

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

**Seventy-Eighth Session  
May 14, 2015**

The meeting of the Subcommittees on Public Safety, Natural Resources and Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Pete Goicoechea at 8:10 a.m. on Thursday, May 14, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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.

**SENATE SUBCOMMITTEE MEMBERS PRESENT:**

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

**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, M.D.

**STAFF MEMBERS PRESENT:**

Alex Haartz, Principal Deputy Fiscal Analyst  
Stephanie Day, Principal Deputy Fiscal Analyst  
Jaimarie Dagdagan, Program Analyst  
Emily Cervi, Committee Assistant  
Jeanne Harrington-Lloyd, Committee Secretary

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**Chair Goicoechea:**

We will start today's meeting with budget account (B/A) 101-3740, Department of Public Safety (DPS), Division of Parole and Probation (P&P).

PUBLIC SAFETY

PUBLIC SAFETY

DPS - Parole and Probation — Budget Page PUBLIC SAFETY-73 (Volume III)  
Budget Account 101-3740

**Jaimarie Dagdagan (Program Analyst):**

There is one budget account proposed for closing, P&P with three major closing issues. It is funded with General Fund appropriations, except for the costs associated with a presentence investigation report.

The first major closing issue is P&P caseloads. The actual P&P caseload information for fiscal year (FY) 2014 and projections for FY 2015 through FY 2017 are shown in the P&P caseloads table, page 3 of the document titled, "Public Safety, Natural Resources and Transportation Joint Subcommittee Closing List #7 May 14, 2015" ([Exhibit C](#)). The information was provided by the JFA Institute associates in October 2014. Although JFA provided updated caseload projections in February 2015, the Department of Administration's Budget Division and the Agency determined the October 2014 projections continue to be a fair representation of the projected caseload for the 2015-2017 biennium. Based on Fiscal Division staff review of the February 2015 JFA projections, the data shows significant decreases in caseload performed by sworn officers. According to the Agency and the Budget Division, the decrease is attributed to an issue with P&P's Offender Tracking Information System (OTIS) interface resulting from system upgrades in the Nevada Offender Tracking Information System (NOTIS) maintained by the Nevada Department of Corrections (NDOC). In follow up, Fiscal staff confirmed that system upgrades to NOTIS were performed in the current biennium, and NDOC has requested appropriations for "bug" fixes in the OTIS interface with NOTIS. In addition, the NDOC's projected caseload reflects increases for the 2015-2017 biennium. Based on this information, Fiscal staff concurs that the

October 2014 JFA projections, used for the Executive Budget, represent the most accurate caseloads for P&P.

Fiscal staff notes that the Agency's legislatively approved staffing level in the current biennium is based on FY 2014 and FY 2015 projected caseloads. The table on page 3 of [Exhibit C](#) compares projected caseloads for the current biennium with projected caseloads for the upcoming biennium. The last column of the table shows a 23.7 percent increase in projected caseload for presentence investigations in FY 2017, compared to the FY 2015 projected caseload. These functions are performed by P&P specialist positions. The table also indicates an increase in general supervision and intensive supervision, which are performed by Department of Public Safety (DPS) officers.

The table at the top of page 4 of [Exhibit C](#) shows the legislatively approved ratios of cases to Agency staff, which is recommended for the upcoming biennium. The Executive Budget includes five caseload staffing adjustments. Governor Brian Sandoval recommends adjusting staffing levels based on caseload projections and ratios for a net total of 26 new positions, resulting in a net increase of \$4 million in General Fund appropriations and a decrease in county reimbursements of \$894,185 over the 2015-2017 biennium.

In decision unit M-200, the Governor recommends General Fund appropriations of \$3.8 million for 27 sworn positions and 3 nonsworn positions and associated operating costs. The majority of the sworn positions are recommended for the General Supervision and Intensive Supervision Unit in the Las Vegas office. The second table on page 4 shows the proposed staffing levels included in this decision unit. The Agency indicates they anticipate filling the recommended 21 DPS officer positions in FY 2016 by October 2015 to meet the caseload projections.

#### M-200 Demographics/Caseload Changes — Page PUBLIC SAFETY-75

In closing the P&P budget, the 2011 Legislature approved 44 DPS officer positions to eliminate the use of administrative banks and achieve the general supervision ratio of 80:1.

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According to the Agency, offenders on administrative banks are not actively supervised. Offenders are contacted through phone or mail. Drug tests and home and employment visits are not conducted. At the pre-Session budget hearing on January 27, the Agency testified that the administrative banks had been eliminated and a new Low-Risk Supervision (LRS) Unit was established as a temporary solution to address the Agency's vacancy issues. As of May 8, 2015, the Agency indicated 472 offenders are in the LRS Unit currently, supervised by three DPS officers and one P&P specialist.

The LRS Unit supervises low-risk offenders who have continually complied with their probation requirements and require minimum supervision. Management of the LRS caseload is proactive, in which offenders are drug tested and home and employment visits are conducted. The Agency indicates that if additional positions are approved, the new officers will draw from the cases assigned to the LRS.

Do the Subcommittees wish to approve appropriations of \$3.8 million over the 2015-2017 biennium for 27 sworn positions and 3 nonsworn positions and associated operating costs, based on the October 2014 JFA caseload projections, as recommended by the Governor?

If so, Fiscal staff recommends a letter of intent (LOI) be issued directing the P&P to provide semiannual reports to the Interim Finance Committee (IFC) that include the number of offenders in the LRS Unit; the number of offenders in the LRS Unit by category and the number of officers and other personnel assigned to manage the LRS Unit in conjunction with the status of filling vacant DPS officer II positions.

**Assemblywoman Titus:**

What are the current vacancies in the Agency?

**Ms. Dagdagan:**

Currently, P&P has 23 vacancies for DPS officer positions. They will be attending the June 1 training.

**Assemblywoman Titus:**

Have the positions been filled at this time and are they waiting to be trained?

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**Ms. Dagdagan:**

Yes, that is correct.

**Assemblywoman Carlton:**

Those positions have been filled, but we also have people lining up at the retirement office as well. Yes, these positions are filled and then they leave and move laterally to another service. Retaining these people is the real issue.

ASSEMBLYMAN EDWARDS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNIT M-200 OF B/A 101-3740 AS RECOMMENDED BY THE GOVERNOR AND TO ISSUE AN LOI DIRECTING THE P&P TO PROVIDE SEMIANNUAL REPORTS TO THE IFC AS RECOMMENDED BY FISCAL STAFF.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Dagdagan:**

Decision units M-201 and M-202 in B/A 101-3740 relate to the presentence investigation reports funded with 30 percent General Fund appropriation and 70 percent county reimbursement.

M-201 Demographics/Caseload Changes — Page PUBLIC SAFETY-75

M-202 Demographics/Caseload Changes — Page PUBLIC SAFETY-76

In decision unit M-201, the Governor recommends eliminating 21 temporary positions approved at the IFC meeting in February 2014 to address the backlog in processing Presentence Investigation (PSI) reports. The table on page 5 of [Exhibit C](#) shows the proposed position eliminations included in this decision unit. In conjunction with the elimination of the temporary positions, the Governor recommends the addition of 12 P&P specialist positions and associated operating costs in decision unit M-202.

The Legislature approved Assembly Bill (A.B.) No. 423 of the 77th Session which required PSI reports to be completed within 21 working days of the sentencing date. According to the Agency, A.B. No. 423 of the 77th Session was a factor in the PSI reports backlog experienced during the 2014-2015 interim, which prompted the Agency to request 21 temporary P&P specialist positions for the Las Vegas office. Additionally, the elimination of ten PSI specialist positions in the Las Vegas office in FY 2014 contributed to the PSI backlog.

Fiscal staff indicates the Agency was able to eliminate the backlog in the southern command in December 2014 with the 21 temporary positions. The Governor-recommended staffing level is based on passage of A.B. 11, which proposes a change in the time required to complete PSI reports to 14 calendar days prior to an offender sentencing date, rather than the 21 working days that is currently required. According to the Agency, if A.B. 11 is not approved, additional PSI specialist positions would be required. The level of fiscal impact for the Agency is undetermined at this time.

**ASSEMBLY BILL 11**: Revises provisions governing reports of presentence investigations. (BDR 14-356)

As of May 8, the Agency confirmed PSI reports are currently completed within 14 calendar days for in-custody cases in the north and 86 percent with overtime in the south, using the 21 temporary positions approved for the current biennium. The Agency also advised Fiscal staff that the courts in southern Nevada have changed the in-custody sentencing schedule from 60 to 50 days to avoid overcrowding. The district courts in the south notified P&P of its plan to reduce the sentencing schedule to 45 days, which would further reduce the time available for staff to complete PSI reports.

To address the increase in caseload, reduce overtime and the change in a district court's sentencing schedule, the Agency, the Budget Division and Fiscal staff concurred with retaining the 21 temporary positions proposed to be eliminated in decision unit M-201 of B/A 101-3740 and eliminating the Governor's recommendation to add 12 new specialist positions in decision unit M-202. This results in a net increase of 9 positions and would increase General Fund appropriations of \$383,221 and county reimbursements of

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\$894,184 over the 2015-2017 biennium, as described on page 7 of [Exhibit C](#). If the Subcommittees wish to approve this recommendation, Fiscal staff recommends issuing an LOI directing the Agency to update the IFC on a quarterly basis with the following information:

- The number of referred and completed PSI reports for in-custody and out-of-custody cases
- The status of meeting statutorily-required time lines for completing PSIs
- The status of filling vacant PSI positions
- The number of continuances requested
- Any changes in the PSI process imposed by the courts

ASSEMBLYMAN EDWARDS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO RETAIN THE 21 TEMPORARY P&P SPECIALIST POSITIONS AS PERMANENT POSITIONS AS RECOMMENDED BY THE GOVERNOR IN DECISION UNIT M-201 OF B/A 101-3740; TO NOT APPROVE DECISION UNIT M-202 AS RECOMMENDED BY THE GOVERNOR AND TO ISSUE AN LOI DIRECTING THE AGENCY TO UPDATE THE IFC ON A QUARTERLY BASIS, AS FISCAL STAFF HAS NOTED.

SENATOR LIPPARELLI SECONDED THE MOTION.

**Assemblywoman Carlton:**

The goal has been for people to be out of custody and working. At this point, we have data that can be analyzed to determine if this system is working. I still have concerns about A.B. 11.

**Assemblywoman Dickman:**

How will the funding be passed on to the county?

**Chair Goicoechea:**

The counties are paying 70 percent and the State is paying 30 percent. There is a bill to reverse the percentages.

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**Assemblyman Sprinkle:**

I am in support of the motion. I want to concur with Assemblywoman Carlton. I am concerned regarding the in-custody schedule change in southern Nevada from 60 to 50 days. What we are doing now is necessary.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Dagdagan:**

In decision unit M-203, the Governor recommends General Fund appropriations totaling \$404,169 over the 2015-2017 biennium, adding four P&P specialist positions and associated operating costs for the Fugitive Apprehension Unit and Prerelease Program in the Headquarters office. In decision unit M-204, the Governor recommends General Fund appropriations totaling \$106,165 over the 2015-2017 biennium to add one P&P specialist position and associated operating costs for Postconviction Investigation Reports (PCR) in the Las Vegas office, as described on page 8 of [Exhibit C](#).

M-203 Demographics/Caseload Changes — Page PUBLIC SAFETY-76

M-204 Demographics/Caseload Changes — Page PUBLIC SAFETY-77

Do the Subcommittees wish to approve General Fund appropriations of \$510,334 over the 2015-2017 biennium, for five P&P specialist positions and associated operating costs for the Fugitive Apprehension Unit, Prerelease Program and Postconviction investigations as recommended by the Governor?

ASSEMBLYWOMAN DICKMAN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNITS M-203 AND M-204 IN B/A 101-3740 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.



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SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Dagdagan:**

The second major closing issue for B/A 101-3740 is a new polygraph examiner position in decision unit E-225.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-78

The Governor recommends a polygraph examiner position, including associated operating costs and polygraph equipment. This position would conduct annual polygraph tests on sex offenders, currently conducted by the DPS' Division of Investigation (NDI), as described on page 8 of [Exhibit C](#).

According to the Agency, the NDI conducted an average of eight examinations per month. With the addition of a polygraph examiner position dedicated to the P&P, the Agency projects an increase in maintenance polygraph examinations from 20 to 25 per month. At the budget hearing, the agency testified that NDI is no longer able to keep up with the demands for polygraph exams by the P&P. The NDI does not prioritize P&P cases, which hampers the Agency's ability to perform maintenance polygraph examinations.

Do the Subcommittees wish to approve General Fund appropriations of \$127,966 over the 2015-2017 biennium for a polygraph examiner position, associated operating costs and polygraph equipment as recommended by the Governor?

ASSEMBLYMAN EDWARDS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNIT E-225 OF B/A 101-3740 AS RECOMMENDED BY THE GOVERNOR.

SENATOR PARKS SECONDED THE MOTION.

**Assemblywoman Carlton:**

I do not trust the polygraph technology and I will not vote in favor of decision unit E-225.

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**Assemblyman Sprinkle:**

I will repeat comments I made when we had a hearing on decision unit E-225. Because this is not a mandate, the position is not necessary.

**Chair Goicoechea:**

There is an increasing demand for polygraph exams, especially in the sex offender program.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMEN CARLTON AND SPRINKLE VOTED NO.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Dagdagan:**

The last major closing issue for B/A 101-3740 is decision unit E-550, the technology investment request.

**E-550 Technology Investment Request — Page PUBLIC SAFETY-80**

The Governor recommends General Fund appropriations of \$1.5 million over the 2015-2017 biennium to replace the OTIS case management software used by P&P for risk and needs assessments of offenders and to develop strategies for case supervision. The recommendation includes 6,400 Enterprise Information Technology Services (EITS) programmer/developer hours and 160 database administrator hours in each year of the biennium. Fiscal staff notes the OTIS modernization project was identified as a necessary component of the Nevada Criminal Justice Information System (NCJIS) modernization project. Funding for the NCJIS modernization project is included in the DPS Criminal History Repository account, B/A 101-4709, which the Subcommittees approved on May 7.

DPS - Criminal History Repository — Budget Page PUBLIC SAFETY-127  
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Budget Account 101-4709

According to the agency, OTIS was created in 1998 and will become unsupportable in January 2020. The agency indicates the USoft environment is not compliant with a federal criminal justice security requirement. Further, the Agency indicated that between May and December 2014, OTIS experienced system failures at least 18 times, including 2 major system failures that lasted more than a day, resulting in the Agency's inability to track offenders and provide critical information to law enforcement agencies statewide.

The agency proposes to modernize OTIS using an in-house solution provided by EITS. Decisions were made by the Budget Division and EITS to utilize master services agreement temporary contractors/programmers, as opposed to EITS staff, to support the OTIS and NCJIS modernization projects. The total contract hours changed from 6,400 at approximately \$105 per hour in the Executive Budget, to 8,000 hours at \$100 per hour in each year of the 2015-2017 biennium.

Fiscal staff estimates an increase of \$258,451 over the 2015-2017 biennium would be required to provide the Agency with an equivalent level of programmer support. The EITS administration budget was closed on April 30, 2015, by the joint Subcommittees on General Government, which approved adding contract development staff in support of the NCJIS and OTIS modernization projects. Fiscal staff recommends approval of this adjustment for contract hours as noted on page 9 of [Exhibit C](#).

Do the Subcommittees wish to approve General Fund appropriations of \$1.7 million over the 2015-2017 biennium to replace the OTIS case management software used by the P&P as recommended by the Governor, including the technical adjustment noted by Fiscal staff?

ASSEMBLYMAN EDWARDS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE GENERAL FUND APPROPRIATIONS OF \$1.7 MILLION OVER THE 2015-2017 BIENNIUM TO REPLACE THE OTIS CASE MANAGEMENT SOFTWARE USED BY THE P&P IN DECISION UNIT E-550 OF B/A 101-3740 AS RECOMMENDED BY THE GOVERNOR AND WITH THE TECHNICAL ADJUSTMENT BY STAFF.

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SENATOR PARKS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Dagdagan:**

There are 10 other closing items in this budget, as listed on pages 10 and 11 of [Exhibit C](#). All other closing items appear reasonable to Fiscal staff.

E-226 Efficient and Responsive State Government — Page PUBLIC SAFETY-79  
E-227 Efficient and Responsive State Government — Page PUBLIC SAFETY-79  
E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-79  
E-710 Equipment Replacement — Page PUBLIC SAFETY-81  
E-711 Equipment Replacement — Page PUBLIC SAFETY-81  
E-712 Equipment Replacement — Page PUBLIC SAFETY-81  
E-713 Equipment Replacement — Page PUBLIC SAFETY-82  
M-800 Cost Allocation — Page PUBLIC SAFETY-78  
E-800 Cost Allocation — Page PUBLIC SAFETY-82

Other closing item No. 9 is a technical adjustment related to the Agency's increasing one part-time position to a full-time position as approved by the Budget Division and included as an information item at the January 22 IFC meeting. A technical adjustment to reflect the costs for the increased position is described on pages 10 and 11 of [Exhibit C](#). With this technical adjustment, this recommendation appears reasonable to staff.

Other closing item No. 10 relates to the elimination of the DPS/EITS consolidation temporary budget account as recommended in the [Executive Budget](#). Fiscal staff request authority to make technical adjustments to accurately reflect the EITS' services provided to DPS.

ASSEMBLYWOMAN DICKMAN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS AS RECOMMENDED BY THE GOVERNOR, WITH THE TECHNICAL

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ADJUSTMENT NOTED BY FISCAL STAFF TO OTHER CLOSING ITEM NO. 9, AND TO GRANT AUTHORITY TO FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS TO ACCURATELY REFLECT THE EITS' SERVICES PROVIDED TO DPS IN ITEM NO. 10 AND OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

**Assemblywoman Carlton:**

I would like clarification regarding decision unit E-226. Is this in addition to or in conjunction with the PSI projections? Will this study be contracted out?

**Ms. Dagdagan:**

The purpose of the staffing study is to evaluate the current process that the Agency performs for the completion of the PSI report. The Agency will contract with the vendor that conducted the study in 2008.

**Assemblywoman Carlton:**

Are there time frames that are proposed?

**Ms. Dagdagan:**

The Agency proposed to conduct this staffing study in FY 2016.

**Assemblywoman Carlton:**

Will the study compare the historical perspective with current staffing levels and processes?

**Ms. Dagdagan:**

According to the Agency, the staffing study will help them evaluate the current staffing levels and the current processes. This information will be used in the future to determine how many PSI specialist positions are required.

**Assemblywoman Carlton:**

Will the staffing study only be used for PSI specialist positions?

**Ms. Dagdagan:**

Yes.

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ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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**Chair Goicoechea:**

The three informational items on page 11 of [Exhibit C](#) outline the bills being entertained relating to this budget account: [A.B. 11](#), [S.B. 16](#) and [S.B. 454](#).

**[SENATE BILL 16](#)**: Revises provisions governing presentence and general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. (BDR 14-469)

**[SENATE BILL 454](#)**: Revises provisions relating to criminal justice. (BDR 14-559)

Senate Bill 16, submitted by the Nevada Association of Counties, reverses the percentage of State and county reimbursements for expenses related to P&P PSI investigations. Currently, *Nevada Revised Statute* 176.161 requires 70 percent of these expenses to be paid by the county in which the indictment was found or the information was filed.

Senate Bill 454 would require the State Controller to collect fines, administrative assessments, fees and restitution from persons convicted of certain criminal offenses and distribute these monies to the entities entitled to receive them. The bill requires P&P to conduct a study and report on the accuracy and effectiveness of current risk assessment tools used by the Division.

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**Chair Goicoechea:**

The meeting is now open for public comment. Seeing none, we are adjourned at 8:43 a.m.

RESPECTFULLY SUBMITTED:

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Jeanne Harrington-Lloyd,  
Committee Secretary

APPROVED BY:

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Senator Pete Goicoechea, Chair

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

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Assemblyman Chris Edwards, Chair

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

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<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
	C	11	Fiscal Division, Legislative Counsel Bureau	Public Safety, Natural Resources and Transportation Joint Subcommittee Closing List #7 May 14, 2015