends elimination of a vacant position.

E-601 Budget Reductions — Page ELECTED-89

The fourth and fifth other closing items, decision units E-710 and E-711, recommend equipment replacement.

E-710 Equipment Replacement — Page ELECTED-90

E-711 Equipment Replacement — Page ELECTED-91

The sixth and seventh other closing items, decision units E-720 and E-721, recommend new equipment.

E-720 New Equipment — Page ELECTED-91

E-721 New Equipment — Page ELECTED-92

The eighth other closing item, decision unit E-806, recommends \$425,084 over the 2015-2017 biennium to increase the salaries of the AG's Office unclassified legal researcher positions to be comparable with the salaries paid to classified legal researcher positions within other State agencies. The two tables on page 8 of [Exhibit C](#) outline the cost differences between the unclassified and classified positions. This recommendation is based on a desk audit that was conducted in July 2014 by the Department of Administration's Division of Human Resource Management that indicated these positions are doing the same work, if not more, of what those positions perform in the classified service of the State. The recommendation would be to increase the supervising legal researcher by 10 percent and increase the legal researcher by 23 percent, which would be comparable to the classified salary scale of Grade 35/Step 8. This decision unit is also included in two other budget accounts that we will discuss later.

E-806 Unclassified Position Salary Increases — Page ELECTED-93

The ninth other closing item, decision unit E-814, recommends \$26,800 over the 2015-2017 biennium to upgrade a DAG to a senior DAG for the Personnel Division in the AG's Office. The Agency testified that this position provides legal advice and representation on all aspects of classified and unclassified personnel matters including dismissals, demotions, suspension of employees, appeals, administrative hearings, grievances, violations of State law, negligence, civil rights, Family and Medical Leave Act of 1993 issues, Americans with Disabilities Act of 2008 issues and the Fair Labor Standards Act of 1938 issues.

E-814 Position Upgrades — Page ELECTED-93

Fiscal staff inquired about the existing positions that handle those duties. The Agency indicated that although their organizational chart shows those positions within the Personnel Division, those positions do not perform the same functions that this position would. Decisions regarding unclassified salary increases will be made at a later date.

The tenth other closing item, decision unit E-901, recommends the transfer of the MFU to B/A 340-1045. This decision unit will be further discussed when discussing B/A 340-1045. Fiscal staff recommends approval of the technical adjustment noted and seeks authority to adjust this decision unit based on the closing action made in B/A 340-1045.

E-901 Transfer From BA 1030 To BA 1045 — Page ELECTED-94

The eleventh and twelfth other closing items, decision units M-800 and E-800, recommend statewide cost allocations and AG cost allocations that will need adjustments based on the outcome of closing all of these budgets as a whole. Fiscal staff recommends technical authority regarding those items.

M-800 Cost Allocation — Page ELECTED-86

E-800 Cost Allocation — Page ELECTED-92

Does the Committee wish to approve the other closing items 1, 3, 4, 5, 6, 7, 11 and 12 as included in the Executive Budget, with the technical adjustments noted by staff and authority for staff to make technical adjustments to other closing items 2 and 10 based on decisions made in companion decision units in other AG's Office budgets? In addition, does the Committee wish to approve the authority for Fiscal staff to make technical adjustments based on decisions by the money committees relative to unclassified salaries and other technical adjustments that may be necessary?

SENATOR GOICOECHEA MOVED TO APPROVE OTHER CLOSING ITEMS 1, 3, 4, 5, 6, 7, 11 AND 12 AS INCLUDED IN THE EXECUTIVE BUDGET WITH THE TECHNICAL ADJUSTMENTS NOTED BY FISCAL STAFF, AND WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NEEDED ON OTHER CLOSING ITEMS 2 AND 10 BASED ON FUTURE DECISIONS, AND TO MAKE TECHNICAL

ADJUSTMENTS BASED ON DECISIONS BY THE MONEY COMMITTEES
RELATIVE TO UNCLASSIFIED SALARIES AND OTHER TECHNICAL
ADJUSTMENTS THAT MAY BE NECESSARY.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Special Fund account, B/A 101-1031 on page 16 of [Exhibit C](#).
This account has one major closing issue.

AG - Special Fund — Budget Page ELECTED-97 (Volume I)
Budget Account 101-1031

The only major closing issue, decision unit E-242, recommends increased funding for the restart of the Yucca Mountain licensing proceedings. Similar to B/A 101-1005, this budget includes funding for the outside counsel contract costs to restart efforts of the licensing proceedings regarding a high-level nuclear waste repository at Yucca Mountain. The Executive Budget includes General Fund appropriations of \$2.4 million for each fiscal year of the 2015-2017 biennium and combined with base expenditures would total \$2.5 million in each year of the upcoming biennium.

E-242 Efficient and Responsive State Government — Page ELECTED-99

Fiscal staff has previously indicated that the ANP's B/A 101-1005 will be used to continue efforts regarding the review of the SER and SEIS. The Agency also received funds from the IFC Contingency Fund in August 2014 which totals to \$765,400. If those funds are not expended, they will be reverted to the IFC Contingency Fund at the end of this fiscal year. In addition, federal funds reside in this budget and have been utilized by the Agency.

However, this budget does not include an expended category for those funds in FY 2016. Fiscal staff seeks authority to work with the Agency to determine what the total amount of those funds should be in FY 2016.

The table on page 18 of [Exhibit C](#) includes historical information regarding the General Funds utilized for both the AG's Office and the ANP regarding the Yucca Mountain efforts.

The AG's Office has indicated that no new federal funds are anticipated for the upcoming fiscal year. The General Funds in this budget account will be utilized to continue the Yucca Mountain licensing proceedings.

Does the Committee wish to approve \$2.4 million, beyond the adjusted base amounts, in each year of the upcoming biennium for the AG's Office to continue the State's efforts regarding the licensing proceedings to establish a high-level nuclear waste repository at Yucca Mountain and authority for Fiscal staff to include the balance forward of federal funds from FY 2015 to FY 2016?

SENATOR PARKS MOVED TO APPROVE \$2.4 MILLION, BEYOND THE ADJUSTED BASE AMOUNTS, IN EACH YEAR OF THE UPCOMING BIENNIUM FOR THE AG'S OFFICE TO CONTINUE THE STATE'S EFFORTS REGARDING THE LICENSING PROCEEDINGS AND AUTHORIZE FISCAL STAFF TO INCLUDE THE BALANCE FORWARD OF FEDERAL FUNDS FROM FY 2015 TO FY 2016.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

* * * * *

Ms. Davis:

The first other closing item, decision unit E-710, recommends replacement equipment.

The second other closing item, decision unit E-900, recommends the bill back procedure that is currently within this budget account and is recommended for transfer to B/A 101-1030. Litigation costs would be distributed and assessed through the AG cost allocation plan (AGCAP).

E-900 Transfer From BA 1031 To BA 1030 — Page ELECTED-100

Fiscal staff recommends the other closing items be approved as included in the Executive Budget, with authority for staff to make technical adjustments as needed.

SENATOR GOICOECHEA MOVED TO APPROVE THE OTHER CLOSING ITEMS IN B/A 101-1031 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NEEDED.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Workers' Comp Fraud account, B/A 101-1033, on page 20 of [Exhibit C](#). This account has one major closing issue.

AG - Workers' Comp Fraud — Budget Page ELECTED-102 (Volume I)
Budget Account 101-1033

The major closing issue, decision unit E-600, recommends the elimination of two investigator positions from the Insurance Fraud Unit. However, revenue that is transferring into the Insurance Division in the AG's Office is not in alignment with the budget. Fiscal staff has worked with the Agency to determine if both positions will need to be eliminated based on the incorrect revenue transfer. Fiscal staff notes that the Agency would only need to eliminate one position rather than two.

E-600 Budget Reductions — Page ELECTED-104

The closing document includes the technical adjustment to align the revenue and restore one of the investigator positions. The other position that was recommended for elimination is vacant. The caseload chart at the bottom of page 21 of [Exhibit C](#) shows an increase in the number of cases in each fiscal year moving forward. Fiscal staff inquired with the Agency as to how that caseload work increase would be met with a reduction in work staff. The Agency indicated that they have considerable experience in this unit and they would utilize their administrative staff to assist the investigators to develop better processes. Based on the Agency's experienced staff, they believe caseload demand in the upcoming biennium can be met. This recommendation does appear reasonable based on the adjusted and follow up information.

Does the Committee wish to approve the elimination of one vacant investigator position in the Insurance Fraud unit, including the adjustment requested by the AG's Office to restore one investigator position for the Insurance Fraud Unit as reflected in the closing document?

SENATOR GOICOECHEA MOVED TO APPROVE DECISION UNIT E-600 IN B/A 101-1033 WITH THE ADJUSTMENT TO RESTORE ONE INVESTIGATOR POSITION AS REQUESTED BY THE AG'S OFFICE.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The first and second other closing items, decision units E-710 and E-721, recommend new and replacement equipment. These recommendations appear reasonable.

E-710 Equipment Replacement — Page ELECTED-105
E-721 New Equipment — Page ELECTED-105

The third other closing item is a reclassification of a senior DAG to a chief DAG. The AG's Office testified that this decision unit should be eliminated. The AG's Office confirmed this decision in writing. Accordingly, this closing document includes the technical adjustment to eliminate the decision unit.

Fiscal staff recommends the other closing items be approved as included in the Executive Budget, including the adjustment noted by Fiscal staff for the third other closing item, and authority for Fiscal staff to make other technical adjustments as needed.

SENATOR PARKS MOVED TO APPROVE THE OTHER CLOSING ITEMS IN B/A 101-1033 AS RECOMMENDED BY THE GOVERNOR INCLUDING THE ADJUSTMENT NOTED BY STAFF IN THE THIRD OTHER CLOSING ITEM AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NEEDED.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Crime Prevention account, B/A 101-1036 on page 23 of [Exhibit C](#). This account has one major closing issue.

AG - Crime Prevention — Budget Page ELECTED-108 (Volume I)
Budget Account 101-1036

The major closing issue, decision unit E-241, recommends General Fund appropriations of \$69,005 in FY 2016 and \$104,364 in FY 2017 for a new criminal investigator position. The position would support the Human Sex Trafficking Unit in the AG's Office. That unit consists of a DAG and a chief DAG within B/A 101-1030.

E-241 Efficient and Responsive State Government — Page ELECTED-110

Assembly Bill (A.B.) No. 67 of the 77th Session established the Human Sex Trafficking Unit. The bill allows the receipt of grants, to support the efforts of carrying out the legislation. In checking with the AG's Office, they have used existing federal funds to establish training during the current biennium and are in the process of developing a new grant opportunity for the upcoming biennium.

The recommended investigator position would work with the National Truckers Association and with local law enforcement agencies to investigate reports of human sex trafficking along the corridors of U.S. Interstate 80 and U.S. Interstate 15. Human sex trafficking often occurs at truck stops and rest areas along those routes. During the budget hearings, the Committee expressed some concern regarding the travel budget for this position, which is recommended for \$41,103. The Committee was concerned because the Agency did not have caseload information available regarding human sex trafficking.

Detailed information of a travel cost breakdown was requested from the AG's Office and is provided in the table on the bottom of page 24 of [Exhibit C](#).

The investigator position would be housed in northern Nevada. The investigator would be required to travel to southern Nevada to support the Southern Nevada Human Trafficking Task Force and to perform investigations in rural areas in southern Nevada. This position would also travel to Las Vegas once a month for one week. That is what the travel costs represent in the first fiscal year. In the second fiscal year, they would anticipate increasing travel to Las Vegas to twice a month for one-week increments. Those costs are listed in the table provided. The investigator would also attend an out-of-state conference in each year of the biennium. When the information was provided, it differed from what was included in the Executive Budget by \$2,826.

Fiscal staff has provided the following options for the Committee's consideration:

Option A: approve General Fund appropriations totaling \$69,005 in FY 2016 and \$104,364 in FY 2017 for one new investigator position, which includes \$41,103 for in-state and out-of-state travel costs over the biennium as included in the Executive Budget, including authority for Fiscal staff to make a technical adjustment to increase travel costs in FY 2016 by \$2,826 as noted above.

Option B: do not approve a new investigator position and associated operating costs, resulting in General Fund savings of \$69,005 in FY 2016 and \$104,364 in FY 2017.

Option C: approve a new investigator position for the Human Sex Trafficking Unit, and reduce out-of-state travel costs by \$1,000 in FY 2016 to allow attendance at a national conference in the second year of the biennium only;

and reduce in-state travel costs by \$15,072 in FY 2017 to allow one trip to southern Nevada each month instead of two. With the technical adjustment of \$2,826 noted above, the net General Fund savings for this option is \$13,246 over the biennium; resulting in a total travel budget of \$27,857 for the investigator position.

Fiscal staff recommends that the Committee issue a letter of intent requesting the AG's Office to provide information to the IFC on a semiannual basis regarding the number of human sex trafficking cases reported, investigated and prosecuted in the State, by location, and to establish performance measures for the Human Sex Trafficking Unit in the AG's Office.

Chair Kieckhefer:

I do not like the lack of caseload data or support for the position. This is a significant issue in our State and one that we take seriously. I am in support of the letter of intent from the Committee if we decided to move forward with the position. I entertain a motion for Option C.

Senator Goicoechea:

Does Option C reduce the amount of out-of-state travel?

Chair Kieckhefer:

The out-of-state travel would be reduced for the first year to have the chance to establish a foundation in Nevada before they start spending money to travel to conferences out-of-state. The investigator position would be budgeted to travel to Las Vegas for one full week per month in the second year of the biennium.

Senator Goicoechea:

If this position is traveling on the road in the State, chances are they will find cases to investigate. There is not a need to fund out-of-state travel but a program is needed in Nevada.

Senator Woodhouse:

This is something we need to keep high on our watch list because human sex trafficking is a major issue in our State and is something that we do not want to let slide backwards. We need to be proactive on this issue.

Senator Goicoechea:

The letter of intent will provide reports with data to help us determine the level

of need for human sex trafficking efforts and how much more funding we will need to put into efforts in the next cycle.

SENATOR GOICOECHEA MOVED TO APPROVE OPTION C AS OUTLINED BY FISCAL STAFF INCLUDING THE LETTER OF INTENT REQUESTING THE AG'S OFFICE TO PROVIDE INFORMATION BACK TO THE IFC ON A SEMIANNUAL BASIS REGARDING THE NUMBER OF HUMAN SEX TRAFFICKING CASES REPORTED, INVESTIGATED AND PROSECUTED IN THE STATE, BY LOCATION, AND TO ESTABLISH PERFORMANCE MEASURES FOR THIS UNIT.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The first and second other closing items, decision units E-710 and E-720, recommend new and replacement equipment. Both recommendations appear reasonable.

E-710 Equipment Replacement — Page ELECTED-111

E-720 New Equipment — Page ELECTED-111

Fiscal staff recommends the other closing items be approved as included in the Executive Budget, with authority for staff to make technical adjustments as necessary.

SENATOR GOICOECHEA MOVED TO APPROVE THE OTHER CLOSING ITEMS IN B/A 101-1036 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NECESSARY.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Consumer Advocate account, B/A 330-1038, on page 26 of [Exhibit C](#). This account has no major closing issues.

AG - Consumer Advocate — Budget Page ELECTED-117 (Volume I)
Budget Account 330-1038

The first other closing item is a recommendation on the regulatory assessment and the reserve balance in B/A 330-1038. There was discussion during the budget hearing regarding the reserve balance in this budget as it appeared to be high. The Agency testified that they would consider reducing the mill assessment revenue from 0.74 mills to 0.7 mills to address the high reserve.

However, the Agency now recommends it remain at the 0.74 mill level included in the Executive Budget for each year of the 2015-2017 biennium. The recommended mill level is due to pending exit applications of several large businesses before the Public Utilities Commission of Nevada who no longer use NV Energy as their power supplier. Based on that, the Agency anticipates the regulatory assessments in this budget to decline in FY 2016 and FY 2017. Fiscal staff recommends maintaining revenues supported by the 0.74 mill assessment rate for the 2015-2017 biennium as included in the Executive Budget.

The second and third other closing items, decision units E-710 and E-711, recommend replacement equipment which appears reasonable.

E-710 Equipment Replacement — Page ELECTED-119

E-711 Equipment Replacement — Page ELECTED-120

The fourth other closing item, decision unit E-806, recommends a salary increase for one unclassified legal researcher position. Decisions regarding the salaries for unclassified positions will be determined by the money committees at a later date. Fiscal staff seeks authority to make technical adjustments that may be necessary based on the outcome of statewide decisions involving the salaries of unclassified positions.

E-806 Unclassified Position Salary Increases — Page ELECTED-120

SENATOR LIPPARELLI MOVED TO APPROVE ALL OTHER CLOSING ITEMS IN B/A 330-1038 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NECESSARY.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Council for Prosecuting Attorneys account, B/A 101-1041, on page 29 of [Exhibit C](#). This account has no major closing issues.

AG - Council For Prosecuting Attorneys — Budget Page ELECTED-126
(Volume I)

Budget Account 101-1041

The first other closing item, decision unit E-710, recommends replacement equipment. This recommendation appears reasonable.

E-710 Equipment Replacement — Page ELECTED-128

The second other closing item, decision unit E-806, recommends an unclassified position salary increase for the attorney in this account. This would increase his salary from \$102,260 to \$110,000.

E-806 Unclassified Position Salary Increases — Page ELECTED-128

This position is performing the executive director duties for the Technological Crime Advisory Board in addition to the Council for Prosecuting Attorneys. The position is working in a dual capacity, which is the justification for the salary increase.

Decisions regarding the salaries for unclassified positions will be determined by the money committees at a later date. Fiscal staff seeks authority to make technical adjustments that may be necessary based on final decisions involving the salaries of unclassified positions.

Due to the lack of meaningful performance measures for this budget account and the High Tech Crime Unit, Fiscal staff would recommend that the AG's Office be directed to prepare performance measures for B/A 101-1041 and for the High Tech Crime Unit.

SENATOR LIPPARELLI MOVED TO APPROVE B/A 101-1041 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF BASED ON FUTURE DECISION UNITS IN THE UNCLASSIFIED PAY BILL AND OTHER TECHNICAL ADJUSTMENTS THAT ARE NECESSARY; AND DIRECTING THE AG'S OFFICE TO ESTABLISH PERFORMANCE MEASURES BOTH FOR B/A 101-1041 AND FOR THE HIGH TECH CRIME UNIT.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the Victims of Domestic Violence account, B/A 101-1042, on page 31 of [Exhibit C](#). This account has two major closing issues.

AG - Victims of Domestic Violence — Budget Page ELECTED-130 (Volume I)
Budget Account 101-1042

The first major closing issue, decision unit E-811, recommends changes to the unclassified ombudsman position. The Executive Budget includes General Fund appropriations to support this position.

E-811 Unclassified Position Changes — Page ELECTED-132

During the budget hearing on March 2, 2015, the Agency testified that this decision unit should be eliminated, which is reflected in this closing document. When the decision unit was eliminated; however, this budget became out of balance. Fiscal staff worked with the Agency and the Budget Division to correct that issue. A non-IFC work program will be submitted to align the reserve and balance forward amounts based on revenue carried forward from FY 2015 to FY 2016. That information is reflected in this closing document as well.

Does the Committee wish to approve the elimination of decision unit E-811 as requested by the AG's Office and noted in this closing document, resulting in a General Fund reduction of \$194,630 over the biennium, and the adjustment by Fiscal staff to align reserves and balance forward amounts to correct the budget?

SENATOR LIPPARELLI MOVED TO APPROVE THE ELIMINATION OF DECISION UNIT E-811 IN B/A 101-1041 AS REQUESTED BY THE AG'S OFFICE AND THE ADJUSTMENT BY STAFF TO ALIGN RESERVES AND BALANCE FORWARD AMOUNTS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The second major closing issue is the Victim Information and Notification Everyday (VINE) program.

The 2013 Legislature approved the VINE program within the AG's Office. Local law enforcement agencies are contributing to the support of the VINE program through an assessment charged by the AG's Office and with contract costs.

Fiscal staff has noted a discrepancy in revenue projected to be collected for the VINE system for the upcoming biennium and for the contract costs budgeted in the VINE expenditure category. Fiscal staff worked with the AG's Office and the Budget Division to correct the discrepancy and has been advised of a transfer in federal grant funds of \$50,000 in each year from the Violence Against Women Grants budget, B/A 101-1040. After reprojecting the revenue for

VINE assessments, an additional \$12,500 in each year is reflected in the closing document.

AG - Violence Against Women Grants — Budget Page ELECTED-122 (Volume I)
Budget Account 101-1040

Does the Committee wish to approve the technical adjustments noted by staff to increase grant authority transfer funds by \$50,000 each year to support the fatality review category and the VINE category, increase the VINE assessment revenue by \$12,500 each year and to allow Fiscal staff to make other technical adjustments that may be necessary?

SENATOR GOICOECHEA MOVED TO APPROVE THE TECHNICAL ADJUSTMENTS NOTED BY FISCAL STAFF TO INCREASE GRANT AUTHORITY TRANSFER FUNDS BY \$50,000 EACH YEAR TO SUPPORT THE FATALITY REVIEW CATEGORY AND THE VINE CATEGORY, INCREASE THE VINE ASSESSMENT REVENUE BY \$12,500 EACH YEAR AND ALLOW STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

I will discuss the AG's Tort Claim Fund account, B/A 715-1348, on page 34 of [Exhibit C](#). This account has one major closing issue.

AG - Attorney General Tort Claim Fund — Budget Page ELECTED-135
(Volume I)
Budget Account 715-1348

The major closing issue, decision unit E-239, recommends a new part-time DAG position. The position would be supported with \$124,811 over the 2015-2017 biennium by insurance premium assessments. The position was created to work on claims filed by the State district courts that seek reimbursement from B/A 715-1348.

E-239 Efficient and Responsive State Government — Page ELECTED-137

The only counties that pay into B/A 715-1348 are Clark, Elko, Humboldt and Pershing. This came as a result of legal issues in the Eighth Judicial District Court of Nevada. Clark County had to hire attorneys to handle some of their cases and then sought reimbursement from the AG's Office for those costs.

The AG's Office reimbursed \$175,880 in outside attorney fees to Clark County and then put a stop to that action by utilizing an existing DAG to continue working on those cases. Some cases are still pending today but a majority of them have been concluded. This budget recommendation would allow the DAG working on Clark County's cases to go back to previous duties and would provide funds to hire a part-time DAG to continue working on State district court claims filed by the counties when needed.

During the Budget hearing, the Agency testified that they did consider other alternatives:

Alternative A: pursuant to statute, the AG's Office could enter into written agreements with the counties. In one agreement, the AG's Office would be held harmless from the costs of attorney's fees that are assumed by the counties. In another agreement, the AG's Office could provide the legal services to the counties and seek reimbursement for the cost of the defense by the counties. Finally, the counties could place employees of the district courts under their own insurance policy.

Alternative B: looks at providing an additional assessment to the counties based on the average costs of a tort claim. However, that alternative appeared to almost double the base assessments.

Alternative C: looks at taking the costs of the part-time DAG and dividing it up based on the percentage of the number of FTEs in each of the counties being served. That information is provided in the table on page 35 of [Exhibit C](#).

Alternative C appeared to be inequitable in the fact that if one of the counties decided to opt out of using the AG Tort Claim Fund, then the other counties would be liable for paying the remainder of the costs of the DAG.

Based on the alternatives outlined on the previous page, Fiscal staff provides the following options for the Committee's consideration:

Option No. 1: approve insurance premium assessments included in B/A 715-1348, which are not additionally assessed to the counties paying into B/A 715-1348, totaling \$124,811 over the 2015-2017 biennium for a part-time DAG, including associated operating costs, to handle State district court tort claims as included in the Executive Budget.

Option No. 2: not approve a part-time DAG as included in the Executive Budget and instead direct the AG's Office to enter into agreements pursuant to statute with the counties paying into B/A 715-1348.

Senator Goicoechea:

How much would the premium fees be if they were spent over all the counties? Is Clark County the only county we have litigation in? Will Pershing, Elko and Humboldt Counties have more exposure?

Ms. Davis:

I do not know what the exposure is for the counties. If the proposal was divided up between Clark, Elko, Humboldt, and Pershing Counties, at any time, a county could opt out of participation in the AG Tort Claim Fund and the costs of the part-time DAG would revert to the other counties. Three additional counties could come onboard with the AG Tort Claim Fund and not have to pay the costs of the part-time DAG.

Senator Goicoechea:

It is important to determine what the exposure is. What does it cost per year for every county to participate in this?

Ms. Davis:

For all counties, the AG Tort Claim Fund receives about \$93,000 in each year of the biennium for the assessments paid by all four of the counties.

Senator Goicoechea:

Are the four counties paying about \$25,000 each?

Ms. Davis:

The counties pay based on their number of FTEs, which does not make it an even 25 percent distribution.

Senator Kieckhefer:

The chart on page 35 of [Exhibit C](#) indicates the current FTE numbers in the counties.

Ms. Davis:

That chart shows the FTE numbers for 2013 so there may be a small adjustment in the total FTE amounts.

Senator Kieckhefer:

Is the issue over who is paying the attorneys' fees for tort claims?

Ms. Davis:

Yes. If it is a State agency making the tort claim and the case rises to a certain level of litigation, that agency pays into the AGCAP and the attorney's fees are covered. The counties who pay into the State tort claim are paying for the tort claim, deposition costs and any other cost of litigation, but are not paying for attorneys' fees.

The agency typically has to enter into an agreement with the AG's Office to seek reimbursement for tort claim fees. Clark County sought reimbursement for their outside counsel costs incurred in employee tort claims. The statute allows the AG's Office to enter into an agreement with the counties regarding tort claims and that option is identified in alternative A.

One agreement could consist of the counties paying into the B/A 715-1348. The AG's Office would still pay for the claims as they were settled but the counties would be liable for the attorneys' fees.

The counties could utilize the services of the AG's Office, but then the AG's Office could bill them for the cost of the attorneys' fees. None of this is currently in place but it is the item before you.

Option No. 1 approves the part-time DAG to handle those claims. If there were no State district court claims, then that part-time DAG would work on other tort claims in the AG's Office.

Senator Kieckhefer:

There should be a formal understanding between the AG's Office, who administers the fund and the counties that are participating, as to what can be claimed against the fund. That would then require them to enter into agreements with the district courts regarding the attorneys' fees. I would select option No. 2 on page 36 of [Exhibit C](#) to get a better understanding to what is billable against this fund.

Senator Goicoechea:

The AG's Office enters into agreements with the counties. Will the counties then hire a counsel position from the outside depending on the agreement they make with the AG's Office?

Senator Kieckhefer:

Will the counties hire their own outside counsel sometimes?

Ms. Davis:

Yes. Pursuant to the statute, the agreements the AG's Office enters into with the counties could consist of a number of things. They could choose from alternatives A, B or C to determine what best suited their needs.

Senator Goicoechea:

Would alternatives A, B or C be structured in the agreements?

Ms. Davis:

Yes.

Senator Goicoechea:

Would the alternatives structured into the agreements be the same agreements between the county and the AG's Office?

Ms. Davis:

Yes.

Senator Goicoechea:

There would not be an unfunded public mandate put in place. If the county wants State tort claim coverage then they would pay a certain amount to receive the level of service they selected in their agreement.

SENATOR WOODHOUSE MOVED TO SELECT OPTION NO. 2 IN
B/A 715-1348 AS RECOMMENDED BY THE GOVERNOR.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The only other closing item, decision unit E-230, recommends the Risk Management Information System. This system is recommended to be utilized by the AG's Office, the State Public Works Division and NDOT. This recommendation was approved by the Joint Committee on General Government in the risk management budget. This recommendation appears reasonable to Fiscal staff.

E-230 Efficient and Responsive State Government — Page ELECTED-137

Fiscal staff recommends the other closing item be closed as included in the Executive Budget, with authority for staff to make technical adjustments as needed.

SENATOR PARKS MOVED TO APPROVE DECISION UNIT E-230 IN
B/A 715-1348 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW
TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NECESSARY.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Ms. Davis:

I will discuss the National Settlement Administration account, B/A 340-1045, on page 37 of [Exhibit C](#). This account has four major closing issues.

AG - National Settlement Administration — Budget Page ELECTED-140
(Volume I)
Budget Account 340-1045

Page 38 provides two tables with a summary of the National Mortgage Settlement (NMS) funds approved for the 2013-2015 biennium for the Department of Business and Industry (B&I) and the AG's Office. The AG's Office received \$87.7 million in mortgage settlement funds in FY 2013. The two tables represent how those funds were disbursed during the current biennium.

For the 2015-2017 biennium, the recommendation is \$7 million in FY 2016 and \$5.6 million in FY 2017 of NMS funds to continue the Home Again program.

The first major closing item, base and decision unit E-244, recommends NMS expenditures totaling \$2.2 million over the 2015-2017 biennium to continue assisting Nevadans with the mortgage and foreclosure housing crisis. The funding includes \$1.2 million for the Consumer Affairs Unit (CAU) within B&I and \$1 million to adjust funding for the three program areas in this budget, which comprise the Home Again program established by the AG's Office: the Call Center, the Financial Guidance Center and Legal Services.

E-244 Efficient and Responsive State Government — Page ELECTED-142

Page 39 of [Exhibit C](#) provides a chart that displays the expenditures going forward in FY 2016 and FY 2017. The chart includes the base expenditures and the enhancement in this decision unit. A comparison is made to what the expenditures were in the base year, FY 2014.

Historical information about the Home Again program is provided on page 40. Fiscal staff would note that a letter of intent was issued by the 2013 Legislature to the AG's Office to come before IFC on a quarterly basis to provide those reports. The AG has cooperated and provided such reports.

The AG's Office indicated they are anticipating the addition of a few programs over the 2015-2017 biennium. The first program discussed will be a down payment assistance program that targets buyers of condominiums and gives precedence to seniors and members of the military. The second program discussed was an outreach program regarding the federal Home Affordable Refinance Program 2. Finally, the third program discussed entails the expansion

of credit restoration and assistance to ensure accurate consumer credit reporting.

Those new programs were not included in the Executive Budget. The Committee questioned why the new programs were not included in the Executive Budget during the budget hearing. The AG's Office indicated that when the new AG was elected into office on January 1, he wanted to review the Home Again program to determine how it was functioning and wanted to determine the success of the program before adding any new programs. Fiscal staff would note that if any new programs were to come forward they would need to be approved through the IFC.

Page 40 of [Exhibit C](#) provides a table with information regarding the call center and legal services provided by the AG's Office. There was concern about how the Home Again program has benefited Nevada. Fiscal staff received additional information from the Agency that indicated 20,413 Nevadans received consumer relief, totaling \$1.9 billion as of August 2013. That was achieved in the form of loan modifications, loan forgiveness, short sales, deeds in lieu of foreclosure, servicer payments to unrelated lienholders, forbearance for unemployed borrowers, deficiency waivers and refinances. Page 44 of [Exhibit C](#) provides a breakdown of the \$1.9 billion of consumer relief provided.

Does the Committee wish to approve NMS funds totaling \$237,500 for the call center, \$2.095 million for the financial guidance center and \$1,542,742 for legal services in each year of the 2015-2017 biennium to continue the Home Again program for the upcoming biennium as included in the Executive Budget?

SENATOR WOODHOUSE MOVED TO APPROVE THE EXPENDITURES IN B/A 340-1045 AS OUTLINED IN THE EXECUTIVE BUDGET.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Davis:

Part of this decision unit includes a recommendation to transfer \$1.2 million in NMS funds to the CAU within the B&I Administration account. The corresponding decision unit in that account was approved by the Joint Subcommittee on General Government on April 23. The 2013 Legislature approved funding to continue the CAU over the current biennium, which included four positions. This proposal would continue those existing 4 positions and expand the unit to an additional 2.5 positions. Fiscal staff notes A.B. 481 continues the CAU into the upcoming biennium. The Consumer Affairs Division within B&I has been subject to sunset for about 3 biennia and since established a CAU.

ASSEMBLY BILL 481: Provides additional authority for the enforcement of the laws prohibiting deceptive trade practices. (BDR 52-1168)

At the budget hearing, the Agency testified that they did not support this decision unit. However, it did not come over as an elimination in the budget amendment.

Does the Committee wish to approve the Governor's recommendation to transfer NMS funds totaling \$1.2 million over the 2015-2017 biennium to B&I's Administration budget to support the continuation and expansion of the CAU, with a technical adjustment reducing the transfer amount by \$2,063 over the biennium pursuant to the closing action for the B&I budget?

Chair Kieckhefer:

Was this transfer approved by the Joint Subcommittee on General Government?

Ms. Davis:

Yes.

SENATOR GOICOECHEA MOVED TO APPROVE THE GOVERNOR'S RECOMMENDATION TO TRANSFER \$1.2 MILLION IN NMS FUNDS OVER THE UPCOMING BIENNIUM TO B&I TO SUPPORT THE CONTINUATION AND EXPANSION OF THE CAU, WITH A TECHNICAL ADJUSTMENT AS NOTED BY FISCAL STAFF.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Davis:

The second major closing issue, decision unit E-250, recommends \$1.4 million in FY 2016 for transfer to the Foreclosure Mediation Program (FMP) within the Judicial Branch. These funds would support the program through the upcoming biennium. This recommendation also requests that \$595,997 of the \$1.4 million transfer will be used to support contract services for a Web-based portal enhancement to sustain the program through the end of FY 2017.

E-250 Efficient and Responsive State Government — Page ELECTED-142

During testimony at the budget hearing, the AG's Office requested this decision unit be eliminated. The decision has not been determined yet in the Joint Subcommittee on General Government, which is anticipated to review this matter for the Judicial Branch on May 6.

Does the Committee wish to approve the Governor's recommendation to transfer NMS funds totaling \$1.4 million over the 2015-2017 biennium to the Judicial Branch to support the FMP?

Chair Kieckhefer:

I am interested in making our decision on the FMP contingent upon final closure of the Judicial Branch budget.

Senator Goicoechea:

The Joint Subcommittee on General Government is still concerned on whether this should be advanced or not.

SENATOR GOICOECHEA MOVED TO AUTHORIZE FISCAL STAFF TO CLOSE DECISION UNIT E-250 IN B/A 101-1045 CONSISTENT WITH THE DECISION OF THIS COMMITTEE ON THE JUDICIAL BRANCH BUDGET.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Davis:

The third major closing issue is a new request from the AG's Office to establish a litigation expenditure category for financial fraud. This item was not brought forward at the budget hearing and it is not included in the Executive Budget. The expenditure category would be utilizing \$100,000 in each fiscal year of the 2015-2017 biennium, which is supported with the NMS revenue in this budget, to enable fraud prosecutors to pursue criminal cases at trial including the use of witnesses and expert witnesses. The funding is based on an estimate of three to four cases per year. Witness and expert witness costs are estimated at \$25,000 per case.

Does the Committee wish to approve NMS funding of \$100,000 in each year of the 2015-2017 biennium as requested by the AG's Office to establish a litigation costs expenditure category for travel and court costs, including witness fees and expert witness fees for financial fraud cases?

Chair Kieckhefer:

How many financial fraud cases are open?

Ms. Davis:

I do not know.

Mr. Trutanich:

We have an entire unit dedicated to fraud prosecutions. The AG's Office has a Medicaid Control Fraud Unit and Special Prosecutions Division designed to hold perpetrators accountable. I do not have specific numbers for you. This decision unit is consistent with the terms of the NMS and is needed. At times, complex fraud cases require an expert witness to testify and we do not have the funds to hire one. Other times, we cannot afford to bring witnesses in from out-of-state which results in fraudsters getting a plea agreement deal favorable to them. This funding would help hold fraudsters accountable for their actions when there was a trial or expert testimony required.

Chair Kieckhefer:

Is there no access to a current pool of funds to do this type of work?

Mr. Trutanich:

Funds exist, but are limited. The chief of our Fraud Unit has said anecdotally over the last few years there has not been enough funding. This is a nominal amount to assure that people who perpetrate fraud in Nevada are held accountable for their actions by our prosecutors in the AG's Office.

Chair Kieckhefer:

Is this funding request based on three to four fraud cases a year?

Mr. Trutanich:

Before putting a decision unit before this body, we talked to our Fraud Unit. In our audit that was conducted over all of our divisions in January, we determined the funding request was necessary, even though it was outside of the Governor's recommended budget. If more funding were needed, we would come back to the IFC. We think is a sufficient amount and if we do not need to spend it all, we will not.

Chair Kieckhefer:

Do you know how much you spent on financial fraud prosecutions in past fiscal years?

Mr. Trutanich:

I do not have that information but I can provide it to the Committee before the end of the business day.

Chair Kieckhefer:

Ms. Davis, do you have any indication of the costs for financial fraud prosecutions in past fiscal years?

Ms. Davis:

No. There has not been an expenditure category previously established so I have nothing to refer to.

Senator Goicoechea:

The NMS provided the money in the first place. We need to prosecute people who commit fraud and \$100,000 is not a lot of money to hold one or two fraudsters accountable for their actions.

Eric Witkoski (Chief Deputy Attorney General, Consumer's Advocate, Bureau of Consumer Protection, Office of the Attorney General):

In the past, we used Wells Fargo Bank settlement money of about \$100,000 to prosecute the cases. General Fund appropriations were not used. There was an expense category, but we used settlement money for this kind of purpose.

Senator Goicoechea:

Did you get any convictions when prosecuting the cases?

Mr. Witkoski

Yes. In the past, there have been several requests for travel for these types of cases. The travel and expert witness costs are expensive. When determining whether to prosecute an offender or not you have to evaluate the type of case and the harm done to Nevadans. If it makes sense financially to pursue the case, we will spend the money to bring the necessary people in. Under this proposal, we will be using funding methods similar to those used in the past.

Senator Goicoechea:

Please provide information on how much money was used on this in the past and how successful the prosecutions were for financial fraud cases.

Mr. Trutanich:

We will provide that information.

SENATOR GOICOECHEA MOVED TO APPROVE AUTHORIZATION TO EXPEND NMS FUNDS FOR \$100,000 IN EACH YEAR OF THE BIENNIUM TO ESTABLISH A LITIGATION COSTS EXPENDITURE CATEGORY FOR TRAVEL AND COURT COSTS INCLUDING WITNESS FEES AND EXPERT WITNESS FEES FOR FINANCIAL FRAUD CASES.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Davis:

The fourth major closing issue, decision units E-501 and E-901, recommends the transfer of seven positions which compromise the Criminal Mortgage Fraud

Unit (MFU) from B/A 101-1030 to this budget. Positions and associated operating costs would be funded with NMS funds of \$1.3 million over the 2015-2017 biennium rather than Edward Byrne Memorial Justice Assistance Grant Program funds and Wells Fargo Bank settlement funds, which previously supported the MFU.

E-501 Adjustments To E901 — Page ELECTED-143
E-901 Transfer From BA 1030 To BA 1045 — Page ELECTED-144

Page 43 of [Exhibit C](#) provides a chart that displays the history of the MFU. The MFU started in 2010 in B/A 330-1038 with eight positions. The MFU was then transferred to B/A 101-1030 when the Edward Byrne Memorial Justice Assistance Grant Program funds expired and was being supported by Wells Fargo Bank settlement funds. The proposal moving forward is to transfer the MFU to B/A 340-1045 and support it with NMS funds.

Fiscal staff notes the transfer from the Executive Budget was for seven positions. In B/A 101-1030, there is one position which is a DAG position that was inadvertently omitted from the transfer decision and has been corrected in this closing document. With the inclusion of that position, the funding for the MFU totals \$1.5 million over the biennium.

Does the Committee wish to approve the use of \$1.5 million in NMS funds over the 2015-2017 biennium to support the transfer-in of eight positions that comprise the MFU from B/A 101-1030, which includes the technical adjustment noted by Fiscal staff to restore the DAG position inadvertently omitted from the transfer?

SENATOR PARKS MOVED TO APPROVE DECISION UNITS E-501 AND E-901 IN B/A 340-1045 AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Davis:

The first other closing item, decision unit E-710, recommends replacement equipment. This recommendation appears reasonable.

E-710 Equipment Replacement — Page ELECTED-143

The second other closing item, decision unit E-806, recommends a salary increase for a legal researcher position. This request will be decided at a later date.

Staff recommends the other closing items be approved as included in the Executive Budget, with authority for staff to make technical adjustments as needed.

SENATOR GOICOECHEA MOVED TO APPROVE THE OTHER CLOSING ITEMS IN B/A 340-1045 AS RECOMMENDED BY THE GOVERNOR AND TO ALLOW TECHNICAL ADJUSTMENTS BY FISCAL STAFF AS NEEDED.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Chair Kieckhefer:

We will further discuss B/A 101-1030 to make a formal decision on whether or not to approve a deputy solicitor general position in the AG's Office on page 9 of [Exhibit C](#).

SENATOR GOICOECHEA MOVED TO NOT APPROVE THE DEPUTY SOLICITOR GENERAL POSITION IN B/A 101-1030.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

We will further discuss the special assistant attorney general position for the Office of Neighborhood Protection in B/A 101-1030.

Senator Goicoechea:

This would assist local governments and enhance neighborhood protection capabilities on the local level.

SENATOR GOICOECHEA MOVED TO APPROVE THE SPECIAL ASSISTANT ATTORNEY GENERAL POSITION FOR THE OFFICE OF NEIGHBORHOOD PROTECTION IN B/A 101-1030.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BUDGET CLOSED.

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Chair Kieckhefer:

I will open discussion for public comment.

Brian McAnallen (City of Las Vegas):

I am representing the City of Las Vegas. I want to thank the Committee for their actions to continue efforts to defend our State in the licensing hearings on Yucca Mountain when closing B/A 101-1005 and B/A 101-1031. It is important to defend ourselves and prepare for what could happen to us over the next few years.

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Chair Kieckhefer:

Seeing no further business before this Committee, this meeting is adjourned at 10:12 a.m.

RESPECTFULLY SUBMITTED:

Jason Gortari,
Committee Secretary

APPROVED BY:

Senator Ben Kieckhefer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	3		Attendance Roster
	C	44	Joi Davis/Legislative Counsel Bureau, Fiscal Analysis Division	Senate Committee on Finance CLOSING LIST #9, April 27, 2015